

emphatically—but was nevertheless perhaps the most forceful of all the week's opposition witnesses—was Myra K. Wolfgang, a labor union leader from Detroit. Mrs. Wolfgang is a national and local officer of the Hotel and Restaurant Employees and Bartenders Union, and she is no "pussycat" embracing the idea that domination by males is her natural and happy fate.

She told Senator Ervin, at one point, that the men in the union movement were just like men elsewhere—"full of male chauvinism."

But Mrs. Wolfgang opposes the equal rights amendment because she believes it would hurt the working women that she represents. Specifically, she fears it would wipe off the books state laws that set maximum daily and weekly hours of work for women, but none for men. Women, she said, need more protection than men from the demands of employers that they work large quantities of overtime—60 hours a week, and more—because when their day's work on the assembly line or in the laundry or hotel is done, they have to go home and cook and clean and take care of children.

And, she continued, the husbands of these working-class women rarely give them any help.

With a jerk of her head toward the college-educated women who were filling most of the seats in the hearing room, she went on to say that 10-hour days might be all right for "lady lawyers" and other women in the professional and managerial fields, whose jobs are not physically exhausting, who can pay for household help, whose husbands are more disposed to lend a hand at home and whose children, if any, are probably grown.

Mrs. Wolfgang's testimony thus highlighted the fact that much of the opinion on the equal rights amendment may be dividing on what amounts to class lines.

The relatively affluent, educated women who are supporting the equal rights amendment feel strongly that even laws that genuinely protect women should not be retained

in the Senate, while the working-class women oppose it.

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. RUSSELL).

The Reverend Horace Churchman Lukens, pastor, the Presbyterian Church, Vienna, Va., offered the following prayer:

Almighty and gracious God, who dost overrule the affairs of men and nations, grant the presence of Thy spirit in the Senate of our beloved country.

Deliver us from the pressures of the moment. Guide us by Thy humility and wisdom.

When we are weary in well-doing, refresh us with Thy power. Bring wholeness to our tortured spirits. Clear our minds with Thy truth and move our wills into Thy will.

Send Thy gifts upon us, the spirit of openness to Thee, the spirit of honesty and love, the spirit of understanding and forgiveness.

Feed our hearts with Thy love and guide our minds in the way of peace.

Heal our land, O God, and make us a people pleasing to Thee, who hast demonstrated Thy saving mercy in Jesus Christ our Lord. Amen.

only for women because, as long as women are protected from certain hardships, they will also be looked down upon, and kept down, both professionally and personally. They will take their chances, willingly, with any hardships that true equality brings.

Mrs. Wolfgang's view is that such women do not know what real hardship is and that she is not about to risk such hardship for working class women for the sake of some theory about equality.

Professor Kanowitz has quite a different answer, shared by many of the amendment's advocates—namely, that the risk to the working-class woman really is not great because states probably would not invalidate the maximum hours laws for women but would, instead, extend them to men.

This argument appeared likely to become the central issue over which the amendment is fought in the Senate. Eighty Senators—much more than the required two-thirds—had signed their names as sponsors of the amendment. But that was back when no one in the Senate thought the amendment would ever get through the House, which it did last month.

Now, however, Senators know their votes on this issue will matter. Many are troubled by some of the arguments that were highlighted last week. Whether the supporters will be able to answer them all in their brief day before the committee remains to be seen. The equal rights amendment has been placed on the "must" list for consideration by the Senate before it adjourns this year.

STRIKING GENERAL MOTORS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1970

Mr. DERWINSKI. Mr. Speaker, as the strike by the United Auto Workers Union

against General Motors Corp. continues, the adverse impact on the economy, on the employees of the company, and certainly on consumers of General Motors' products cannot be minimized. An extremely objective and penetrating editorial commentary by WBBM-TV, channel 2 in Chicago on September 17 sets the strike in its proper perspective:

STRIKING GENERAL MOTORS

A long strike at General Motors Corporation by the United Auto Workers Union could cause new dislocation of the economy. There are predictions the strike will last six to eight weeks . . . and this could hurt the nation. The Wall Street Journal points out such a strike could imperil the recovery of the economy . . . could cause layoffs in plants dependent on General Motors . . . raise the total unemployment figure and make consumers cautious about spending extra funds.

General Motors sells nearly 20 billion dollars worth of products in the United States annually . . . spends over 13 billion dollars on services and materials—including 10 percent of the nation's steel output.

We haven't even mentioned the inflationary effect a costly settlement at General Motors and at the other auto companies and the rise in car prices might have on the total economy. The government has always stayed out of autoworkers' strikes . . . but we believe it should be jumping into this walkout.

We believe the administration should have set wage-price guidelines in the past—should have worked harder to forestall this strike. We believe it could enunciate guidelines for settlement now . . . certainly insist on continuous bargaining.

The public has a major role in this confrontation between the two giants of labor and management . . . and its voice should be heard through its government.

The government does not work for General Motors or the UAW alone, but also for you.

SENATE—Tuesday, September 29, 1970

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, September 28, 1970, be dispensed with.

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

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT

The PRESIDENT pro tempore. The Chair now lays before the Senate the unfinished business of the previous day, which will be stated.

The assistant legislative clerk read as follows: Senate Joint Resolution 1, proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

The Senate resumed the consideration of the joint resolution.

CONTROLLED TIME UNDER CLOUTURE MOTION

The PRESIDENT pro tempore. Under the order entered on Friday, Septem-

ber 25, 1970, the first hour of today's session will be equally divided between the Senator from Montana (Mr. MANSFIELD) and the minority leader, the Senator from Pennsylvania (Mr. SCOTT).

Who yields time?

Mr. MANSFIELD. Mr. President, I yield myself 1 minute before I turn the time over to the distinguished Senator from Indiana (Mr. BAYH).

The PRESIDENT pro tempore. The Senator from Montana is recognized for 1 minute.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Finance, the Committee on Commerce, and the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs be authorized to meet during the session of the Senate today.

Mr. BAYH, Mr. President, although it is with great reluctance, consistency compels the Senator from Indiana, who realizes the pressures and the obligations of the majority leader, to object.

THE PRESIDING OFFICER. The Senator has that right. Objection is heard.

MR. MANSFIELD. Mr. President, I yield the remainder of the time on this side to the distinguished Senator from Indiana (Mr. BAYH).

The PRESIDENT pro tempore. The Senator from Indiana is recognized.

LIMITING CAMPAIGN EXPENDITURES FOR RADIO AND TELEVISION ADVERTISING

MR. SCOTT. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 1 minute.

MR. SCOTT. Mr. President, last week, the Senate passed and sent to the President a bill limiting the campaign expenditures for radio and television advertising.

Both the Senator from Tennessee (Mr. BAKER) and myself as conferees refused to sign the conference report because we felt this was not good legislation and did not adequately deal with the problem of increasing expenses necessary to campaign effectively for public office.

Last week WTOP broadcast an editorial pointing up the inequities in the bill, making the point that the way to provide real fairness is to limit overall campaign spending.

I ask unanimous consent to have the broadcast editorial printed in the RECORD.

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

VETO THE CAMPAIGN SPENDING BILL

[A WTOP editorial, Washington, D.C.—broadcast Sept. 25 and 26, 1970]

WTOP urges President Nixon to veto the bill passed by Congress this week which would limit TV and radio spending in political campaigns.

The bill cannot fulfill its promise, which is to cut down the unfair advantage of the rich candidates. The theory goes that if wealthy and poor candidates have equal access to television, it won't be possible to "buy" an election with a lavish budget.

But the problem is not television; the problem is the lavish budget. A ceiling on TV and radio spending will send the rich guy scurrying to invest heavily in other media, and the unfair advantage will persist.

An alternate way to provide real fairness is to limit overall campaign spending. That way, candidates would have the freedom to get their cases to the public as they see best.

For TV and radio stations to oppose limits on TV and radio spending sounds, admittedly, like a self-interest pleading, but the facts are otherwise. Political dollars are not as significant to broadcasters as they seem, because they frequently replace dollars from regular advertisers.

An issue much more dear to us is that the bill sitting now on the President's desk represents another needless intrusion of government into the realm of communications. Limits this year on broadcasting almost surely will be followed by restraints on other media. The losers won't be the media; the losers will be the public.

A curb on television and radio campaigning would be misguided and dangerous, and that's sufficient reason for a veto of the bill by the President.

This was a WTOP Editorial . . . Norman Davis speaking for WTOP.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND VICE PRESIDENT

The Senate continued with the consideration of the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

MR. MANSFIELD. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be taken equally out of both sides.

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

The assistant legislative clerk proceeded to call the roll.

MR. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MR. BYRD of West Virginia. Mr. President, will the Senator from Indiana yield me 30 seconds for a unanimous consent request?

MR. BAYH. I yield 30 seconds to the Senator from West Virginia.

The PRESIDENT pro tempore. The Senator from West Virginia is recognized for 30 seconds.

PRIVILEGE OF THE FLOOR DURING ROLL CALL VOTE ON CLOUTURE MOTION

MR. BYRD of West Virginia. Mr. President, I ask unanimous consent that, beginning with the rollcall motion to invoke cloture and until the vote is announced, the Chamber, the floor, and the lobbies be cleared of all Senators' aides, with the exception of aides to the majority and minority leaders, and aides to the Senator from Indiana (Mr. BAYH), who is the chief sponsor of the resolution.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

MR. SCOTT. Mr. President, I now yield 5 minutes to the distinguished Senator from Alabama (Mr. ALLEN).

The PRESIDENT pro tempore. The Senator from Alabama is recognized for 5 minutes.

MR. ALLEN. Mr. President, I oppose Senate Joint Resolution 1 because of what it provides and because of what it does not provide.

In the first place, it provides, through its provision for a 40-percent President, that we can elect a plurality President in this country. I oppose the 40-percent provision.

I also oppose the runoff provision. I believe that these two provisions are the worst features of the resolution. I oppose them for what they do not say.

Senate Joint Resolution 1 does not provide when the runoff shall take place. It does not provide who shall certify the returns of the election. It does not provide to whom the returns shall be sent in and who shall make the final determination.

It makes no provisions for contests.

It makes no provisions for recounts. Further, Mr. President, the provisions of Senate Joint Resolution 1 could not, from a practical point of view, go into effect until the presidential election of 1976.

Therefore, it seems to the junior Senator from Alabama that there is no hurry about enactment of the resolution.

Further, there is no unanimity of opinion with regard to the resolution. Many of its sponsors have reservations as to its wisdom and some of its sponsors have amendments themselves to it. In fact, the very amendment under consideration at this time is an amendment of the distinguished Senator from Michigan (Mr. GRIFFIN) and the distinguished Senator from Maryland (Mr. TYDINGS), which would eliminate the runoff provision. Both Senators are cosponsors of the resolution. There are perhaps a dozen proposed amendments. Also, the distinguished Senator from Missouri (Mr. EAGLETON), another cosponsor, has an amendment to the resolution. Therefore, there is no unanimity of opinion.

The Senate itself, in the past, has submitted and passed the proportional plan, which did not pass the other body. The distinguished Senator from Indiana (Mr. BAYH) himself at one time recommended and espoused the automatic plan. So, before we send this measure out to the States for their action, we should come up with the best possible resolution. If the Senate could change its mind, if the Senator from Indiana can change his mind on what is the best approach, certainly between now and 1976, the Senate could change its mind again.

It does seem to the junior Senator from Alabama that now is no time to rush this measure through. Now is no time to cut off debate.

Furthermore, I oppose this measure because it would result in the proliferation of splinter parties. There is a built-in protection under the present system, our electoral college system, that discourages splinter parties because no party, large or small, can register in the electoral college unless it carries the popular vote in at least one State.

So, Mr. President, we are going to see third parties proliferate. We are going to see an end brought to our two-party system.

The PRESIDENT pro tempore. The time of the Senator has expired.

MR. GURNEY. Mr. President, I yield 1 additional minute to the Senator from Alabama.

The PRESIDENT pro tempore. The Senator from Alabama is recognized for 1 additional minute.

MR. ALLEN. Mr. President, we are going to see our two-party system destroyed, we are going to see our federal system destroyed if this amendment is submitted to the States, and by them ratified.

Furthermore, if this measure goes to the States for ratification, it means that for 7 years we will not have meaningful action in Congress for electoral college reform.

Possibly some changes should be made in the electoral college. But if we submit

this measure to the States and allow 7 years for its ratification, it will foreclose the possibility of Congress submitting any meaningful reform back to the States for such 7-year period.

Let us not cut off debate. Let us decide on a better plan and submit it to the States.

Mr. President, I yield back the remainder of my time.

The PRESIDENT pro tempore. Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be taken equally from both sides.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The question before the Senate is, Is it the sense of the Senate that debate on the pending motion shall be brought to a close?

Mr. GURNEY. Mr. President, I yield 5 minutes to the Senator from North Carolina.

The PRESIDENT pro tempore. The Senator from North Carolina is recognized for 5 minutes.

Mr. ERVIN. Mr. President, the most serious business that the Congress can ever perform is submitting a proposed constitutional amendment to the people of the States for ratification or rejection. I do not think this is the proper time for the Senate to reach a decision on this matter simply because 34 Members of the Senate are engaged in campaign for re-election and are not able, in many cases, to be here except at great sacrifice to themselves. For these reasons, they quite naturally are unable to give their full consideration to the various proposals that are now pending before this body.

There are at least four separate proposals pending before this body: the direct election plan, the district plan, the Katzenbach plan, and the proportional voting plan, with variations of each. I think we should consider such a serious matter as this in an atmosphere where Senators are not perplexed with election problems, where Senators can give their undivided attention to the matter pending before the Senate, and where they can solve the problem in an atmosphere of intellectual calmness.

The Senate today is in a hurried condition; it is in a harried condition. This is true because we are, we hope, in the last stages of a session. The Senate should not seek to solve this problem in the closing days of a hurried and harried session.

Furthermore, I point out that on the 3d of November we are going to have an election in which the entire membership of the House of Representatives is going to be selected by the people and in which 34 Members of the Senate are

going to be selected by the people. In all human probability there may be a substantial number of retirements from Congress, either voluntary on the part of Members or involuntary, at the hands of the people. I think that when an election is to be held on the 3d day of November and perhaps new Senators and new Representatives chosen, we should not undertake to submit a constitutional amendment when the body that submits it may turn out to be, more or less, a "lameduck" Congress.

I think the people should have the right to have their freshly chosen Senators and Representatives participate in the decision as to whether the Constitution should be amended. Furthermore, we should consider this question in an atmosphere of calmness.

The junior Senator from Alabama has pointed out most eloquently that there is no possibility that any amendment which this Senate may vote to submit to the people could become effective in any event before the year 1976, and it is the height of folly, in my judgment, for a hurried and harried Senate to undertake to submit an amendment under these circumstances.

When we amend the Constitution we do not act as we do when we pass a law. A law can be changed at the next session, but a constitutional amendment cannot be changed except by the same process by which it is placed in the Constitution. It can only be removed in the same manner. When a constitutional amendment is adopted it is something which binds untold generations of Americans. For that reason I respectfully suggest this Senate should not act on this matter in these hurried and harried days when one-third of the membership is absent a large part of the time.

The PRESIDING OFFICER (Mr. HOLLINGS). The Senator's 5 minutes have expired.

Mr. ERVIN. Mr. President, I would like to have 1 additional minute.

Mr. GURNEY. I yield 1 additional minute to the Senator from North Carolina.

Mr. ERVIN. Mr. President, I recognize there should be reform in the electoral process. We should do away with faithless electors. We should do away with the archaic method of election in the House when no candidate receives a majority of the electoral vote. We should also give serious consideration to whether or not we should do away with the winner-take-all proposition in respect to the electoral votes of particular States.

I pledge, come January, if the good Lord permits me to remain in this body, that I will devote my major efforts to an electoral reform which will give us a genuine reform in the fields I have mentioned, without converting 184,000 separate election precincts into one great big election precinct, where a fraudulent vote in each precinct or a miscounted vote in each precinct would put every close election conducted in this Nation in a state of uncertainty.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. Mr. President, I yield 1 minute to the Senator from Alaska.

AMENDMENT NO. 954

Mr. STEVENS. Mr. President, I send to the desk an amendment to the Griffin-Tydings amendment, and I ask unanimous consent that it be considered as an amendment read in accordance with rule XXII in the unanimous-consent agreement entered into in this body last Friday.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, reserving the right to object, and I do not know whether I will object, we did not hear the reading of the amendment.

Mr. STEVENS. Mr. President, I ask that this amendment be read in accordance with rule XXII.

The PRESIDING OFFICER. Under the order of last Thursday, blanket unanimous consent has been granted to qualify any amendment up to the time of the vote.

Mr. STEVENS. That is all I ask; that this amendment be accorded the same treatment as all other previous amendments.

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

The amendment is as follows:

AMENDMENT NO. 954

Beginning with line 1, page 5, strike out all to and including line 7, page 5, and insert in lieu thereof the following:

"Sec. 3. The persons joined as candidates for President and Vice President having the greatest number of votes shall be elected President and Vice President, if such number be at least 40 per centum of the total number of votes cast. If none of the persons joined as candidates for President and Vice President shall have at least 40 per centum of the total number of votes, but the persons joined as candidates for President and Vice President having the greatest number of votes cast in the election received the greatest number of the votes cast in each of several States which in combination are entitled to a number of Senators and Representatives in the Congress constituting a majority of the whole number of Members of both Houses of the Congress, such persons shall be elected President and Vice President. For the purposes of the preceding sentence, the District of Columbia shall be considered to be a State, and to be entitled to a number of Senators and Representatives in the Congress equal to the number to which it would be entitled if it were a State, but in no event more than the number to which the least populous State is entitled.

"If, after any such election, none of the persons joined as candidates for President and Vice President is elected pursuant to the preceding paragraph, the Congress shall assemble in special session, in such manner as the Congress shall prescribe by law, on the thirty-fourth day after the date on which the election occurred. The Congress so assembled in special session shall be composed of those persons who are qualified to serve as Members of the Senate and the House of Representatives for the regular session beginning in the year next following the year in which the election occurred. In that special session the Senate and the House of Representatives so constituted sitting in joint session shall choose immediately, from the two pairs of persons joined as candidates for President and Vice President who received the highest numbers of votes cast in the election, one such pair by ballot. For that purpose a quorum shall consist of three-fourths of the whole number of Senators and Representatives. The vote of each Member

of each House shall be publicly announced and recorded. The pair of persons joined as candidates for President and Vice President receiving the greatest number of votes shall be elected President and Vice President. Immediately after such choosing, the special session shall be adjourned sine die.

"No business other than the choosing of a President and a Vice President shall be transacted in any special session in which the Congress is assembled under this section. A regular session of the Congress shall be adjourned during the period of any such special session, but may be continued after the adjournment of such special session until the beginning of the next regular session of the Congress. The assembly of the Congress in special session under this section shall not affect the term of office for which a Member of the Congress theretofore has been elected or appointed, and this section shall not impair the powers of any Member of the Congress with respect to any matter other than proceedings conducted in special session under this section."

On page 5, line 16, immediately after the period, insert the following new sentence: "No such election shall be held later than the first Tuesday after the first Monday in November, and the results thereof shall be declared no later than the thirtieth day after the date on which the election occurs."

AMENDMENT NO. 956

Mr. DOLE. Mr. President, I send an amendment to the desk and ask that it be printed and considered as read.

In considering the issue of electoral reform many points of controversy, dispute and disagreement have arisen, but there have been numerous points about which a great number of observers and commentators have agreed.

One of these points is that reform is needed. Two of the three elections in the decade of the 1960's nearly resulted in constitutional crises, and the 1968 presidential election was the most potentially confusing and disruptive to take place in our country in recent history.

Many plans, proposals, compromises and substitutes have been considered and discussed in recent weeks. Some are simple, some complex. Some might pass the Congress but not the State legislatures; others would stand much better chances of passing the legislatures but not the Congress.

Out of all this confusion and variety of argument, a consensus seems to have emerged that any candidate for President who has won a simple majority of the popular vote should be the President.

Majoritarianism is an ingrained element of the U.S. political tradition, and its application to presidential politics is equally valid as in other areas of public and private life.

Regional, geographical and Federal considerations aside, the American people believe that any person who can command more than 50 percent of the vote of the people should be the President.

The greatest number of our 37 Presidents have been chosen by a majority of the votes, but in 15 elections the winning candidate has had less than a majority—sometimes substantially less and sometimes only a fraction of a percentage point less.

The distinguished senior Senator from North Carolina and others have pointed out on numerous occasions the dangers

and inherent uncertainties of total reliance on the popular vote in electing the President. The opportunities for regional, one-issue, and splinter candidates to disrupt the system have been fully cataloged and explained. With sole reliance on popular vote, the election of the President would be placed on even more unsure footing than it finds itself today. Thus the proposal has been advanced that some vestige of the present electoral system should be preserved as a backup to direct election. There have been several such backup systems suggested, but the one which seems to me to be the most reliable and the most in keeping with our past practices would be the so-called automatic electoral system. This system would eliminate the office of elector and the opportunities for capricious, unpredictable or unscrupulous behavior by individuals casting electoral votes. It would instead cast electoral votes automatically on the basis of the popular vote winner in each State.

Mr. President, the plan contained in the amendment I am introducing today combines the concepts of electing the majority votegetter and the automatic electoral vote system. I believe it offers a viable alternative to many of the objections which have been raised to the plans heretofore introduced and a positive answer to the problem of reforming our presidential election system.

I ask unanimous consent that my amendment be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. HUGHES). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 956) is as follows:

AMENDMENT NO. 956

Strike out all after the resolving clause, and insert in lieu thereof the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

ARTICLE

"SECTION 1. The President and the Vice President shall be elected as provided in this article. No person constitutionally ineligible for the office of President shall be eligible for that of Vice President.

"Sec. 2. On the Tuesday next after the first Monday in November of the year preceding the year in which the regular term of the President is to begin, unless the Congress shall by law appoint a different day, there shall be held in each State and in the District of Columbia an election in which the people thereof shall cast their votes for President and for Vice President. In such election, each voter shall cast a single vote for two persons, one a candidate for President and the other a candidate for Vice President, who shall have consented to the joining of their names on the ballot. The places and manner of holding the election shall be prescribed in each State by the legislature thereof but shall be subject to regulation by the Congress. The voters in each State shall have the qualifications requisite for persons voting for members of the most numerous branch of the State legislature. The voters in the

District of Columbia shall have the qualifications prescribed by the Congress.

"There shall be cast for the persons receiving the greatest number of votes for President and for Vice President in each State a number of electoral votes equal to the whole number of Senators and Representatives to which that State may be entitled in the Congress. There shall be cast for the persons receiving the greatest number of votes for President and for Vice President in the District of Columbia a number of electoral votes equal to the whole number of Senators and Representatives to which the District would be entitled in the Congress if it were a State, but in no event more than the number cast by the least populous State.

"Within forty-five days after the election, or at such other times as the Congress may direct, the official custodian of the election returns of each State and of the District of Columbia shall prepare, sign, certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate, a list of all persons for whom votes were cast for President and a separate list of all persons for whom votes were cast for Vice President. Upon each such list there shall be entered the number of votes cast for each person whose name appears thereon, the total number of votes cast for all such persons, and the name of the persons for whom the electoral votes of such State or District are cast.

"Sec. 3. On the 6th day of January following the election, unless the Congress shall by law appoint a different day not earlier than the 4th day of January and not later than the 10th day of January, the President of the Senate shall, in the presence of the Senate and the House of Representatives, open all the certificates. The persons joined as candidates for President and Vice President who receive the greatest number of votes cast by the voters shall be President and Vice President if such number is at least 50 per centum of the total number of votes cast. If no such persons receive at least 50 per centum of the total number of votes cast, then the persons joined as candidates for President and Vice President who receive the greatest number of electoral votes shall be President and Vice President, if such number is a majority of the total number of electoral votes. If no such persons have a majority of the total number of electoral votes, then from the two pairs of persons receiving the highest number of electoral votes the Senate and the House of Representatives sitting in joint session shall immediately choose one pair as the President and Vice President by ballot. A quorum for this purpose shall consist of three-fourths of the whole number of the Senators and Representatives. The vote of each Member of each House shall be publicly announced and recorded, and in addition there shall be cast for the persons for whom the electoral votes of the District of Columbia were cast a number of votes equal to the number of such electoral votes. The pair of persons receiving the greatest number of votes shall be chosen.

"Sec. 4. If, at the time fixed for the counting of the votes as provided in section 3, the person who would have been entitled to become President, other than by choice of the Senate and House of Representatives, shall have died, the person who is entitled to become Vice President, other than by choice of the Senate and the House of Representatives, shall be President.

"The Congress may by law provide for the case of the death of any of the persons from whom the Senate and the House of Representatives may choose a President or a Vice President whenever the right of choice shall have devolved upon them; for the case of the death of both the persons who, except for their deaths, would have been entitled

to become President and Vice President; and for the case of the death or withdrawal, prior to the election provided for in section 2, of a candidate for President or for Vice President."

Mr. HRUSKA. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. There are 22 minutes remaining to the proponents and 11 minutes remaining to the opponents.

Mr. HRUSKA. Mr. President, I yield myself 3 minutes. Did the Presiding Officer say we have 11 minutes?

The PRESIDING OFFICER. Yes.

Mr. HRUSKA. I yield myself 3 minutes.

Mr. President, this afternoon the Senate is once again being asked to cut off debate on Senate Joint Resolution 1 which provides for the direct popular election of the President. And once again I hope that this request will be soundly rejected.

On the opening day of discussion on this resolution I said that this proposal was "the most mischievous and dangerous constitutional amendment that has ever received serious consideration by Congress." Nothing that I have heard during this debate has changed my mind with regard to that statement; if anything, my fears concerning this proposal have increased rather than decreased.

Those of us who oppose the national plebiscite scheme have attempted to point out over the past days the dangers which would result from direct popular election of the Chief Executive. We have dwelt at some length on the probable destruction of the two-party system, on the undermining of the separation of powers, on the grave weakening of the federal system, on the radicalization of public opinion, on the erosion of protection for minority groups, on the interminable challenges and recounts, on the irresistible temptation of fraud. We have asked the proponents many questions concerning these threats to our stable Government, Mr. President. And answers come there not. Answers come there not.

Any person who seeks to alter our Constitution bears a heavy burden of proof to show not only that his proposal is salutary for some apparent immediate purpose, but that it is in the permanent and aggregate good of the Nation. It is my firm belief that the proponents have failed to meet both of these obligations.

To quote Richard Goodwin:

For the first time it is proposed that we amend the Constitution simply because we think something might go wrong at a future date.

No other constitutional amendment in our history has been put forward with such an inadequate demonstration of what it might entail. This single reason would be sufficient to reject direct election. But the opponents have not rested our case on that proposition alone; we have put forward at least eight very compelling and very disturbing consequences of the adoption of this proposal, any one of which would justify rejection of this radical idea. Let me quote Alexander Bickel of Yale Law School on the threat

to the stability of this Nation posed by direct election:

There is a tendency, visible in the last two or three elections, toward fragmentation and I think any structural arrangement, such as direct election, that encourages that fragmentation risks, God help us, the end of this Republic and of the finest experiment in government ever known to man.

Those are very strong words, but this Senator believes with him that direct election poses that tremendous threat to this Nation.

The reason we are asked to vote on cloture today is because some claim that the opponents have been engaged in extended debate on this issue. Very candidly, let me point out that the only obstruction to Senate business began quite clearly last Thursday. There was none until last Thursday. A few facts will illustrate my point very clearly. This resolution was laid down as the pending business of the Senate on September 8. Sixteen business days have elapsed since that time; direct election has been discussed to some extent on 14 of those days. During that time the Senate has filled 1,697 pages in the CONGRESSIONAL RECORD, of which only 340 have been devoted to direct election. Just one-fifth of our debate has been on Senate Joint Resolution 1; four-fifths have gone for other things. Let me point out that in just 1 week, the 5 days directly preceding last Thursday, the Senate approved 53 measures and ratified one treaty. Fifty-three bills and one treaty. Contrast this to the entire month of July when the Senate acted on only 37 measures. Thirty-seven in a month compared with 54 in a week. That amounts to a tremendous legislative record which certainly would compare favorably with any week that I have spent in the Senate. And compare that with what has happened since last Thursday: Not one single measure has been permitted to come to the floor for debate and a vote.

Two weeks ago under similar circumstances I pointed out that during this session the Senate has spent 17 days discussing the qualification of a nominee for the Supreme Court, 47 days discussing the question of foreign military sales, and 29 days discussing military procurement—important subjects all. Now we have spent 14 days discussing a constitutional amendment which would alter our entire form of government in this Nation. To any reasonable person there seems to be an imbalance in the amount of time we have devoted to various subjects—especially when it is considered that there was no threat of cloture offered on the three longest debates.

This Senator sincerely hopes that cloture will again be defeated this afternoon. A vote against cloture is not a vote against electoral reform—there remain ample opportunities to enact meaningful reform which the States will ratify before the 1972 elections. A vote against cloture is a vote against a radical and dangerous alteration in the structure of this Nation's Government.

Mr. President, If I have any time remaining I reserve it for future use.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, hopefully with the time being taken out of both sides.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GURNEY. 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. GURNEY. Mr. President, I yield 2 minutes to the distinguished Senator from Mississippi (Mr. STENNIS).

Mr. STENNIS. Mr. President, I just have this to say, in reiteration, in a way, of what I said yesterday. As one who has been here since debate on this subject in 1948, let me say at that time I voted for the so-called electoral reform idea, which was then the Lodge-Gossett measure that passed this body by a two-thirds vote plus one.

I am opposed to the invoking of cloture today, but as one who has been through many of these debates—and this is a good one—I will join on any proposals that are anywhere near my way of thinking on this subject—not like mine, but anywhere near like mine—in trying to get together on a sound, constructive, forward-looking amendment to submit to the States that will bring our method of electing the President up to date, and eliminate some of the hazards and uncertainties that we do have now.

I will work with any Senator, as I have said, who has a proposal nearly like mine. I believe we can in that way bring out, and Congress can pass, a sound, constructive proposal that will be adopted by the States.

I believe, with all due deference to the Senator from Indiana, that his amendment or anything close to it, if passed by Congress, will not be approved by three-fourths of our States. So, in the way of getting something constructive across the board, let us not impose cloture here now, but have time for deliberation, planning, and explanation, rather than the pressure of just a little more consideration and then having to vote right or left.

I thank the Senator for the time. I yield back whatever time I have left.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. Mr. President, I yield 5 minutes to the Senator from Montana (Mr. MANSFIELD).

Mr. MANSFIELD. Mr. President, nearly 2 weeks more of the Senate's time have been consumed since the Senate last voted on the pending question. On that occasion, just before the vote, I indicated my feeling to the Senate that since the Constitution itself requires a two-thirds vote to change its terms, sufficient minority protection was available. The exercise of going through the procedures of rule XXII—designed to protect precisely the same minority—was, I said, an unnecessary and unreasonable burden to impose against the Senate.

I renew my plea that the Senate reject this effort. I do not believe the minority can in this way hide behind cloture proceedings. I think this vote—requiring two-thirds of the Senate—must be considered a vote on the merits of constitutional change.

After all, the merits of that question having been pending before the Senate since last September 2. Before that, a proposed constitutional change was before the House of Representatives, where it was overwhelmingly approved. Before that, some 4½ years ago, this precise question was the subject of a series of hearings before the Senate Committee on the Judiciary. And for years, the matter has been debated, discussed, and thrashed over.

Its success is based on a two-thirds vote. And again I point out, the success of cloture is based upon a two-thirds vote. A vote today must therefore be considered a vote on the question of constitutional change.

Finally, it should be made clear that this attempt by a few Senators to require a two-thirds vote of the Senate twice with respect to constitutional change would seem to abuse the whole purpose and intent of rule XXII. The notion of continuous debate in the Senate until two-thirds say otherwise after all is a device that was established to protect the minority. But when the question itself contains a built-in minority safeguard—as do proposed constitutional amendments—then it is clear that requiring two-thirds twice abuses the terms and intent of rule XXII and the notion of extended debate.

I hope the Senate rejects this effort and adopts the cloture motion. I hope each Senator votes today as he would on the merits of the question. A vote today against the consideration of the merits of Senate Joint Resolution 1 must be considered a vote to protect the antiquated status quo of national elections. The question today is: Can the Senate be permitted to consider changes in the electoral process?

I hope the Senate supports the direct election of the President by the people of the United States.

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

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. First of all, I wish to make clear in the RECORD a point with which I am sure the majority leader would agree; although on many other occasions when the majority leader refers to the "minority" he is referring to those on the Republican side of the aisle. However, in the statement just made the majority leader was not referring to Republicans when he used the word "minority."

Mr. MANSFIELD. No.

Mr. GRIFFIN. I am sure he would be first to agree that this is not a partisan issue.

Mr. MANSFIELD. That is correct.

Mr. GRIFFIN. There are votes for and against this cloture motion on both sides of the aisle. Indeed, I wish to emphasize that the President of the United States is for the proposal pending before the

Senate to change the Constitution and reform the electoral process.

Second, I wish to associate myself with the general thrust of the remarks made by the distinguished majority leader. When the Constitution requires a two-thirds vote on an issue, it seems to me that we ought to be able to get to a vote on the merits. Furthermore, I think it will be an unfortunate reflection on the Senate, if we cannot get to a vote on the merits of an issue which requires a two-thirds vote in order to be passed.

There is no question in my mind but that a failure to get to a vote on the merits in this case will greatly increase the pressure next January for further changes in rule XXII. I believe the Senate ought to be very much aware of that, as we proceed to a vote. I hope the cloture motion will prevail.

Mr. MANSFIELD. I thank the Senator, and am in accord with his statement as to rule XXII.

Several Senators addressed the Chair. The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, I yield 1 minute to my colleague from Nebraska.

Mr. CURTIS. I thank my colleague.

Mr. President, I point out that there is no assurance of a vote on the merits even if cloture prevails. The last time cloture was invoked, there were dozens of amendments voted upon with roll calls in this Chamber, with no debate whatever; and there is no assurance that amendments will get consideration. But there is no assurance that even the resolution will be fully considered on its merits.

If they want to proceed on this, the proponents should show some willingness to accommodate some of these people who wish to offer amendments. It is entirely possible that we will have to vote on amendments that are not debated.

Mr. FULBRIGHT. Mr. President, will the majority leader yield to me?

Mr. MANSFIELD. If I have any time. The PRESIDING OFFICER. Who yields time?

Mr. BAYH. I yield 1 minute to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I wish to state that I do not agree with the Senator from Michigan that a vote against cloture is a vote against electoral reform. I have, in the past, voted for a change in this constitutional provision. I voted for a proportional plan some years ago, and I think a change should be made now. I approve of electoral reform.

The Senator from Nebraska has called attention to the fact of the much longer time that was taken by the Senators who were so determined in their objections to giving this body voice in our foreign policy, that so much more time was taken in opposition to the Cooper-Church amendment.

I, for one, am for a change in the electoral college. I have not quite made up my mind which one I am going to support. I have in the past, as I say, supported the proportional plan, and may again.

But I do not think undue time has been taken on such an important matter. I hope the view is not generally accepted that, because we want the issue thoroughly debated, we do not want any reform.

The PRESIDING OFFICER. Who yields time?

Mr. HRUSKA. Mr. President, I yield myself 2 minutes.

The words spoken by the Senator from Arkansas, in my opinion, are well taken. We have many amendments pending here, which will qualify for a vote if cloture is voted. We do not know their substance; we do not know the arguments for and against. The legislatures that will ultimately be called upon to make a judgment on this subject will not know the arguments for and against.

Let me repeat a couple of points I made earlier: Since September 8, when this resolution was made the pending business, 16 business days have elapsed. Since that time, direct election has been discussed to some extent on 14 of those days. During that time, the Senate has filled about 1,700 pages of CONGRESSIONAL RECORD. Only 340 of those pages have been devoted to this joint resolution, Mr. President. And during the week preceding last Thursday, there were 53 measures and one treaty approved by this body. The discussion on this joint resolution in no way interfered with the business of the Senate until last Thursday when objection was heard to consideration of any matter except direct election.

This measure, with its many ramifications, has not had ample discussion for the record, and for the guidance of those who will turn to this debate for the purpose of ultimately taking action on it if the resolution is agreed to by the Senate. I respectfully suggest that cloture should not be voted. There should not be a limitation on debate until we have had an ample opportunity to explore the many amendments, some of which we have not even had an opportunity to see or consider at all.

For that reason, I urge again that the cloture motion be rejected.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. One minute, to the opponents.

Mr. BAYH. Mr. President, I yield myself 4 minutes.

The Senator from Indiana does not need to tell the Senate that the pending order of business is Senate Joint Resolution 1, or, to be specifically accurate, the Griffin-Tydings amendment to Senate Joint Resolution 1. This provides for the direct popular election of the President. The Senator from Indiana happens to favor direct popular election.

We are not about to decide whether the proposition of the Senator from Indiana, the Senator from Tennessee, and several other cosponsors is to be enacted by the Senate. The issue is not whether this question is to be put to a vote on the merits, but whether we are to have any electoral reform at all. Despite the well-intentioned statements of some of our

colleagues, let the record show that is the issue before us. Are we going to go to another election night 1968, when, if there had been a change of fewer than 42,000 votes in the right three States, we would not have elected any President.

Neither Mr. Nixon nor Mr. Humphrey would have had a majority of the electoral vote, and that would have given to a third-party candidate the chance to go from one candidate to the other and sell off the Presidency to the highest bidder. Last time the third party candidate happened to be Governor Wallace. But it could just as well have been someone on the left.

Are we going to sit still and let this happen? As a token of good faith, I have said on this floor, and I say again, to the Senator from Michigan (Mr. GRIFFIN), the Senator from Alaska (Mr. STEVENS), the Senator from Kansas (Mr. DOLE), the Senator from Maryland (Mr. TYDINGS), and all others who have expressed concern about the runoff provision, that I am willing to yield on that and accept some workable agreement. We can get together and say we will not have a runoff, that we will go to the Electoral College and then to Congress, or make some other provision. I am willing to accept a compromise, and pledge my own effort not only to see that it is accepted by this body, but to see whether the other body will accept it. I think they will. But now we are saying that we are not going to permit the Senate to vote on anything. It has been said that we do not have enough time. It has been said by the Senator from Arkansas, I think accurately, that we have debated other issues at greater length. But I think we can make a valid distinction between the invocation of cloture on a normal piece of legislation that requires only a majority vote of this body, and a constitutional amendment. As to the former the cloture rule provides an additional safeguard against unjustifiably cutting off debate. But a constitutional amendment has greater protection built into it than rule XXII provides. You not only need two-thirds of the Senate; you need two-thirds of the House and then three-fourths of the State legislatures.

We have perused the record, and I respectfully suggest that we have already spent significantly more time debating this proposed constitutional amendment than any other constitutional amendment in more than a hundred years.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. BAYH. I yield.

Mr. FULBRIGHT. In the first place, this matter is very complicated. In all honesty, I am bound to say to the Senator that I have learned more about the various proposals in the last 48 hours than I had before.

As often happens, we become engaged in other matters, and only when we are faced with necessity, do we study it. I have learned a good deal about what is proposed here. I honestly think there has not been an undue amount of time devoted to this matter in view of its complexity.

I am impressed by what the Senator says about the two-thirds requirement

with respect to a constitutional amendment. I am also very much interested in the preservation of rule XXII. I think it is as important as anything else about the Senate, and I do not wish to do anything to prejudice that rule.

I am not taking the position that we will never vote on this matter. The Senator says we are. I do not say that we shall never vote on it. I do not think we have taken enough time, and I am not prepared to vote on it today. That does not mean I will not be prepared to vote on it tomorrow or the next day, because I think there is much merit in what the Senator says about the constitutional amendment requiring two-thirds for adoption and, therefore, there is not the same justification of delay as might be the case with ordinary bills.

Mr. BAYH. I appreciate the position of the Senator from Arkansas. I was merely trying to point out the protection built into a constitutional amendment, and he pointed out that he understands it.

Mr. FULBRIGHT. This is complicated, a little more complicated than some of the other issues.

Mr. BAYH. The Senator is correct.

Mr. FULBRIGHT. The effect of this amendment, I dare say, a great many people do not know yet, because it is very complicated.

Mr. BAYH. I am not sure this guarantee would be persuasive to the Senator from Arkansas, but I would be willing to pledge, as the principal sponsor of Senate Joint Resolution 1—and I think the other sponsors would also be willing to pledge—that if we can get the debate terminated and we are in a position to sit down with the authors of the amendments and see how much time they think they need on each one of those amendments, I personally, would be willing to agree to any reasonable unanimous-consent request to allow adequate debate on each of those amendments.

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

Mr. BAYH. I yield.

Mr. MANSFIELD. That cannot be done, because if cloture is invoked, each Senator is limited to 1 hour, and that time is not transferable.

Mr. BAYH. Mr. President, the Senator from Indiana would like to propound a parliamentary inquiry.

The PRESIDING OFFICER (Mr. HOLINGS). The Senator will state it.

Mr. BAYH. In the event cloture is voted, is it not possible for one Senator to yield time to another Senator if unanimous consent is granted?

The PRESIDING OFFICER. Only by unanimous consent.

Mr. BAYH. So what the Senator from Indiana is suggesting is that we can get a reasonable amount of time on each amendment, so that we will have a chance to study each of them and let them come to a vote. Of course debate is essential. I would not want to vote on any of these amendments, even one I might propound, without any time for debate at all.

I would suggest to the Senator from Nebraska that it is patently unfair to suggest that we have not made an effort

to come to a vote. The Senators who have been setting in the Chamber have seen the Senator from Indiana propose on three different occasions unanimous-consent agreements to vote on any of the 13 amendments that are before the Senate. They have also seen the Senator from North Carolina object, as is his right, to each request. We have made an effort.

I have said to the Senator from North Carolina, whom I respect, that I will vote on anything. Let us get started. But he has said, "No." That is why we were forced—frankly, against my preference—to move to get the debate shut off. I would be glad to sit down with the Senator from Arkansas or any other Senator who is concerned about insufficient time to vote on these measures.

On both sides of the aisle there are Senators whose political lives are on the block right now. One of them is making a mad dash back here at this very moment. Some have canceled a whole day's schedule and traveled the whole continent to be here. I think we have to recognize that the number of times we can ask these Senators to make this sacrifice is not unlimited. They are going to be here today. I hope that we will give serious consideration to shutting off this debate and sitting down with the proponents and the opponents of the various amendments. Let us agree to a reasonable time, and then let us let the Senate work its will.

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

Mr. BAYH. I yield.

Mr. RANDOLPH. Is it not a fact that if cloture is invoked, each Senator would have 1 hour, and we could then have 100 hours of debate, if it were thought necessary to continue this discussion? Contrary to what the public has been led to believe by opponents of cloture, the debate would continue. By invoking cloture, we would not close out floor consideration of this vital matter. If there were 8 hours of debate each day, we could use 12½ days in further argument on this issue. I regret that we did not secure cloture September 17. I doubt that we can do so now, but I emphasize that citizens generally expect Senators to come to grips with the central problem and stop the filibuster.

Mr. BAYH. The Senator, who supports cloture and electoral reform, is correct. I appreciate the Senator's bringing this up. I suggest that some Senators are not going to want to spend this hour, and I am sure they will be willing to yield it to others.

Mr. HRUSKA. It cannot be yielded.

Mr. BAYH. As the Presiding Officer just pointed out, it can be yielded by unanimous consent.

The Senator from Indiana is pledging himself in advance not to object. We will have reasonable time to debate the amendments. The Senator from Nebraska has been on committees, and he knows how complicated these things are, and so does the Senator from Indiana.

One last word. I think we really are faced by a bigger question right now than the success or failure of direct election, of the automatic plan, or of the

closure petition. I respectfully suggest that the Senate is now going to answer the question that is being posed by hundreds of thousands of people in this country, as to whether our system will work. If this system will not let the Senate vote on an issue that requires two-thirds of the vote in this body and a two-thirds vote in the House and three-fourths of the State legislatures, the Senator from Indiana finds great difficulty in protecting it as he has.

Mr. ALLEN. Mr. President, the majority report does not make a case for the direct-election amendment. It is so flawed in many respects that I find it difficult to imagine that many Senators would be willing to stand alone on the arguments presented in the report.

Let me briefly refer to the majority report in a descriptive and not in an argumentative manner.

The first 6 pages of the report consist in the main of a statement of facts. These pages outline the provisions of the proposal; the purpose of the amendment; a history of Senate Joint Resolution 1; an analysis of the resolution; a description of the electoral college system; and an inadequate, if not inaccurate, statement of the design of the framers of the Constitution in adopting the electoral college.

Mr. President, even the factual presentation is flawed by words and phrases such as "the antiquated electoral college"; "undemocratic unit vote"; "the hybrid electoral college system"; "degenerated"; "dangerous and anachronistic"; and such images as "political peritonitis."

Mr. President, the lack of valid evidence to support such rhetoric is such as to suggest that its use is most inappropriate in a serious consideration of a proposed constitutional amendment.

Let us examine what purports to be evidence to support the conclusions. As a beginning, let us examine the use of the terms "archaic" and "anachronism." The word "archaic" suggests a relationship to an earlier period. "Anachronism" has reference to a chronological misplacing of persons, events, object, or customs in regard to each other.

But, Mr. President, while it is true that the electoral college is related to its origin in the Constitution, what evidence is offered to prove that it is chronologically misplaced? There is none. The statement is a bald-faced conclusion which we are asked to accept without evidence.

Can we assume that the electoral college is an anachronism because it is associated with an earlier period? If so, the Constitution, of which it is a part, is subject to the same charge. Of course, I do not consider the Constitution or any part of it to be antiquated or anachronistic.

On the other hand, one might associate the Magna Carta with antiquity, but not the Constitution of the United States. Of course, there are some, perhaps too many, who consider Magna Carta and "due process of law" to be anachronisms. It seems to me the Supreme Court subscribes to that point of view. Then too, there are liberal extremists who suggest that the English Bill of Rights and the American Constitution

are anachronisms because they are concerned with limiting powers of civil government whereas today it is contended the need of socialist governments is for more governmental powers over the people and their institutions.

But the point is that the majority report does not demonstrate that the electoral college is either antiquated or that it is an anachronism.

On the other hand, Mr. President, it can be demonstrated to the satisfaction of reasonable men that the electoral college is just as valid, viable, and useful today as it was the day it was adopted.

The nearest approach to an argument to support the charge of anachronism is based on the fact that the electoral college is the result of a compromise. It is true, of course, but what conclusions can be drawn from the fact of compromise? It has been said by participants in the Constitutional Convention, and in truth, that the Constitution itself is a "bundle of compromises." Is that evidence that the Constitution is an anachronism? Of course not.

The majority report completely ignores the fact that while there were many compromises in the Constitution, none compromised sound principles. In other words, the electoral college compromise was completely consistent with underlying and determinant principles of the form of government created by the Constitution. It is appropriate to consider some of these principles.

Is the electoral college consistent with the principle of federalism? Of course it is.

Is it consistent with the principle of dual sovereignty without which there could be no Federal Government? Of course it is.

Is the electoral college consistent with the principle of separation of powers without which there could be no checks and balances? Of course it is.

Is it consistent with the principle of a limited government—which is to say a government governed by the supreme law of the Constitution? Of course it is.

Is it consistent with the principle of diffusion of power as a protection from the dangers of political parties and factions? Of course it is.

Is it consistent with a government which recognizes the existence of separate institutions of authority in a free society of which civil government is but one and of which the Federal Government is but one of many civil governments. Of course it is.

Mr. President, it is not enough to say that the electoral college is an anachronism merely because it is the result of a compromise. This is a crude method of indirectly attacking the principles from which the compromises arose.

Mr. President, let us examine the electoral college compromise in more detail. The majority report distorts both the nature of and the essence of the compromise. As a matter of fact, one might be misled into believing that the compromise was necessary to the adoption of the Constitution. I doubt that.

The electoral college was not conceived as the primary method of electing Presidents. Madison explained that it was generally conceded that electors, no mat-

ter how appointed would vote for a candidate for President from their separate States. At one point Mr. Madison was so bold as to predict that such would be the case 99 out of 100 times. What is the significance of this estimation concerning the persons for whom the electors would vote?

For one thing, the most populous States having the largest number of electors would have the advantage in nominating leading candidates. On the other hand, electors from smaller States would have the balance of power in the election and could prevent a candidate from obtaining a majority vote. Thus, an election by the House of Representatives appeared inevitable.

In fact, an election of the President by the House was anticipated and welcomed. The effect of such a system was to permit choice of nominees by the populous States and empower the less populous States to exercise the balance of power by reason of the compromise that each State should have but one vote in the House.

The compromise balanced out the nominating advantage of larger States against the advantage of smaller States by reason of the unit vote by States in the House.

Is that undemocratic? If so, then logic would compel us to say that the process of nomination by political parties today is also undemocratic. It is a fact that presidential nominating conventions of the major political parties today are dominated by a numerically greater delegate representation from the most populous States.

Is it not true that after nominations are made by the most populous States that party candidates must appeal to the voters of the less populous States in order to get a majority of electoral votes? The difference today is in the method of nominating candidates for one thing and the fact that unit vote of States has been transferred from the House to the electoral college. One method may be better than another but not because one method is more democratic than the other.

Let it be noted, however, that under the direct election proposal, most populous States will continue to dominate the nominating conventions but they will also dominate the election. Well, I do not believe the American people are going to buy that deal. A lot more should be said about the alleged "undemocratic" electoral college. But to the best of my knowledge, no recent candidate for election to Congress has gone to the people and advocated weakening the federal system of government. He has not campaigned on a promise to fight for greater concentration of power to both nominate and elect Presidents and Vice Presidents in the populous States.

He has not said that he advocates the takeover of the election machinery of the States and to change the system of representation from population to qualified voters. Who, when, and where has any candidate campaigned on the issue that the principles of the Constitution are archaic?

However, we have read of a great deal of lip-service given to the idea of democ-

racy and we must further examine this aspect of the case.

Mr. President, do the proponents of this direct election want democracy? I doubt it. The Constitution certainly did not structure a democracy. Why do not candidates go to the people and advocate political democracy?

In this connection, I am reminded of an observation by Plato in evaluating the principle of democracy.

Democracy is a most accommodating and charming form of government, full of variety and diversity . . . dispensing equality to equals and unequals alike . . . and if a man has a mind to establish a state he must go to a democracy as he would go to a bazaar, where they sell them and pick out that which suits him.

With the technology at our command, it is now possible to put an electronic voting box on most every telephone pole in the United States and with the aid of electronically coded keys every qualified voter in the United States could vote on any issue with almost instantaneous computation of results. Is that the kind of democracy one wants? Why should the people in a democracy be limited the right to vote only for elected officials?

But of course this is not the democracy that proponents of the direct election contend for. They just want a "lock on the board" so to speak. A system of election that allows the most populous States to nominate as well as elect the President and Vice President. But that is as far as it goes.

The proponents invoke the imagery of Athenian democracy under the misleading and rather absurd slogan "one man—one vote." I hope the women's lib group will take hold of that silly slogan and give it a working over. But the advantages of the slogan is that it permits the slogan to evade the real issue. The essence of the slogan as applied to presidential elections is that the power to elect is shifted from numbers of people modified by the weight of States in the electoral college and shifted to numbers of voters who may or may not vote in elections. Such a change is too extreme to be dismissed with a slogan—one man—one vote. The slogan is the product of what even liberal critics of the Supreme Court refer to as a "judicial Bonapartism." But that is beside the point.

But how many advocates of one man, one vote would be willing to see the principle applied to any issue other than elections of the President and other public officials? Not many. In this connection, Mr. James Burnham, one of the philosophers in residence on the staff of the National Review has called attention in the issue of September 8, 1970, to the paradox existing in England today.

Burnham quotes from the ultra-liberal English New Statesman as follows:

Even in British politics, there are some unmentionable truths. If democracy worked in an Athenian sense, this country would still exercise the death penalty, flog young criminals, forbid abortion, repatriate (colored) immigrants, punish homosexuals, ban strikes and abolish aid to poorer countries . . . We resolve the paradox by the theory of delegated

democracy . . . Better the liberal elitism of the statute book than the reactionary populism of the market place.

If the real Democrats in our country who would please stand up and say so we might ask if it is not true that we would then have voluntary prayers in public schools; local control of local institutions of self-government; and impeachment of Federal judges who refuse to be bound by the law of the Constitution? Would we not reestablish the right of a free people to balance the legislative powers of their State governments if they wanted to; would we not have an end to bombings, looting, arsonists, snipers, and campus riots under the pretense of freedom of speech and assembly; would we not have Communists out of our defense plants and subversive individuals denied support from tax funds?

Under the circumstances, Mr. President, I cannot believe that those who engage in the one man, one vote Bonapartist slogan are altogether serious in promoting democracy and I think it shameful that such slogans should be resorted to in an effort to bamboozle the people into further undermining our federal system of government.

Mr. HRUSKA. I yield my remaining time to the Senator from Wyoming.

Mr. HANSEN. Mr. President, the question before the Senate, more properly, it seems to me, is not, shall we deny the Senate the right to shut off all debate now, but, rather, are we to junk and to cast aside a system that has served this country very well for nearly 200 years?

I think it is significant that the Senator from Indiana pointed out that he is agreeable—he said that he has spoken to Senators DOLE, GRIFFIN, STEVENS, and TYDINGS—to change the runoff proposal on the basis of something that would be workable. I should like to underscore the word "workable." He is admitting, himself, that to try to have a runoff by direct election would not be a very workable system.

I think we must bear in mind that if we are going to have 1 hour of debate only—that means on the proposal and all amendments—we will not have a chance to debate or understand most of them.

Mr. BAYH. Mr. President, I yield 1 minute to the Senator from Tennessee.

The PRESIDING OFFICER (Mr. HOLINGS). The Senator from Tennessee is recognized for 1 minute.

Mr. BAKER. Mr. President, for whatever time I have, I shall make these remarks brief.

The Senate has discussed Senate Joint Resolution 1 at length and in depth. It has done so eloquently and well. It has examined the circumstances and it will continue to do so whether cloture is invoked or not, because electoral reform is a necessity in this country.

The sole issue today is whether we shall have electoral reform according to this formula. I think that we should. We should have the popular vote to elect President and Vice President of the United States.

I share with others in this Chamber some concern as to the runoff provision

but I do not share any fear that we will not be able to accommodate appropriate modifications of that runoff procedure during the 100 hours of debate that the Senate will have, if and when cloture is invoked.

Mr. President, I intend to vote for cloture. I hope that the Senate will invoke cloture and that the Senate will then set about the business of long overdue electoral reform.

CLOTURE MOTION

The PRESIDING OFFICER (Mr. HOLINGS). All time has now expired. The clerk will report the cloture motion.

The legislative clerk read the cloture motion, as follows:

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the pending resolution of the Senator from Indiana (Mr. BAYH)—proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States.

Mike Mansfield, Clifford P. Case, Charles McC. Mathias, Jr., Charles H. Percy, Edmund S. Muskie, George D. Aiken, Lee Metcalf, Walter F. Mondale, Edward M. Kennedy, Joseph D. Tydings, William Proxmire, Birch Bayh, Hugh Scott, Philip A. Hart, Fred Harris, Richard S. Schweiker, Mike Gravel.

CALL OF THE ROLL

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

The PRESIDING OFFICER (Mr. HOLINGS). Under rule XXII, the Chair directs that the clerk 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. 333 Leg.]

Allen	Goldwater	Montoya
Allott	Goodell	Moss
Anderson	Griffin	Muskie
Baker	Gurney	Nelson
Bayh	Hansen	Packwood
Bennett	Harris	Pastore
Bible	Hart	Pearson
Boggs	Hartke	Pell
Brooke	Hatfield	Prouty
Burdick	Holland	Proxmire
Byrd, Va.	Hollings	Randolph
Byrd, W. Va.	Hruska	Proxmire
Case	Hughes	Ribicoff
Church	Jackson	Russell
Cook	Javits	Saxbe
Cooper	Jordan, Idaho	Schweiker
Cotton	Kennedy	Scott
Cranston	Long	Smith, Maine
Curtis	Magnuson	Smith, Ill.
Dodd	Mansfield	Spong
Dole	Mathias	Stennis
Dominick	McCarthy	Stevens
Eagleton	McClellan	Symington
Eastland	McGee	Talmadge
Ellender	McGovern	Thurmond
Ervin	McIntyre	Tydings
Fannin	Metcalf	Williams, N. J.
Fong	Miller	Williams, Del.
Fulbright	Mondale	Young, N. Dak.

Mr. KENNEDY. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Tennessee (Mr. GORE), and the Senator from Hawaii, (Mr. INOUYE) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), the

Senator from Alabama (Mr. SPARKMAN), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG) are absent on official business.

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from California (Mr. MURPHY) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Oklahoma (Mr. BELLMON) is absent on official business.

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

The PRESIDING OFFICER (Mr. HUGHES). A quorum is present.

The Chair would caution the occupants of the galleries that there will be no display of approval or disapproval at the announcement of the vote.

PARLIAMENTARY INQUIRIES

Mr. HRUSKA. Mr. President, a parliamentary inquiry.

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

Mr. HRUSKA. Is it correct to say that a vote of "yea" will limit debate pursuant to rule XXII, whereas a vote of "nay" will reject the limitation of debate?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD of West Virginia. Mr. President, would the Chair kindly caution the occupants of the galleries with respect to rule XIX in connection with demonstrations of approval or disapproval?

The PRESIDING OFFICER (Mr. HUGHES). The occupants of the galleries are guests of the Senate and are cautioned to refrain from making displays of approval or disapproval on announcement of the vote.

Mr. BAYH. Mr. President, a parliamentary inquiry.

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

Mr. BAYH. Mr. President, is it accurate to say that under rule XXII, if cloture should be invoked, each Senator will have 1 hour in which to debate anything that he desires, and that by unanimous consent his time can be yielded to other Senators in debate as we proceed to a final vote under the cloture motion?

The PRESIDING OFFICER (Mr. HUGHES). The Chair would advise the Senator from Indiana that under a unanimous-consent request, the Senator is correct.

Mr. HANSEN. Mr. President, a parliamentary inquiry.

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

Mr. HANSEN. Mr. President, is it not the case, under the parliamentary inquiry just propounded by the distinguished Senator from Indiana (Mr. BAYH), that each Senator will not have 1 hour's time to debate anything he may choose but that he shall be restricted to 1 hour during which he may debate all things in which he is interested.

Mr. MANSFIELD. That is correct—in toto.

Mr. HANSEN. I think that is an important distinction.

The PRESIDING OFFICER (Mr. HUGHES). The Chair would advise the Senator from Wyoming that each Senator has a total of 1 hour.

Mr. BAYH. Mr. President, a further parliamentary inquiry.

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

Mr. BAYH. Mr. President, to make certain that all Senators know their rights, do I correctly understand that if, after the invocation of cloture, the proponents and the opponents of the general proposition take the various amendments and sit down and come up with an agreement on a time limitation, then Senators who do not wish to speak can yield their time to Senators who do?

The PRESIDENT. Under a unanimous-consent agreement on a time limitation on each amendment, the Senator is correct.

Mr. GRIFFIN. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The regular order has been called for.

VOTE

The PRESIDING OFFICER. Pursuant to rule XXII, a rollcall has been had, and a quorum is present.

The question before the Senate now is, Is it the sense of the Senate that debate on the pending motion shall be brought to a close?

The yeas and nays are automatic.

Those in favor of closing debate will vote "yea." Those opposed will vote "nay."

The clerk will now call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Tennessee (Mr. GORE), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), the Senator from Alabama (Mr. SPARKMAN), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG) are absent on official business.

On this vote, the Senator from Alabama (Mr. SPARKMAN) is paired with the Senator from Texas (Mr. YARBOROUGH) and the Senator from Alaska (Mr. GRAVEL). If present and voting, the Senator from Alabama would vote "nay," and the Senators from Texas and Alaska would vote "yea."

On this vote, the Senator from North Carolina (Mr. JORDAN) is paired with the Senator from Ohio (Mr. YOUNG) and the Senator from Oklahoma (Mr. BELLMON). If present and voting, the Senator from North Carolina would vote "nay" and the Senators from Ohio and Oklahoma would vote "yea."

Also on this vote, the Senator from Nevada (Mr. CANNON) is paired with the Senator from Tennessee (Mr. GORE) and the Senator from Hawaii (Mr. INOUYE). If present and voting, the Senator from Nevada would vote "nay" and the Senators from Tennessee and Hawaii would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from California (Mr. MURPHY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Oklahoma (Mr. BELLMON) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness and, if present and voting, would vote "nay."

If present and voting, the Senator from Vermont (Mr. AIKEN) would vote "yea."

Also if present and voting, the Senator from Texas (Mr. TOWER) would vote "nay."

On this vote the Senator from Oklahoma (Mr. BELLMON) and the Senator from Ohio (Mr. YOUNG) are paired with the Senator from North Carolina (Mr. JORDAN). If present and voting, the Senator from Oklahoma and the Senator from Ohio would each vote "yea" and the Senator from North Carolina would vote "nay."

The yeas and nays resulted—yeas 53, nays 34, as follows:

[No. 334 Leg.]

YEAS—53

Anderson	Hatfield	Packwood
Baker	Hughes	Pastore
Bayh	Jackson	Pearson
Boggs	Javits	Pell
Brooke	Kennedy	Percy
Burdick	Long	Prouty
Byrd, W. Va.	Magnuson	Proxmire
Case	Mansfield	Randolph
Church	Mathias	Ribicoff
Cook	McCarthy	Saxbe
Cranston	McGovern	Schweiker
Dodd	McIntyre	Scott
Eagleton	Metcalf	Smith, Maine
Goodell	Mondale	Smith, Ill.
Griffin	Montoya	Symington
Harris	Moss	Tydings
Hart	Muskie	Williams, N. J.
Hartke	Nelson	

NAYS—34

Allen	Ervin	McGee
Allott	Fannin	Miller
Bennett	Fong	Russell
Bible	Fulbright	Spong
Byrd, Va.	Goldwater	Stennis
Cooper	Gurney	Stevens
Cotton	Hansen	Talmadge
Curtis	Holland	Thurmond
Dole	Hollings	Williams, Del.
Dominick	Hruska	Young, N. Dak.
Eastland	Jordan, Idaho	
Ellender	McClellan	

NOT VOTING—13

Aiken	Inouye	Tower
Bellmon	Jordan, N. C.	Yarborough
Cannon	Mundt	Young, Ohio
Gore	Murphy	
Gravel	Sparkman	

The PRESIDING OFFICER (Mr. HUGHES). On this vote the yeas are 53 and the nays are 34. Fewer than two-thirds of the Senators present and voting having voted in the affirmative, the motion is rejected.

UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate turn to the consideration of Calendar No. 1254, H.R. 17604, a bill having to do with the authorization for certain types of military construction at military installations.

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

Mr. BAYH. Mr. President, would the distinguished majority leader withhold that request long enough for us to suggest the absence of a quorum?

Mr. MANSFIELD. Mr. President, I withhold my request.

Mr. BAYH. Mr. President, I respectfully suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BAYH. Mr. President, I should like to express my deep personal appreciation to the majority leader, the minority leader, and their assistants for the patience and cooperation they have given us in our effort to try to find a way to correct the imperfections that exist in the electoral college system.

In addition, I wish to express my gratitude to those Members of the Senate who have been inconvenienced because of the efforts of the Senator from Indiana to try to see that the Senate would be put to a test on this question. I know that there are Senators present who should be campaigning. I can see some in the Chamber who, I am afraid, canceled an entire day's campaigning to be here and to speak out and stand up and be counted on this important issue. I, as one Member of this body, am doubly grateful to them, and I apologize if my responsibility to try to pursue a solution to this problem has caused undue hardship on them.

We did not secure enough votes to get closure at this time. I would hope that because of the gravity of the problem and the time that has been expended not only by the Senate and individual Members thereof, but also by citizens across the country who are members of the illustrious organizations that have lent their good names to a solution of this problem, such as the American Bar Association, the Chamber of Commerce, the AFL-CIO, the UAW, the League of Women Voters, and others, we will not shirk our responsibility to the Senate or to the country. I hope that we will give serious consideration in the hours and days ahead to the gravity of the problem which exists and to the fact that it will continue to exist unless the Senate puts the question to a vote.

If Senators do not like the proposal of the Senator from Indiana and some 39 cosponsors, then let us vote it down. Let us deny it the necessary two-thirds. Then let us try to get a vote on another proposal. The Senator from Indiana does not feel that he is arbitrary; he wants to get the best solution he can. Failing to obtain a direct-election amendment, let us try to obtain something else. But I think that every Senator who has studied the question and who has shown enough interest to submit an amendment or a resolution should be given the courtesy of a vote on it.

Because of my full understanding of the responsibility that rests on the shoulders of the leadership, I am reluctant at this time to again tie up the entire Senate. I should like to have an opportunity to talk with a few Senators who have expressed a willingness to try to have this proposal considered at another time. For that reason, I will not object to the proposal of the Senator from Montana to put

aside Senate Joint Resolution 1 temporarily. I emphasize "temporarily."

Mr. President, I must say I have been committed to this matter for so long and I feel it is so important I am inclined to stand here individually and push the point until doomsday; but I think it would be unrealistic and it would work a hardship on those Senators who have other responsibilities.

So, out of deference to the leadership, I foreclose my opportunity to deny this unanimous consent request. However, I believe that the leadership understands that I intend to pursue this matter further and talk to Senators individually who have different ideas, until we have a resolution of this problem.

I do not want to go through another election day like in 1968 when I looked at the television screen and realized that we almost did not elect a President at all. And at that very same moment in history one of the networks suggested Illinois was going to go for Nixon, and thus he would be President Nixon, the very next picture showed that his opponent, Mr. Humphrey had a majority of the votes. We cannot let that happen. We cannot allow a candidate with a minority of the popular vote to be elected President.

I hope in the next few hours and days we will be able to work out a resolution of this impasse. We must not hide behind a parliamentary right, but must vote for what is right or wrong, depending on the dictates of our consciences.

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

Mr. BAYH. I yield.

Mr. DOLE. Mr. President, I appreciate the statement of the Senator from Indiana, and am wondering at this time if it might be appropriate to consider some substitute for Senate Joint Resolution 1. We have discussed this prior to this moment. There are a number of us who feel very strongly about electoral reform. I appreciate the Senator from Indiana's basic tolerance, understanding, and willingness to discuss some of the options available.

As the Senator knows, I submitted earlier today an amendment to the effect that a candidate who received 50 percent of the vote would be President; and failing that we go to the so-called Katzenbach plan making the electors automatic. If no one has a majority of the electoral vote, a joint session of the House and Senate would determine who would be President. It appears this might offer some hope and compromise because it incorporates the principle of direct election, the 50-percent provision assuring that a person receiving that percentage will be President.

At the same time, the proposed compromise does not destroy the electoral system. I say this in all good faith, because, as the Senator knows, we have commiserated about this possibility and other possibilities for some days.

Mr. BAYH. Mr. President, in answer to the distinguished Senator from Kansas, I appreciate his concern. I have already committed myself in two or three or four instances to finding a contingency other than the runoff, whether it is to be the

proposal of the Senator from Kansas, or the Senator from Missouri, who has a different kind of contingency in an overall reform, or the Senator from Michigan, or the Senator from Maryland, or the Senator from Alaska or other Senators.

I am hesitant to say at this particular time which of these proposals favor. However, let the record show again that I am not only wedded to the runoff, but I am committed to finding a contingency that is better adapted than a runoff.

I have expressed concern about the 50-percent provision proposed by the Senator from Kansas, because under it the present incumbent in the White House would not have been elected by direct popular vote. My reluctance stems from that plus the proliferating effect that would result from the 50-percent provision. But I am willing to talk to the Senator from Kansas and other Senators to see if we can resolve this problem.

MILITARY CONSTRUCTION AUTHORIZATIONS, 1971, PENDING BUSINESS TEMPORARILY LAID ASIDE

Mr. MANSFIELD. Mr. President, I renew my request that the pending business be laid aside temporarily and that the Senate proceed to the consideration of Calendar No. 1254, H.R. 17604.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read the bill by title, as follows:

H.R. 17604, an act to authorize certain construction at military installations, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

The Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services, with an amendment to strike out all after the enacting clause and insert:

TITLE I

Sec. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, apertures, utilities, and equipment for the following acquisition and construction.

INSIDE THE UNITED STATES UNITED STATES CONTINENTAL ARMY COMMAND (First Army)

Fort Belvoir, Virginia, \$4,959,000.
Carlisle Barracks, Pennsylvania, \$503,000.
Fort Dix, New Jersey, \$11,671,000.
Fort Eustis, Virginia, \$260,000.
Fort Hamilton, New York, \$575,000.
Fort Knox, Kentucky, \$8,249,000.
Fort Lee, Virginia, \$98,000.
Fort George G. Meade, Maryland, \$257,000.

(Third Army)

Fort Benning, Georgia, \$2,855,000.
Fort Campbell, Kentucky, \$497,000.
Fort Gordon, Georgia, \$31,447,000.
Fort Jackson, South Carolina, \$506,000.
Fort Stewart, Georgia, \$1,534,000.

(Fourth Army)

Fort Bliss, Texas, \$809,000.
Fort Sam Houston, Texas, \$15,496,000.
Fort Sill, Oklahoma, \$581,000.

(Fifth Army)

Fort Carson, Colorado, \$623,000.
 Fort Benjamin Harrison, Indiana, \$523,000.
 Fort Riley, Kansas, \$7,515,000.
 Fort Leonard Wood, Missouri, \$1,946,000.

(Sixth Army)

Hunter-Liggett Military Reservation, California, \$2,915,000.
 Fort Lewis, Washington, \$3,757,000.
 Presidio of Monterey, California, \$2,635,000.
 Fort Ord, California, \$3,497,000.
 Presidio of San Francisco, California, \$7,004,000.

(Military District of Washington)

Fort Myer, Virginia, \$525,000.

UNITED STATES ARMY MATERIEL COMMAND
Aeronautical Maintenance Center, Texas, \$4,413,000.

Alabama Army Ammunition Plant, Alabama, \$117,000.
 Anniston Army Depot, Alabama, \$915,000.

Atlanta Army Depot, Georgia, \$117,000.
 Badger Army Ammunition Plant, Wisconsin, \$1,604,000.

Burlington Army Ammunition Plant, New Jersey, \$384,000.
 Charleston Army Depot, South Carolina, \$67,000.

Cornhusker Army Ammunition Plant, Nebraska, \$650,000.
 Harry Diamond Laboratory, Maryland, \$12,898,000.

Iowa Army Ammunition Plant, Iowa, \$300,000.
 Letterkenny Army Depot, Pennsylvania, \$410,000.

Fort Monmouth, New Jersey, \$2,757,000.
 New Cumberland Army Depot, Pennsylvania, \$99,000.

Picatinny Arsenal, New Jersey, \$752,000.
 Radford Army Ammunition Plant, Virginia, \$2,333,000.

Ridgewood Army Weapons Plant, Ohio, \$120,000.
 Rock Island Arsenal, Illinois, \$2,750,000.

Sierra Army Depot, California, \$369,000.
 Tobyhanna Army Depot, Pennsylvania, \$115,000.

Tooele Army Depot, Utah, \$249,000.
 Watervliet Arsenal, New York, \$1,362,000.

White Sands Missile Range, New Mexico, \$2,261,000.
 Yuma Proving Ground, Arizona, \$1,798,000.

UNITED STATES ARMY SECURITY AGENCY
Vint Hill Farms, Virginia, \$475,000.UNITED STATES ARMY STRATEGIC
COMMUNICATIONS COMMAND
Fort Huachuca, Arizona, \$2,383,000.
 Fort Ritchie, Maryland, \$876,000.

UNITED STATES MILITARY ACADEMY
United States Military Academy, West Point, New York, \$8,519,000.

ARMY MEDICAL DEPARTMENT
Walter Reed Army Medical Center, District of Columbia, \$10,216,000.

CORPS OF ENGINEERS
Topographic Command, Missouri, \$558,000.

MILITARY TRAFFIC MANAGEMENT AND TERMINAL
SERVICE
Military Ocean Terminal, Bayonne, New Jersey, \$3,440,000.

Oakland Army Base, California, \$1,458,000.
 UNITED STATES ARMY, HAWAII
Schofield Barracks, \$2,955,000.

OUTSIDE THE UNITED STATES
UNITED STATES ARMY, PACIFIC
Korea, Various Locations, \$6,190,000.

Vietnam, Various Locations, \$25,000,000.
 SAFEGUARD SYSTEM COMMAND
Kwajalein Missile Range, \$560,000.

UNITED STATES ARMY SECURITY AGENCY
Various Locations, \$2,535,000.

UNITED STATES ARMY, EUROPE

Germany, Various Locations, \$7,864,000.
 United Kingdom, Burtonwood, \$1,191,000.

Various Locations: For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations, including international military headquarters, for the collective defense of the North Atlantic Treaty Area, \$35,000,000; Provided, That, within thirty days after the end of each quarter, the Secretary of the Army shall furnish to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a description of obligations incurred as the United States share of such multilateral programs.

SEC. 102. The Secretary of the Army may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of \$2,000,000.

Sec. 103. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with constructions made necessary by changes in Army missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of \$10,000,000: Provided, That the Secretary of the Army, or his designee, shall notify the Committee on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1971, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 104. The Secretary of the Army is authorized to acquire, under such terms as he deems fair and reasonable, and at the present fair market value, State owned and privately owned land and estates in land and improvements thereon located within the boundaries of the White Sands Missile Range, New Mexico.

SEC. 105. The Secretary of the Army is authorized to acquire out of appropriations which may be available for Civil Defense in the fiscal year 1971 Independent Offices Appropriations Act, under such terms as he deems appropriate, land or interests in land in approximately one hundred and sixty acres in the vicinity of Mount Joy, Pennsylvania, as he considers necessary for the construction of a prototype Decision Information Distribution System facility to augment and upgrade the Area's Civil Defense warning capability.

SEC. 106. (a) Public Law 88-174, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

With respect to "Aberdeen Proving Ground, Maryland", strike out "\$4,065,000" and insert in place thereof "\$4,326,000".

(b) Public Law 88-174, as amended, is amended by striking out in clause (1) of section 602 "\$155,919,000" and "\$200,788,000" and inserting in place thereof "\$156,180,000" and "\$201,049,000", respectively.

SEC. 107. (a) Public Law 88-390, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

With respect to "Edgewood Arsenal, Maryland," strike out "\$6,843,000" and insert in place thereof "\$7,405,000".

(b) Public Law 88-390, as amended, is amended by striking out in clause (1) of section 602 "\$256,536,000" and "\$307,597,000" and inserting in place thereof "\$257,098,000" and "\$308,159,000", respectively.

SEC. 108. (a) Public Law 89-188, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

(1) With respect to "Aberdeen Proving Ground, Maryland," strike out "\$3,419,000" and insert in place thereof "\$3,874,000".

(2) With respect to "Rock Island Arsenal, Illinois", strike out "\$826,000" and insert in place thereof "\$835,000".

(b) Public Law 89-188, as amended, is amended by striking out in clause (1) of section 602 "\$261,135,000" and "\$317,996,000" and inserting in place thereof "\$261,599,000" and "\$318,460,000", respectively.

SEC. 109. (a) Public Law 89-568, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

With respect to "Fort Jackson, South Carolina", strike out "\$5,565,000" and insert in place thereof "\$5,928,000".

(b) Public Law 89-568, as amended, is amended by striking out in clause (1) of section 602 "\$59,352,000" and "\$134,067,000" and inserting in place thereof "\$59,715,000" and "\$134,430,000", respectively.

SEC. 110. (a) Public Law 90-110, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

(1) With respect to Fort Lee, Virginia, strike out "\$1,727,000" and insert in place thereof "\$2,575,000".

(2) With respect to United States Military Academy, West Point, New York, strike out "\$15,495,000" and insert in place thereof "\$18,077,000".

(b) Public Law 90-110, as amended, is amended by striking out in clause (1) of section 802, "\$284,625,000" and "\$388,018,000", and inserting in place thereof "\$288,055,000" and "\$391,448,000", respectively.

SEC. 111. (a) Public Law 90-408, as amended, is amended under the heading "INSIDE THE UNITED STATES" in section 101, as follows:

(1) With respect to "Fort Benjamin Harrison, Indiana", strike out "\$4,590,000" and insert in place thereof "\$7,200,000".

(2) With respect to "Pine Bluff Arsenal, Arkansas", strike out "\$169,000" and insert in place thereof "\$253,000".

(b) Public Law 90-408, as amended, is amended by striking out in clause (1) of section 802 "\$363,805,000" and "\$450,957,000" and inserting in place thereof "\$366,499,000" and "\$453,651,000", respectively.

SEC. 112. (a) Public Law 91-142 is amended under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

With respect to "United States Military Academy, West Point, New York", strike out "\$17,421,000" and insert in place thereof "\$28,159,000".

(b) Public Law 91-142 is amended by striking out in clause (1) of section 702 "\$175,853,000" and "\$279,988,000", and inserting in place thereof "\$186,591,000" and \$290,726,000", respectively.

TITLE II

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

FIRST NAVAL DISTRICT

Naval Shipyard, Portsmouth, New Hampshire, \$5,685,000.
 Naval Station, Newport, Rhode Island, \$2,409,000.
 Navy Public Works Center, Newport, Rhode Island, \$644,000.
 Naval War College, Newport, Rhode Island, \$4,390,000.

THIRD NAVAL DISTRICT

Naval Submarine Base, New London, Connecticut, \$6,652,000.

FOURTH NAVAL DISTRICT

Naval Air Propulsion Test Center, Trenton, New Jersey, \$356,000.
 Navy Ships Parts Control Center, Mechanicsburg, Pennsylvania, \$697,000.
 Naval Station, Philadelphia, Pennsylvania, \$4,342,000.
 Naval Publications and Forms Center, Philadelphia, Pennsylvania, \$250,000.

NAVAL DISTRICT WASHINGTON

Bolling/Anacostia, Washington, District of Columbia, \$16,200,000.
 Naval Air Facility, Washington, District of Columbia, \$57,000.
 Naval Research Laboratory, Washington, District of Columbia, \$2,628,000.
 Naval Station, Washington, District of Columbia, \$573,000.
 Naval Academy, Annapolis, Maryland, \$10,000,000.
 Naval Ordnance Station, Indian Head, Maryland, \$159,000.
 Naval Weapons Laboratory, Dahlgren, Virginia, \$530,000.

FIFTH NAVAL DISTRICT

Naval Amphibious Base, Little Creek, Virginia, \$2,449,000.
 Naval Station, Norfolk, Virginia, \$1,120,000.
 Naval Air Rework Facility, Norfolk, Virginia, \$2,070,000.
 Naval Shipyard, Norfolk, Virginia, \$5,218,000.
 Naval Supply Center, Norfolk, Virginia, \$55,000.
 Naval Air Station, Oceana, Virginia, \$1,886,000.
 Naval Weapons Station, Yorktown, Virginia, \$1,221,000.

SIXTH NAVAL DISTRICT

Naval Air Station, Cecil Field, Florida, \$470,000.
 Naval Air Rework Facility, Jacksonville, Florida, \$1,388,000.
 Naval Station, Mayport, Florida, \$519,000.
 Naval Training Center, Orlando, Florida, \$16,013,000.
 Naval Training Device Center, Orlando, Florida, \$1,665,000.
 Naval Air Station, Pensacola, Florida, \$8,444,000.
 Naval Air Station, Whiting Field, Milton, Florida, \$420,000.
 Naval Air Station, Saufley Field, Florida, \$457,000.
 Naval Air Station, Meridian, Mississippi, \$2,782,000.

Naval Construction Battalion Center, Gulfport, Mississippi, \$1,721,000.
 Naval Shipyard, Charleston, South Carolina, \$6,884,000.
 Naval Station, Charleston, South Carolina, \$2,233,000.
 Naval Weapons Station, Charleston, South Carolina, \$5,180,000.

EIGHTH NAVAL DISTRICT

Naval Air Station, Corpus Christi, Texas, \$2,957,000.
 Naval Inactive Ship Maintenance Facility, Orange, Texas, \$146,000.

NINTH NAVAL DISTRICT

Navy Public Works Center, Great Lakes, Illinois, \$12,525,000.
 Naval Training Center, Great Lakes, Illinois, \$3,537,000.

ELEVENTH NAVAL DISTRICT

Naval Observatory Flagstaff Station, Flagstaff, Arizona, \$286,000.
 Naval Weapons Center, China Lake, California, \$1,585,000.
 Naval Dental Clinic, Long Beach, California, \$1,163,000.
 Naval Shipyard, Long Beach, California, \$8,371,000.
 Pacific Missile Range, Point Mugu, California, \$2,929,000.
 Naval Weapons Station, Seal Beach, California, \$405,000.
 Naval Air Station, Miramar, California, \$3,100,000.
 Naval Air Station, North Island, San Diego, California, \$1,122,000.
 Naval Station, San Diego, California, \$1,909,000.

TWELFTH NAVAL DISTRICT

Naval Air Station, Lemoore, California, \$3,973,000.
 Naval Air Station, Alameda, California, \$3,023,000.
 Naval Weapons Station, Concord, California, \$455,000.
 Naval Air Station, Moffett Field, California, \$48,000.
 Naval Supply Center, Oakland, California, \$195,000.
 Naval Shipyard, Hunters Point, San Francisco, California, \$5,058,000.
 Naval Shipyard, Mare Island, Vallejo, California, \$4,246,000.
 Naval Auxiliary Air Station, Fallon, Nevada, \$2,222,000.
 Naval Ammunition Depot, Hawthorne, Nevada, \$495,000.

THIRTEENTH NAVAL DISTRICT

Naval Ammunition Depot, Bangor, Washington, \$70,000.
 Naval Radio Station T, Jim Creek, Oso, Washington, \$159,000.
 Naval Shipyard, Puget Sound, Bremerton, Washington, \$4,914,000.
 Naval Air Station, Whidbey Island, Washington, \$2,541,000.

FOURTEENTH NAVAL DISTRICT

Fleet Intelligence Center, Pacific, Pearl Harbor, Oahu, Hawaii, \$4,579,000.
 Naval Submarine Base, Pearl Harbor, Oahu, Hawaii, \$4,123,000.
 Navy Public Works Center, Pearl Harbor, Oahu, Hawaii, \$220,000.
 Naval Dental Clinic, Pearl Harbor, Oahu, Hawaii, \$1,752,000.
 Naval Ammunition Depot, Oahu, Hawaii, \$529,000.
 Naval Air Station, Barbers Point, Oahu, Hawaii, \$2,480,000.
 OMEGA Navigation Station, Haiku, Oahu, Hawaii, \$3,162,000.
 Naval Communication Station, Honolulu, Wahiawa, Oahu, Hawaii, \$200,000.

SEVENTEENTH NAVAL DISTRICT

Naval Station, Adak, Alaska, \$5,179,000.
 Naval Arctic Research Laboratory, Barrow, Alaska, \$2,638,000.

MARINE CORPS FACILITIES

Marine Barracks, Washington, District of Columbia, including special relocation costs, \$700,000.
 Marine Corps Development and Education Command, Quantico, Virginia, \$5,283,000.
 Marine Corps Base, Camp Lejeune, North Carolina, \$1,384,000.
 Marine Corps Air Station, Cherry Point, North Carolina, \$6,764,000.
 Marine Corps Recruit Depot, Parris Island, South Carolina, \$112,000.
 Marine Corps Air Station, Yuma, Arizona, \$322,000.
 Marine Corps Supply Center, Barstow, California, \$75,000.
 Marine Corps Air Station, El Toro, California, \$5,344,000.
 Marine Corps Air Station, Santa Ana, California, \$1,050,000.

Marine Corps Auxiliary Landing Field, Camp Pendleton, California, \$1,570,000.

Marine Corps Base, Camp Pendleton, California, \$9,294,000.

Marine Corps Base, Twentynine Palms, California, \$1,605,000.

OUTSIDE THE UNITED STATES

TENTH NAVAL DISTRICT

Naval Station, Roosevelt Roads, Puerto Rico, \$343,000.
 Naval Station, San Juan, Puerto Rico, \$134,000.

ATLANTIC OCEAN AREA

Naval Station, Keflavik, Iceland, \$10,613,000.

Naval Facility, Argentia, Newfoundland, \$1,580,000.

EUROPEAN AREA

Naval Air Facility, Sigonella, Sicily, Italy, \$582,000.
 Naval Radio Station, Thurso, Scotland, \$282,000.

PACIFIC OCEAN AREA

Naval Communication Station, Harold E. Holt, Exmouth, Australia, \$747,000.

Naval Magazine, Guam, Mariana Islands, \$3,287,000.

Naval Station, Guam, Mariana Islands, \$1,464,000.

Naval Ship Repair Facility, Guam, Mariana Islands, \$740,000.

Navy Public Works Center, Guam, Mariana Islands, \$740,000.

Naval Air Station, Cubi Point, Republic of the Philippines, \$243,000.

Naval Station, Subic Bay, Republic of the Philippines, \$2,128,000.

Navy Public Works Center, Subic Bay, Republic of the Philippines, \$859,000.

SEC. 202. The Secretary of the Navy may establish or develop classified Navy installations and facilities by acquiring, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the amount of \$974,000.

SEC. 203. The Secretary of the Navy may establish or develop Navy installations and facilities by proceeding with construction made necessary by changes in Navy missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of \$10,000,000: Provided, That the Secretary of the Navy or his designee, shall notify the Committee on Armed Services of the Senate and House of Representatives, immediately upon reaching a decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1971, except for those public works projects concerning which the Committee on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 204. The Secretary of the Navy is authorized to acquire, under such terms as he deems appropriate, privately owned land or interests in land (including easements) contiguous to the south approach to Runway 34R of the Marine Corps Air Station, El Toro, California, as he considers necessary for safe and efficient operation of that station. Acquisition of such land or interests in land

shall be effected by the exchange of such excess land or interests in land of approximately equal value as the Secretary of Defense may determine to be available for the purpose. If the fair market value of the land or interests in land to be acquired is less than the fair market value of the Government property to be exchanged, the amount of such deficiency shall be paid to the Government.

SEC. 205. The Secretary of the Navy is authorized to acquire, under such terms as he deems appropriate, land or interests in land (including easements) in approximately four hundred eighteen acres of privately owned property contiguous to the western approach to Runway 06-24 of the Marine Corps Air Station, Santa Ana, California, as he considers necessary for safe and efficient operations at that Station. Acquisition of such land or interests in land shall be effected by the exchange of such excess land or interests in land of approximately equal value, as the Secretary of Defense may determine to be available for the purpose. If the fair market value of the land or interests in land to be acquired is less than the fair market value of the Government property to be exchanged, the amount of such deficiency shall be paid to the Government.

SEC. 206 (a) Public Law 89-568, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

(1) With respect to Naval Submarine Medical Center, New London, Connecticut, strike out "\$6,101,000" and insert in place thereof "\$10,846,000".

(b) Public Law 89-568, as amended, is amended by striking out in clause (2) of section 602 "\$119,164,000" and "\$143,327,000" and inserting in place thereof "\$123,909,000" and "\$148,072,000" respectively.

SEC. 207. (a) Public Law 90-408, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

(1) With respect to Naval Air Station, Lakehurst, New Jersey, strike out "\$1,284,000" and insert in place thereof "\$1,448,000".

(2) With respect to Naval School, Underwater Swimmers, Key West, Florida, strike out "\$100,000" and insert in place thereof "\$175,000".

(3) With respect to Navy Training Publications Center, Memphis, Tennessee, strike out "\$289,000" and insert in place thereof "\$413,000".

(4) With respect to Naval Hospital, Corpus Christi, Texas, strike out "\$8,000,000" and insert in place thereof "\$9,900,000".

(5) With respect to Naval Weapons Station, Concord, California, strike out "\$395,000" and insert in place thereof "\$650,000".

(6) With respect to Naval Shipyard, Bremerton, Washington, strike out "\$1,640,000" and insert in place thereof "\$3,102,000".

(7) With respect to Marine Corps Base, Camp Pendleton, California, strike out "\$1,338,000" and insert in place thereof "\$2,040,000".

(b) Public Law 90-408, as amended, is amended by striking out in clause (2) of section 802 "\$234,900,000" and "\$241,765,000" and inserting in place thereof "\$239,082,000" and "\$245,947,000" respectively.

SEC. 208. (a) Public Law 91-142 is amended under the heading "INSIDE THE UNITED STATES" in section 201 as follows:

(1) With respect to Naval Air Station, Cecil Field, Florida, strike out "\$1,135,000" and insert in place thereof "\$1,288,000".

(2) With respect to Naval Hospital, Camp Pendleton, California, strike out "\$19,805,000" and insert in place thereof "\$24,100,000".

(3) With respect to Naval Undersea Warfare Center, San Diego, California, strike out "\$6,400,000" and insert in place thereof "\$6,736,000".

(4) With respect to Navy Public Works Center, Pearl Harbor, Oahu, Hawaii, strike

out "\$6,519,000" and insert in place thereof "\$7,278,000".

(b) Public Law 91-142 is amended in clause (2) of section 702 by striking out "\$271,251,000" and "\$306,305,000" and inserting in place thereof "\$276,794,000" and "\$311,848,000" respectively.

TITLE III

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, apertures, utilities, and equipment, for the following acquisition and construction:

INSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Otis Air Force Base, Falmouth, Massachusetts, \$81,000.

Peterson Field, Colorado Springs, Colorado, \$5,998,000.

Tyndall Air Force Base, Panama City, Florida, \$1,853,000.

AIR FORCE LOGISTICS COMMAND

Gentile Air Force Station, Dayton, Ohio, \$240,000.

Griffiss Air Force Base, Rome, New York, \$7,555,000.

Hill Air Force Base, Ogden, Utah, \$2,090,000.

Kelly Air Force Base, San Antonio, Texas, \$18,060,000.

McClellan Air Force Base, Sacramento, California, \$5,514,000.

Robins Air Force Base, Macon, Georgia, \$5,551,000.

Tinker Air Force Base, Oklahoma City, Oklahoma, \$2,071,000.

Wright-Patterson Air Force Base, Dayton, Ohio, \$7,538,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tullahoma, Tennessee, \$479,000.

Edwards Air Force Base, Muroc, California, \$214,000.

Eglin Air Force Base, Valparaiso, Florida, \$5,928,000.

Holloman Air Force Base, Alamogordo, New Mexico, \$650,000.

Kirtland Air Force Base, Albuquerque, New Mexico, \$1,263,000.

Satellite Tracking Facilities, \$869,000.

AIR TRAINING COMMAND

Chanute Air Force Base, Rantoul, Illinois, \$8,504,000.

Columbus Air Force Base, Columbus, Mississippi, \$372,000.

Craig Air Force Base, Selma, Alabama, \$610,000.

Keesler Air Force Base, Biloxi, Mississippi, \$8,057,000.

Lackland Air Force Base, San Antonio, Texas, \$55,000.

Laredo Air Force Base, Laredo, Texas, \$627,000.

Laughlin Air Force Base, Del Rio, Texas, \$310,000.

Lowry Air Force Base, Denver, Colorado, \$5,561,000.

Moody Air Force Base, Valdosta, Georgia, \$2,227,000.

Randolph Air Force Base, San Antonio, Texas, \$1,112,000.

Reese Air Force Base, Lubbock, Texas, \$1,333,000.

Sheppard Air Force Base, Wichita Falls, Texas, \$6,251,000.

Vance Air Force Base, Enid, Oklahoma, \$1,901,000.

Webb Air Force Base, Big Spring, Texas, \$349,000.

Williams Air Force Base, Chandler, Arizona, \$4,199,000.

AIR UNIVERSITY

Maxwell Air Force Base, Montgomery, Alabama, \$677,000.

ALASKAN AIR COMMAND

Elmendorf Air Force Base, Anchorage, Alaska, \$2,309,000.

Various Locations, \$4,886,000.

HEADQUARTERS COMMAND

Andrews Air Force Base, Camp Springs, Maryland, \$3,949,000.

MILITARY AIRLIFT COMMAND

Charleston Air Force, Charleston, South Carolina, \$7,136,000.

Dover Air Force Base, Dover, Delaware, \$8,327,000.

McChord Air Force Base, Tacoma, Washington, \$619,000.

Norton Air Force Base, San Bernardino, California, \$1,612,000.

Scott Air Force Base, Belleville, Illinois, \$2,825,000.

Travis Air Force Base, Fairfield, California, \$696,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Honolulu, Hawaii, \$1,855,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Shreveport, Louisiana, \$354,000.

Beale Air Force Base, Marysville, California, \$590,000.

Blytheville Air Force Base, Blytheville, Arkansas, \$213,000.

Castle Air Force Base, Merced, California, \$82,000.

Davis-Monthan Air Force Base, Tucson, Arizona, \$404,000.

Dyess Air Force Base, Abilene, Texas, \$150,000.

Ellsworth Air Force Base, Rapid City, South Dakota, \$196,000.

Francis E. Warren Air Force Base, Cheyenne, Wyoming, \$178,000.

Grand Forks Air Force Base, Grand Forks, North Dakota, \$1,089,000.

K. I. Sawyer Air Force Base, Marquette, Michigan, \$483,000.

Loring Air Force Base, Limestone, Maine, \$515,000.

March Air Force Base, Riverside, California, \$209,000.

Malmstrom Air Force Base, Great Falls, Montana, \$1,202,000.

McCoy Air Force Base, Orlando, Florida, \$139,000.

Minot Air Force Base, Minot, North Dakota, \$134,000.

Offutt Air Force Base, Omaha, Nebraska, \$1,276,000.

Pease Air Force Base, Portsmouth, New Hampshire, \$488,000.

Vandenberg Air Force Base, Lompoc, California, \$3,158,000.

Westover Air Force Base, Chicopee Falls, Massachusetts, \$1,176,000.

Wurtsmith Air Force Base, Oscoda, Michigan, \$663,000.

Various Locations, \$430,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Austin, Texas, \$337,000.

Cannon Air Force Base, Clovis, New Mexico, \$645,000.

England Air Force Base, Alexandria, Louisiana, \$726,000.

Forbes Air Force Base, Topeka, Kansas, \$415,000.

George Air Force Base, Victorville, California, \$1,156,000.

Homestead Air Force Base, Homestead, Florida, \$1,735,000.

Langley Air Force Base, Hampton, Virginia, \$4,792,000.

Little Rock Air Force Base, Little Rock, Arkansas, \$425,000.

Lockbourne Air Force Base, Columbus, Ohio, \$518,000.

Luke Air Force Base, Phoenix, Arizona, \$11,719,000.

MacDill Air Force Base, Tampa, Florida, \$240,000.

McConnell Air Force Base, Wichita, Kansas, \$148,000.

Mountain Home Air Force Base, Mountain Home, Idaho, \$71,000.

Myrtle Beach Air Force Base, Myrtle Beach, South Carolina, \$813,000.

Nellis Air Force Base, Las Vegas, Nevada, \$2,732,000.

Seymour-Johnson Air Force Base, Goldsboro, North Carolina, \$1,428,000.

Shaw Air Force Base, Sumter, South Carolina, \$1,996,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado Springs, Colorado, \$700,000.

AIRCRAFT CONTROL AND WARNING SYSTEM

Various locations, \$613,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Goodfellow Air Force Base, San Angelo, Texas, \$1,216,000.

OUTSIDE THE UNITED STATES

AIR FORCE SYSTEMS COMMAND

Eastern Test Range, \$243,000.

Satellite Tracking Facilities, \$1,455,000.

MILITARY AIRLIFT COMMAND

Wake Island Air Force Station, Wake Island, \$80,000.

PACIFIC AIR FORCES

Various Locations, \$6,607,000.

STRATEGIC AIR COMMAND

Anderson Air Force Base, Guam, \$2,273,000.

Goose Air Base, Canada, \$862,000.

Ramey Air Force Base, Puerto Rico, \$406,000.

UNITED STATES AIR FORCES IN EUROPE

Germany, \$5,273,000.

United Kingdom, \$10,695,000.

Various Locations, \$1,049,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Various Locations, \$644,000.

Sec. 302. The Secretary of the Air Force may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of \$33,792,000.

Sec. 303. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) need and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, revert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of \$10,000,000: Provided, That the Secretary of the Air Force or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1971, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

Sec. 304. (a) Public Law 89-188, as amended, is amended under the heading "INSIDE THE UNITED STATES" in section 301 as follows:

(1) With respect to Andrews Air Force Base, Camp Springs, Maryland, strike out "\$2,923,000" and insert in place thereof "\$3,081,000."

(b) Public Law 89-188, as amended, is amended by striking out in clause (3) of section 602 "\$216,360,000" and "\$340,106,000" and inserting in place thereof "\$216,518,000" and "\$340,264,000", respectively.

Sec. 305. (a) Public Law 90-408, as amended, is amended under the heading "INSIDE THE UNITED STATES" in section 301 as follows:

(1) With respect to Vance Air Force Base, Enid, Oklahoma, strike out "\$165,000" and insert in place thereof "\$280,000."

(2) With respect to Westover Air Force Base, Chicopee Falls, Massachusetts, strike out "\$150,000" and insert in place thereof "\$220,000."

(3) With respect to Langley Air Force Base, Hampton, Virginia, strike out "\$537,000" and insert in place thereof "\$631,000."

(4) With respect to Seymour-Johnson Air Force Base, Goldsboro, North Carolina, strike out "\$99,000" and insert in place thereof "\$173,000."

(5) With respect to Shaw Air Force Base, Sumter, South Carolina, strike out "\$14,000" and insert in place thereof "\$707,000."

(b) Public Law 90-408, as amended, is amended by striking out in clause (3) of section 802 "\$121,917,000" and "\$193,572,000" and inserting in place thereof "\$122,363,000" and "\$194,018,000", respectively.

TITLE IV

Sec. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment, for defense agencies for the following acquisition and construction:

INSIDE THE UNITED STATES

DEFENSE ATOMIC SUPPORT AGENCY

Bossier Base, Louisiana, \$170,000.

Sandia Base, New Mexico, \$1,090,000.

DEFENSE SUPPLY AGENCY

Defense Construction Supply Center, Columbus, Ohio, \$942,000.

Defense Depot, Odgen, Utah, \$98,000.

Defense Personnel Support Center, Philadelphia, Pennsylvania, \$3,570,000.

Defense Depot, Tracy, California, \$1,813,000.

NATIONAL SECURITY AGENCY

Fort Meade, Maryland, \$1,617,000.

Sec. 402. The Security of Defense may establish or develop installations and facilities which he determines to be vital to the security of the United States, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment in the total amount of \$35,000,000: Provided, That the Secretary of Defense, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including real estate actions pertaining thereto.

TITLE V—MILITARY FAMILY HOUSING

Sec. 501. The Secretary of Defense, or his designee, is authorized to construct, at the locations hereinafter named, family housing units and trailer court facilities in the numbers hereinafter listed, but no family housing construction shall be commenced at any such locations in the United States, until the Secretary shall have consulted with the Secret-

tary, Department of Housing and Urban Development, as to the availability of adequate private housing at such locations. If agreement cannot be reached with respect to the availability of adequate private housing at any location, the Secretary of Defense shall immediately notify the Committees on Armed Services of the House of Representatives and the Senate, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

(a) Family housing units—

(1) The Department of the Army, one thousand three hundred units, \$31,500,000: Redstone Arsenal, Alabama, two hundred units.

Fort Huachuca, Arizona, one hundred units.

Sacramento Army Depot, California, one unit.

Sharpe Army Depot, California, one unit.

Fort Carson, Colorado, two hundred forty units.

U.S. Army Installations, Oahu, Hawaii, three hundred units.

Rock Island Arsenal, Illinois, forty units.

Fort Leavenworth, Kansas, one hundred fifty units.

Natick Laboratories, Massachusetts, twenty-eight units.

Fort Jackson, South Carolina, two hundred forty units.

(2) The Department of the Navy, three thousand five hundred units, \$84,039,000: Marine Corps Air Station, El Toro, California, three hundred units.

Naval Air Station, Lemoore, California, two hundred fifty units.

Naval Complex, San Diego, California, nine hundred units.

Naval Submarine Base, New London, Connecticut, three hundred units.

Naval Complex, Pensacola, Florida, two hundred units.

U.S. Naval Installations, Oahu, Hawaii, three hundred units.

Naval Training Center, Great Lakes, Illinois, one hundred fifty units.

Naval Complex, Newport, Rhode Island, two hundred units.

Naval Complex, Norfolk, Virginia, six hundred units.

Naval Station, Guam, three hundred units.

(3) The Department of the Air Force, two thousand eight hundred units, \$65,101,000: Williams Air Force Base, Arizona, two hundred units.

Castle Air Force Base, California, two hundred fifty units.

Norton Air Force Base, California, two hundred fifty units.

Homestead Air Force Base, Florida, two hundred units, and additional real estate.

Moody Air Force Base, Georgia, two hundred units.

Robins Air Force Base, Georgia, two hundred units.

U.S. Air Force Installations, Oahu, Hawaii, two hundred units.

Scott Air Force Base, Illinois, four hundred units.

Keesler Air Force Base, Mississippi, four hundred units.

Seymour-Johnson Air Force Base, North Carolina, two hundred units.

Wright-Patterson Air Force Base, Ohio, three hundred units.

(b) Trailer court facilities—

(1) The Department of the Navy, fifty spaces, \$150,000.

(2) The Department of the Air Force, three hundred eighty-nine spaces, \$1,050,000.

Sec. 502. Authorization for the construction of family housing provided in this Act shall be subject, under such regulations as the Secretary of Defense may prescribe, to the following limitations on cost, which shall

include shades, screens, ranges, refrigerators, and all other installed equipment and fixtures:

(a) The average unit cost for each military department for all units of family housing constructed in the United States (other than Hawaii and Alaska), and Puerto Rico shall not exceed \$22,500 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(b) No family housing unit in the areas listed in subsection (a) shall be constructed at a total cost exceeding \$40,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(c) When family housing units are constructed in areas other than those listed in subsection (a) the average cost of all such units shall not exceed \$32,000 and in no event shall the cost of any unit exceed \$40,000. The cost limitations of this subsection shall include the cost of the family unit and the proportionate costs of land acquisition, site preparation and installation of utilities.

(d) Construction at Fort Leavenworth, Kansas, of units which were authorized by Public Law 89-188 (79 Stat. 793) or 90-110 (81 Stat. 279), shall not be subject to the cost limitations of subsection (a) of this section or to the cost limitations contained in prior Military Construction Authorization Acts, but the average cost of such units shall not exceed \$26,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

SEC. 503. Notwithstanding the limitations contained in prior Military Construction Authorization Acts on cost of construction of family housing, the limitations contained in section 502 of this Act shall apply to all prior authorizations for construction of family housing not heretofore repealed and for which construction contracts have not been executed by date of enactment of this Act.

SEC. 504. The Secretary of Defense, or his designee, is authorized to accomplish alterations, additions, expansions or extensions not otherwise authorized by law, to existing public quarters at a cost not to exceed—

(a) for the Department of the Army, \$5,170,000.

(b) for the Department of the Navy, \$6,300,000.

(c) for the Department of the Air Force, \$7,400,000.

(d) for the Defense Agencies, \$326,000.

SEC. 505. The Secretary of Defense, or his designee, is authorized to construct, or otherwise acquire, two hundred family housing units in foreign countries at a total cost not to exceed \$5,523,000. This authority shall be funded by the use of excess foreign currencies, when so provided in Department of Defense Appropriation Acts, except that appropriation of \$488,000 is authorized for purchase of United States manufactured equipment in support of the housing.

SEC. 506. Section 515 of Public Law 84-161 (69 Stat. 324, 352), as amended, is amended to read as follows:

"SEC. 515. During fiscal years 1971 and 1972, the Secretaries of the Army, Navy and Air Force, respectively, are authorized to lease housing facilities for assignment as public quarters to military personnel and their dependents, if any, without rental charge, at or near any military installation in the United States, Puerto Rico or Guam if the Secretary of Defense, or his designee, finds that there is a lack of adequate housing at or near such military installation and that (1) there has been a recent substantial increase in military strength and such increase is temporary, or (2) the permanent military strength is to be substantially reduced in the near future, or (3) the number of military personnel assigned is so small as

to make the construction of family housing uneconomical, or (4) family housing is required for personnel attending service school academic courses on permanent change of station orders, or (5) family housing has been authorized but is not yet completed or a family housing authorization request is in a pending military construction authorization bill. Such housing facilities may be leased on an individual unit basis and not more than seven thousand five hundred such units may be so leased at any one time. Expenditures for the rental of such housing facilities may not exceed an average of \$190 per month for each military department, nor the amount of \$250 per month for any one unit, including the cost of utilities and maintenance and operation."

SEC. 507. Section 507 of Public Law 88-174 (77 Stat. 307, 326), as amended, is amended by striking out "1970 and 1971" and inserting in lieu thereof "1971 and 1972".

SEC. 508. The Secretary of Defense, or his designee, is authorized to relocate family housing units from locations where they exceed requirements to military installations where there are housing shortages: *Provided*, That the Secretary of Defense shall notify the Committees on Armed Services of the House of Representatives and the Senate of the proposed new locations and estimated costs, and no contract shall be awarded within sixty days of such notification.

SEC. 509. There is authorized to be appropriated for use by the Secretary of Defense, or his designee, for military family housing as authorized by law for the following purposes:

(a) for construction and acquisition of family housing, including improvements to adequate quarters, improvements to inadequate quarters, minor construction, relocation of family housing, rental guarantee payments, construction and acquisition of trailer court facilities, and planning, an amount not to exceed \$203,635,000, and

(b) for support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payment to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m), an amount not to exceed \$588,636,000.

TITLE VI

GENERAL PROVISIONS

SEC. 601. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529) and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 602. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, IV, and V, shall not exceed—

(1) for title I: Inside the United States, \$178,957,000; outside the United States, \$78,340,000; section 102, \$2,000,000; or a total of \$259,297,000.

(2) for title II: Inside the United States, \$243,574,000; outside the United States, \$24,365,000; section 202, \$974,000; or a total of \$268,913,000.

(3) for title III: Inside the United States, \$188,867,000; outside the United States, \$29,587,000; section 302, \$33,792,000; or a total of \$252,246,000.

(4) for title IV: A total of \$44,300,000.

(5) for title V: Military family housing, \$792,271,000.

SEC. 603. (a) Except as provided in subsection (b), any of the amounts specified in titles I, II, III, and IV of this Act, may, in the discretion of the Secretary concerned, be increased by 5 per centum when inside the United States (other than Hawaii and Alaska), and by 10 per centum when outside the United States or in Hawaii and Alaska, if he determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress. However, the total cost of all construction and acquisition in each such title may not exceed the total amount authorized to be appropriated in that title.

(b) When the amount named for any construction or acquisition in title I, II, III, or IV of this Act involves only one project at any military installation and the Secretary of Defense, or his designee, determines that the amount authorized must be increased by more than the applicable percentage prescribed in subsection (a), the Secretary concerned may proceed with such construction or acquisition if the amount of the increase does not exceed by more than 25 per centum the amount named for such project by the Congress.

(c) Subject to the limitations contained in subsection (a), no individual project authorized under title I, II, III, or IV of this Act for any specifically listed military installation may be placed under contract if—

(1) the estimated cost of such project is \$250,000 or more, and

(2) the current working estimate of the Department of Defense, based on bids received, for the construction of such project exceeds by more than 25 per centum the amount authorized by such project by the Congress, until after the expiration of thirty days from the date on which a written report of the facts relating to the increased cost of such project, including a statement of the reasons for such increase has been submitted to the Committee on Armed Services of the House of Representatives and the Senate.

(d) The Secretary of Defense shall submit an annual report to the Congress identifying each individual project which has been placed under contract in the preceding twelve-month period and with respect to which the then current working estimate of the Department of Defense based upon bids received for such project exceeded the amount authorized by the Congress for that project by more than 25 per centum. The Secretary shall also include in such report each individual project with respect to which the scope was reduced in order to permit contract award within the available authorization for such project. Such report shall include all pertinent cost information for each individual project, including the amount in dollars and percentage by which the current working estimate based on the contract price for the project exceeded the amount authorized for such project by the Congress.

SEC. 604. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, De-

partment of the Navy, or such other department or Government agency as the Secretaries of the military departments recommend and the Secretary of Defense approves to assure the most efficient, expeditious and cost-effective accomplishment of the construction herein authorized. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives a breakdown of the dollar value of construction contracts completed by each of the several construction agencies selected, together with the design, construction, supervision, and overhead fees charged by each of the several agencies in the execution of the assigned construction. Further, such contracts shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. The Secretaries of the military departments shall report semiannually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts completed on other than a competitive basis to the lowest responsible bidder.

SEC. 605. (a) As of October 1, 1971, all authorizations for military public works (other than family housing) to be accomplished by the Secretary of a military department in connection with the establishment or development of military installations and facilities, and all authorizations for appropriations therefor, that are contained in titles I, II, III, and IV of the Act of December 5, 1969, Public Law 91-142 (83 Stat. 293), and all such authorizations contained in Acts approved before December 6, 1969, and not superseded or otherwise modified by a later authorization are repealed except—

(1) authorizations for public works and for appropriations therefore that are set forth in those Acts in the titles that contain the general provisions;

(2) authorizations for public works projects as to which appropriated funds have been obligated for construction contracts or land acquisitions in whole or in part before October 1, 1971, and authorizations for appropriations therefor; and

(3) notwithstanding the repeal provisions of section 705(a) of the Act of December 5, 1969, Public Law 91-142 (83 Stat. 293, 315), all authorizations for military public works (other than family housing), contained in titles I, II, III, IV, and V of the Act of July 21, 1968, Public Law 90-408 (82 Stat. 367), and all authorizations for appropriations therefor, and not superseded or otherwise modified, are hereby continued and shall remain in full force and effect until October 1, 1971.

(b) Effective fifteen months from the date of enactment of this Act, all authorizations for construction of family housing, including trailer court facilities, all authorizations to accomplish alterations, additions, expansions, or extensions to existing family housing, and all authorizations for related facilities projects, which are contained in this or any previous Act, are hereby repealed, except—

(1) authorizations for family housing projects as to which appropriated funds have been obligated for construction contracts or land acquisitions or manufactured structural component contracts in whole or in part before such date; and

(2) authorizations to accomplish alterations, additions, expansions, or extensions to existing family housing, and authorizations for related facilities projects, as to which appropriated funds have been obligated for construction contracts before such date; and

(3) Notwithstanding the repeal provision of section 705(b) of the Act of December 5, 1969, Public Law 91-142 (83 Stat. 293, 316)

authorization for two hundred and sixty family housing units at Fort Polk, Louisiana.

SEC. 606. None of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize any building construction projects inside the United States in excess of a unit cost to be determined in proportion to the appropriate area construction cost index, based on the following unit cost limitations where the area construction cost index is 1.0:

(1) \$3,200 per man for permanent barracks;

(2) \$11,000 per man for bachelor officer quarters; unless the Secretary of Defense or his designee determines that because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable: *Provided*. That notwithstanding the limitations contained in prior Military Construction Authorization Acts on unit costs, the limitations on such costs contained in this section shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded by the date of enactment of this Act.

SEC. 607. Chapter 159 of title 10, United States Code, is amended

(1) By striking out the figure "\$200,000" in the item relating to section 2674 in the analysis and inserting "\$250,000" in place thereof.

(2) By striking out the figure "\$200,000" in the catchline of section 2674 and inserting "\$250,000" in place thereof.

(3) By striking out the figures "\$200,000", "\$50,000", and "\$25,000" in section 2674(b) and inserting "\$250,000", "\$75,000", and "\$37,500", respectively, in place thereof.

(4) By striking out the figure "\$25,000" in sections 2674 (a) and (e) and inserting "\$37,500" in place thereof.

SEC. 608. Section 2675 of title 10, United States Code, is amended by (1) inserting "(a)" before "Notwithstanding", and by (2) adding the following new subsections:

"(b) A lease may not be entered into under this section if the average estimated annual rental during the term of the lease is more than \$250,000 until after the expiration of thirty days from the date upon which a report of the facts concerning the proposed lease is submitted to the Committees on Armed Services of the Senate and House of Representatives.

"(c) A statement in a lease that the requirements of this section have been met, or that the lease is not subject to this section, is conclusive."

SEC. 609. Section 709 of the Military Construction Authorization Act, 1970 (83 Stat. 317), is amended by (1) deleting from the first sentence thereof "1971" and inserting in its place "1972"; and (2) deleting from the last sentence thereof "\$750,000" and inserting in its place "\$3,000,000".

SEC. 610. (a) The Secretary of Defense is authorized to assist communities located near Grand Forks Air Force Base, Grand Forks, North Dakota, and Malmstrom Air Force Base, Great Falls, Montana, in meeting the costs of providing increased municipal services and facilities to the residents of such communities, if the Secretary determines that there is an immediate and substantial increase in the need for such services and facilities in such communities as a direct result of work being carried out in connection with the construction, installation, testing, and operation of the Safeguard Anti-ballistic Missile System and that an unfair and excessive financial burden will be incurred by such communities as a result of the increased need for such services and facilities.

(b) The Secretary of Defense shall carry out the provisions of this section through existing Federal programs. The Secretary

is authorized to supplement funds made available under such Federal programs to the extent necessary to carry out the provisions of this section, and is authorized to provide financial assistance to communities described in subsection (a) of this section to help such communities pay their share of the costs under such programs. The heads of all departments and agencies concerned shall cooperate fully with the Secretary of Defense in carrying out the provisions of this section on a priority basis.

(c) In determining the amount of financial assistance to be made available under this section to any local community for any community service or facility, the Secretary of Defense shall consult with the head of the department or agency of the Federal Government concerned with the type of service or facility for which financial assistance is being made available and shall take into consideration (1) the time lag between the initial impact of increased population in any such community and any increase in the local tax base which will result from such increased population, (2) the possible temporary nature of the increased population and the long-range cost impact on the permanent residence of any such community, and (3) such other pertinent factors as the Secretary of Defense deems appropriate.

(d) Any funds appropriated to the Department of Defense for carrying out the Safeguard Anti-ballistic Missile System shall be utilized by the Secretary of Defense in carrying out the provisions of this section to the extent that funds are unavailable under the Federal programs.

(e) The Secretary shall transmit to the Committees on Armed Services of the Senate and the House of Representatives semiannual reports indicating the total amount expended in the case of each local community which was provided assistance under authority of this section during the preceding six-month period, the specific projects for which assistance was provided during such period, and the total amount provided for each such project during such period.

SEC. 611. (a) The Secretary of Defense is directed to undertake a study and to prepare a report on the weapons training now being conducted in the Culebra complex of the Atlantic Fleet Weapons Range. This study shall consider all feasible alternatives, geographical and technological, to the training now taking place in the Culebra complex, and shall result in specific recommendations for, together with the estimated costs of, moving all or a part of such activities to a new site or sites, and appropriately modifying such activities to minimize danger to human health and safety. In preparing such study, the Secretary is directed to consider the impact of each of the alternatives on:

(1) the safety and well-being of the people who live on Culebra;

(2) the natural and physical environment of Culebra and adjoining cays and their recreational value;

(3) the development of a sound, stable economy in Culebra;

(4) the unique political relationship of Culebra and Puerto Rico to the United States;

(5) the operational readiness and proficiency of the Atlantic Fleet; and,

(6) national security.

(b) In preparing the report required by this section, the Secretary shall consult with the people of Culebra, the Government of Puerto Rico, and all appropriate Federal agencies having jurisdiction or special expertise on the subject matter involved. The report required by this subsection shall be transmitted to the President of the United States and to the chairmen of the Committees on Armed Services of the Senate and the House of Representatives no later than April 1, 1971.

(c) The Department of Navy is directed to terminate all weapons range activities conducted on or near the eastern coast of Culebra and the cays within three nautical miles of the eastern coast no later than January 1, 1972, unless the President of the United States determines that the national security of the United States requires the continuation of such activities beyond this date.

(d) Pending the completion of the report required by this section and its review by the President of the United States, the appropriate committees and the Congress, the Department of Navy is directed to avoid any increase or expansion of the present weapons range activities in the Culebra complex and, wherever possible, without degrading the training activities, to institute procedures which will minimize interference with the normal activities and the solitude of the people of Culebra.

Sec. 612. Effective October 28, 1969, section 1013 of Public Law 89-754 (80 Stat. 1255, 1290) as amended, is amended by (1) inserting "or if as the result of such action and other similar action in the same area," after the word "part," in subsection (a)(3), and by (2) adding the following new subsection:

"(k) The authority provided by this section to the Secretary of Defense shall also be available when the Department of Defense has ordered a reduction in the scope of operations at a military base or installation. All references in subsections (a), (b), and (c) of this section to "closures" or "closings" or words of similar effect shall be deemed to include the reduction in scope of operations at a base or installation."

Sec. 613. Chapter 159 of title 10, United States Code, is amended as follows:

(1) by adding the following new section at the end thereof:

"§ 2683. Relinquishment of legislative jurisdiction

"(a) Notwithstanding any other provision of law, the Secretary of a military department may, whenever he considers it desirable, relinquish to a State all or part of this legislative jurisdiction of the United States over lands or interests under his control in that State. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor of the State concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State may otherwise provide.

"(b) The authority granted by this section is in addition to and not instead of that granted by any other provision of law"; and

(2) by adding the following new item at the end of the analysis:

"2683. Relinquishment of legislative jurisdiction."

Sec. 614. Notwithstanding any other provisions of law, the Secretary of the Army, or his designee, is authorized to convey to the Anheuser-Busch Company, subject to such terms and conditions as the Secretary of the Army shall deem to be in the public interest, all right, title and interest of the United States in and to the land generally identified as Camp Wallace located in York County, Virginia, and James City County, Virginia, comprising approximately one hundred and ninety-one acres. In consideration of such conveyance by the Secretary of the Army, the Anheuser-Busch Company shall convey to the United States unencumbered fee title to certain lands generally identified as being a portion of the Oakland Farm in Newport News, Virginia, comprising approximately one hundred and ninety-one acres, together with such buildings and improvements thereon, or to be constructed thereon without cost to the United States, as are acceptable to the Secretary of the Army and subject to such other conditions as are acceptable to the Secretary of the Army. The exact acreages and legal descriptions of both

properties are to be determined by accurate surveys as mutually agreed upon by the Secretary of the Army and the Anheuser-Busch Company: *Provided further*, That the Secretary of the Army is authorized to accept the lands so conveyed to the United States which lands shall become a part of the Fort Eustis Military Reservation and be administered by the Department of the Army.

Sec. 615. Title I, II, III, IV, V, and VI of this Act may be cited as the "Military Construction Authorization Act, 1971."

TITLE VII

RESERVE FORCES FACILITIES

Sec. 701. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

(1) For the Department of the Army:

(a) Army National Guard of the United States, \$13,700,000.

(b) Army Reserve, \$9,300,000.

(2) For the Department of the Navy: Naval and Marine Corps Reserves, \$4,500,000.

(3) For the Department of the Air Force:

(a) Air National Guard of the United States, \$6,500,000.

(b) Air Force Reserve, \$3,500,000.

Sec. 702. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on lands includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

Sec. 703. This title may be cited as the "Reserve Forces Facilities Authorization Act, 1971."

NATIONAL AIR QUALITY STANDARDS ACT OF 1970

Mr. RANDOLPH. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 17255.

The PRESIDING OFFICER (Mr. HUGHES) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 17255) to amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. RANDOLPH. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of 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 he appointed Mr. RANDOLPH, Mr. YOUNG of Ohio, Mr. MUSKIE, Mr. SPONG, Mr. EAGLETON, Mr. COOPER, Mr. BOGGS, Mr. BAKER, and Mr. DOLE conferees on the part of the Senate.

ELECTORAL REFORM

Mr. HOLLAND. Mr. President, the Senator from Florida is not in the position of being unwilling to vote on a change in the electoral system. The Senator from Florida voted for the Lodge-Gossett program when that came up some years ago. I cannot remember the exact year. The Senator from Florida has offered, in each Congress, for some time, what he thought was a perfection or improvement upon the Lodge-Gossett plan, and has appeared twice or more before the subcommittee of the Judiciary so ably headed by the Senator from Indiana.

The Senator from Florida finds it impossible to swallow that part of Senate Joint Resolution 1 which proposed such a downgrading of the States, and he thinks the best illustration of it is the fact that, under that resolution, citizens of the District of Columbia would have much greater weight in presidential elections than the people of 11 other sovereign States, when, as a matter of fact, the District of Columbia has no sovereign statehood and has no responsibility of passing legislation governing the daily lives of the citizens such as that which exists in every one of the 50 States of the Union.

The Senator from Florida simply wants to state for the record again that he is ready to vote for the fractional system, in as nearly a perfect form as can be gotten, and he thinks the form he and the Senator from North Carolina have developed through the years is a good system. If that were to be impossible, he is ready to vote for the district system, though he thinks that is not the preferable course, because it still will disfranchise, under the winner-take-all doctrine, the minority voting citizens in our districts and the minority voting citizens in every State as to the electors who will represent the State or as to the election weight which would represent the States.

But the Senator from Florida cannot give any acquiescence to the program suggested by the Senator from Indiana simply because of the complete downgrading of the States, and the leading of the Senate and the country to a highly centralized form of government of the kind which destroys our federal system, in the opinion of the Senator from Florida.

The Senator from Florida wants his friend the Senator from Indiana—who seems to pay little attention to what he is saying—to know that if Senate Joint Resolution 1 as stated is insisted upon, the Senator from Florida, insofar as he is able to stand and insofar as he is able to resist, will do so. He thinks there are a good many of us who feel the same way. He is sorry to say he thinks that all aligned behind the direct election systems—all the people he knows, at least—favor a form of Federal Government in which there is a downgrading, not just in this field but in other fields, of the responsibility and jurisdiction of the several States.

That is the brief statement of the Senator from Florida. He has no animus in this matter at all. He thinks the Senator from Indiana has followed his rights

courageously and properly. He has no criticism of him in the slightest. He is not going to have. But he wants him to realize that many of us still believe in the preservation of the States and of the right to serve their own citizens and, in this particular matter, in having some weight in the selection of the President and Vice President.

The Senator from Florida simply wants his friend from Indiana to realize that there is a sizable number in the Senate who still have that feeling and will continue to have it, and will have it in such degree that if his amendment, Senate Joint Resolution No. 1, were proposed, there would be a continuation of this fight before every legislature in the Union, and that we will probably tie up the chance of having any agreed upon reform of the Layering proposition which is now in the Constitution.

So there is strong opposition to Senate Joint Resolution No. 1. But I have not any unwillingness to support other approaches to this very difficult problem, which the Senator from Florida is glad the Senator from Indiana has given his time and attention to.

The Senator from Florida wants the Senator from Indiana to understand that while nobody against the amendment questions either his conscientiousness or the fact that he has spent countless hours on this question, there are many of us who have spent a good deal of time on this question, dating back many years, and that we do have strong convictions against the downgrading of the States, as would be required or permitted under Senate Joint Resolution No. 1.

I thank the Senator. I am glad to yield to him if he wishes me to do so.

Mr. BAYH. Mr. President—

Mr. HOLLAND. I am glad to yield to the Senator.

Mr. BAYH. Mr. President, is the Senator through? I would like to get the floor.

Mr. HOLLAND. I am very glad to yield the floor.

Mr. BAYH. I certainly would not want to provide further remarks. I appreciate the very thoughtful statement of my friend from Florida. I know of his long and abiding interest. As he has said, he appeared before our committee on at least two occasions, and I have appreciated his interest.

Of course, he and others are only pursuing their rights under the rules of the Senate. But I think it is important, despite the sincerity in our hearts, and despite the tenacity and the desire to pursue a course that we feel is right, that each of us recognizes how his acts are going to be interpreted by others.

I have suggested that I am willing to vote on the proposition of the Senator from Florida. I am willing to vote on the proposition of the Senator from North Carolina. In fact, I have said repeatedly that I am willing to vote on every single proposal that has been made by my colleagues.

But the fact of the matter is that those who are presently taking up the time of the Senate have not on a single occasion

suggested that they are willing to give the proposition of the Senator from Indiana the same courtesy.

In essence, what we are saying is that as long as the direct election proposal is before the Senate, we are going to avail ourselves of our right to filibuster, and keep the Senate from voting, and only if our personal plan comes before the Senate will we stop doing that.

I know this is every Senator's right, and that Senators are doing it because of the concern they have over the proposition of the Senator from Indiana.

But I think that when others look at it, it is going to be painfully obvious that we are not treating everyone's proposal the same.

It seems to me that if we are really seeking to be equitable, and give everyone his equal opportunity, we should give all of these plans an opportunity to be heard.

I must say I have difficulty understanding the attitude of certain Members of this body who are my beloved colleagues. Of course, they are operating within their rights; but I do not know how to explain to the 200 million people of America a philosophy that says, "If I don't get my way, I am going to bring the whole house down. If I don't get my way on my proposal, we are not going to have any electoral reform at all."

Mr. President, that is exactly where the U.S. Senate is. That is where the body is that prides itself on the history and traditions of men like Calhoun, Clay, Webster, Kennedy, and Johnson, and on the distinguished occupants of this body now. That is where we are. At least that is how it will look to all those Americans who are questioning the system. Right now the system is not working.

Mr. BYRD of West Virginia. Mr. President, I ask for the regular order.

MILITARY CONSTRUCTION AUTHORIZATION, 1971

The PRESIDING OFFICER. The regular order is consideration of H.R. 17604, as laid before the Senate.

Mr. JACKSON. Mr. President, I yield to the Senator from Rhode Island on a privileged matter.

Mr. PASTORE. Mr. President, I have a preferred matter.

PUBLIC BROADCASTING FINANCING ACT OF 1970—CONFERENCE REPORT

Mr. PASTORE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3558) to amend the Communications Act of 1934 to provide continued financing for the Corporation for Public Broadcasting. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. HUGHES). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of September 23, 1970, page 33319, CONGRESSIONAL RECORD.)

Mr. PASTORE. Mr. President, I have cleared this matter with the Senator from Michigan (Mr. GRIFFIN), who is one of the conferees.

House and Senate conferees met on Tuesday, September 22, and agreed on a report which would authorize the appropriation of not more than \$30 million annually for the fiscal years 1971 and 1972 for expenses of the Corporation for Public Broadcasting. In addition, in each of those fiscal years not more than \$5 million would be authorized to be appropriated for payment to the Corporation under a matching fund program.

The 2-year authorization is a compromise between the Senate version of S. 3558 which would have provided a 3-year authorization and the House version which was for 1 year only.

The conferees felt that in view of the lateness of the session a 1-year authorization would only necessitate duplication of existing efforts. A 2-year authorization, on the other hand, would obviate this and also enable the Corporation to plan and negotiate future projects.

The conferees also deleted the Senate provision requiring non-commercial educational broadcast stations which receive assistance under title II of the Public Broadcasting Act to keep records, including audio recordings, for a reasonable length of time of programs they broadcast involving issues of public importance.

While the Senate conferees felt that there was merit in this provision there had been no full scale hearings on this issue by either body, and they agreed to its deletion on the assurance that hearings would be held in the next Congress on the desirability of such a requirement not only for noncommercial stations but commercial ones as well.

Mr. President, in my opinion the provisions of this report are sound and should be of great assistance to the Corporation for Public Broadcasting and all educational broadcasting. I respectfully urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, in view of the changed circumstances from this morning, I ask unanimous consent that all committees of the Senate be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Is there objection?

Mr. BAYH. Mr. President, would the Senator repeat that request?

Mr. MANSFIELD. I said, in view of the changed circumstances from this morning, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

Mr. BAYH. Mr. President, I have no objection.

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

MILITARY CONSTRUCTION AUTHORIZATION, 1971

The Senate resumed the consideration of the bill (H.R. 17604) to authorize certain construction at military installations, and for other purposes.

Mr. JACKSON. Mr. President, the bill before the Senate today provides construction and other related authority for the military departments and defense agencies within and outside the United States, including authority for military family housing and the construction of facilities for the Reserve components. The sum total of the new authority granted by this bill is \$1,654,527,000, and in addition thereto, approval is granted for an increase in prior years' authority in the amount of \$33,586,000 for a total authorization of \$1,688,113,000. This is approximately \$104 million below the budget request.

In new authority the Army is authorized \$259.3 million; the Navy, \$268.9 million; the Air Force, \$252.3 million; defense agencies, \$44.3 million; military family housing, \$792.3 million; and \$37.5 million for the Reserve components. At the outset I should like to point out that the bill contains no construction authority for the Safeguard anti-ballistic-missile system, some \$335 million in such authority having been previously transferred and included in the procurement authorization bill which recently passed the Senate.

Again this year, particular attention has been given to modernizing and replacing obsolescent structures in the physical plants of the military departments and to improving the living conditions of the troops.

Exclusive of funds provided for the construction upkeep and debt payments on military family housing, the major portion of the bill—about one-half—provides for operational and training facilities, followed in order of magnitude by housing and community facilities which include housing for some 26,000 bachelor personnel, and then utilities and ground improvements of which some \$75 million is designated for air and water pollution in over 100 projects. Lesser amounts are provided for maintenance and production facilities, supply facilities, administrative facilities, and real estate.

Recognizing the importance of sufficient and adequate living facilities in the retention of skilled and experienced personnel, special attention has been given to the matter. The bill provides for 7,600 units of new military family housing, and 400 additional units for the two Safeguard ABM sites now under construction were included in the military procurement bill. This is the largest increment of family housing approved by the committee in several years. In this regard I might state that an increase in the average unit cost limitation has been approved at \$22,500 per unit, which is an

increase of \$1,500, made necessary by rising construction costs. Also of particular significance is a modest increase granted this year in the per-man cost of both barracks and bachelor officer quarters. This will enable the military departments to keep pace with building cost increases, and in regard to housing for enlisted personnel, it will permit an increase in living space from 72 to 90 square feet per man and will provide other amenities for their comfort and well-being.

Now, Mr. President, I should like to mention a few specific items that I believe will be of special interest.

First, I wish to mention the expansion of the Marine Barracks here in the District of Columbia for which \$700,000 is provided. The committee has gone into the matter quite thoroughly both last year when this request was denied and again this year, particularly in view of certain local opposition to the proposal. The need for the expansion of the barracks is unquestioned and is long past due. It will, however, necessitate the acquisition by the Navy of about an acre of land adjacent to the existing barracks. On a portion of this property are located some 24 housing units and two small businesses which must be acquired. There are an estimated nine families now residing in these housing units, of which three are owner-occupied. The balance of these units are vacant and are in extremely poor condition, and several are boarded up. Special language has been included in the bill to permit the Navy to adequately compensate these families that must be relocated for their property and inconvenience. This may be done under the terms of the Housing Act of 1949, as amended—42 U.S.C. 1465. The property, of course will be acquired at its fair market value. The occupants will be compensated for their actual cost of moving.

An additional \$1,000 can be paid over a 2-year period, if necessary, to those tenants required to move in order to assure that they are housed in safe, decent, and sanitary facilities. Not to exceed \$5,000 in additional acquisition costs may be paid to the owner occupants, and not to exceed \$2,500 in addition to moving expenses can be paid as small business displacement payments.

Mr. President, I might add that with the enactment of this measure, the Department of the Navy will have up to \$100,000 for this purpose if necessary. Language has been included in the committee report requiring that the Department of the Navy work with the appropriate housing authorities in the District of Columbia to insure that those families to be relocated are properly housed in equal or better facilities than they now occupy. The relocation allowances I have described in this instance in no way set a precedent and for the most part parallel the provisions in the Federal-Aid Highway Act of 1968—23 U.S.C. 501, and the following. I am confident that the families in question will be found adequate housing and will be properly compensated for their property and inconvenience.

The next item of interest is the impact

upon local communities located in the area of the Safeguard ABM sites in Montana and North Dakota. The influx of construction workers and the follow-on of permanent duty personnel in several of these small rural communities has overtaxed and will continue to greatly overtax such municipal facilities as do exist in these areas, such as sewage disposal and water system, schools, medical facilities, law enforcement facilities, and so forth. These small communities have no resources to cope with this situation, and such assistance as they may expect to receive through various Government programs is inadequate to grant prompt and sufficient relief. This unquestionably is a situation generated by the Safeguard program, and, as such, should be considered a part of the program. It is indeed a national problem rather than a local one. A provision has been included in the bill to permit the Department of Defense to use such funds as are necessary and available to them for the Safeguard program to supplement the programs of other Government agencies in order to relieve this situation when it is found proper and necessary.

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

Mr. JACKSON. I yield.

Mr. MANSFIELD. Mr. President, the Senator will recall that the distinguished Governor of the State of Montana, Forrest Anderson, appeared before the subcommittee of which the Senator is chairman, the Subcommittee on Military Construction of the Committee on Armed Services. He will recall also that, due to the courtesy of the distinguished Senator from Washington, the manager of the bill now being considered, the Senator from Montana, now speaking, was, as is the custom, a part of that committee at that time.

The Senator is aware of the great interest of the people of the State of Montana in the problems which will come with the implanting of the ABM system there, as well as in North Dakota, relative to the need for increased facilities and the like. If the Senator would not mind, I should like to ask him a few questions, just to make the record straight, which I believe will implement what he has already said.

Section 610 of the bill deals with certain authority granted to the Secretary of Defense in assisting communities, such as Conrad, Shelby, Chester, and other towns in Montana and North Dakota, located near approved Safeguard anti-ballistic-missile sites. As I understand the intent of this section, it directs the Secretary of Defense to provide financial assistance to small towns located in these areas in meeting the costs of increased municipal services and facilities required to support the ABM construction and operation. Is this a correct understanding?

Mr. JACKSON. The Senator is correct. This is to be done through existing federal programs, supplementing them, of course, if such is necessary.

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

Mr. JACKSON. I yield.

Mr. MANSFIELD. The distinguished chairman will recall the testimony presented by Governor Anderson of my State and witnesses from North Dakota during which they pointed out that small farming communities in sparsely populated agriculture areas find themselves faced with the immediate necessity of providing increased municipal facilities such as schools, medical facilities, sewage and water, police and fire protection, and other requirements for which they are without the resources to accomplish. It was demonstrated that State and local obligations to match funds for needed improvements would run from 30 to 70 percent. Taxes would have to be increased in these small communities to offset these expenditures. Spokesmen for Montana and North Dakota made it clear that these communities are now taxed to the legal limits and simply cannot afford to make such a substantial contribution to support the ABM which is, in fact, a national defense system. Does the distinguished chairman agree with me that Safeguard funds should be used to pay the local share of approved project costs normally required as contributions from the community?

Mr. JACKSON. The answer to the question is "yes." Of course, this program will continue until such time as the tax base increases to where they may be able to pay their own way, if that ever occurs.

Mr. MANSFIELD. I appreciate that.

Section 610(b) states that the Secretary of Defense shall carry out the provisions of this section through existing Federal programs. Does this mean that it is clearly the responsibility of the Secretary of Defense to coordinate and expedite assistance to these small communities?

Mr. JACKSON. I think this is a proper assumption to be made. The Secretary should work through the established program to which we refer.

Mr. MANSFIELD. The Senator leads me into the next question.

In the event that existing Federal programs are found to be inadequate or unresponsive, is it the intent of this section to require the Secretary of Defense to provide direct financial assistance from funds available to his Department?

Mr. JACKSON. He should do so through the proper agencies having jurisdiction over the various programs. He has this responsibility.

Mr. MANSFIELD. So that if those funds are not forthcoming from those agencies, they will be forthcoming from the Department of Defense.

Mr. JACKSON. This is correct, with Safeguard funds.

Mr. MANSFIELD. Note that a determination of need is left to the discretion of the Secretary of Defense as well as the determination of the amount of financial assistance to be made available. I question how the Secretary shall make such a determination as a local community and the Defense Department may disagree on what constitutes an immediate and substantive increase in the need for services and facilities. Does the Senator agree that an agency designated by the Governor of the State might well

make the initial determination so as to prevent an impasse which might occur between the communities and the Office of the Secretary of Defense.

Mr. JACKSON. Yes. This could be helpful but, of course, the State agency should coordinate with the proper Federal agency and the office of the Secretary of Defense.

Mr. MANSFIELD. Exactly. That fits in with my thinking.

Is it the intent of this section that State agencies and communities should coordinate with various Federal agencies, or is it clear that they can deal solely with one agency; that is, the Department of Defense or its subordinate designee?

Mr. JACKSON. They should coordinate with the appropriate agencies and the office of the Secretary of Defense, which will have a coordinator, as I understand it.

Mr. MANSFIELD. Section 610(e) states that the Secretary shall transmit semiannual reports to the Armed Services Committee of the Senate and House indicating the total amount expended in the case of each local community provided assistance during the preceding 6-month period, specific projects for which assistance was provided, and the total amount provided for each such project. Would the distinguished chairman agree that this semiannual report should also be provided to the Subcommittee on Appropriations for Military Construction so that both the authorizing and appropriating committees receive concurrent information?

Mr. JACKSON. The answer is yes. I think the two subcommittees which the distinguished majority leader has referred would be the appropriate subcommittees; namely, the authorizing and appropriating committees.

Mr. MANSFIELD. May I express my thanks to the distinguished Senator from Washington, who is the chairman of the legislative committee, who now has this legislation pending, and point out that the Senator from Montana, as chairman of the Subcommittee on Appropriations for Military Construction, has worked closely with the Senator from Washington both in the matter of legislation being heard and in the matter of appropriations being considered. It has been an extremely fine and close relationship.

One more question, if I may:

Even though section 610 leaves considerable discretion to the Secretary of Defense, is it not true that the Congress intends that no unfair burden shall be placed on any small community as a result of the placement of the Safeguard system in or near its area, and that it is clearly the responsibility of the Federal Government through its agent, the Department of Defense to fund community facilities made necessary by the placement of the Safeguard system?

Mr. JACKSON. I agree with that statement. The burden here rests on the Secretary of Defense, to see to it that the policy is carried out when it is found to be necessary and proper.

Now, Mr. President, I want to take this opportunity to commend the able majority leader who went into this matter

in great detail during our joint sessions. I must say that the testimony brought out in connection with the problem we found in both Montana and North Dakota was resolved as a result of that testimony in the way it now appears in the bill. I express my deep appreciation for the help extended to the authorizing side of this operation by the able majority leader.

Mr. MANSFIELD. I thank the distinguished Senator from Washington.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the committee report dealing with the impact of ABM on local communities; an excerpt dealing with section 610 as printed on page 69 of the committee report accompanying H.R. 17604; and section 610 of the bill itself, as it appears on page 100 of the bill.

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

IMPACT OF ABM ON LOCAL COMMUNITIES

The first two antiballistic missile sites are under construction in the vicinity of Conrad, Montana, and Langdon, North Dakota. These are both small farming communities in sparsely populated agricultural areas in the two states. With the influx of construction workers and the later-to-follow permanent party personnel, these small rural communities, which must bear the major burden of the influx, find themselves in straitened circumstances in attempting to cope with the problem. They find themselves faced with the immediate necessity of providing increased municipal facilities, such as additional schools, enlarged medical facilities, improved sewerage and water facilities, additional police and fire protection, etc., for which they are without the resources to accomplish. To be sure, the Department of the Army has designated personnel to advise and assist them with their impact problems. Such relief as can be expected, however, depends on a variety of Federal agencies and categorical programs. This, of course, takes time and affords only partial relief. Even if immediate relief could be obtained through these programs, according to testimony presented, the local and state obligations under them would run from 30 to 70 percent and taxes would have to be increased in these small affected communities to offset this difference. Spokesmen for both the states of Montana and North Dakota have made it clear that these communities for the most part are now taxed to the legal limits and they simply cannot afford to make such a substantial contribution to support the antiballistic missile program which is indeed a national defense system and not just for the protection of these two areas. They are firmly of the opinion that any improvement or expansion of municipal facilities made necessary by the impact of Safeguard construction should be a part of the programmed cost of the system and borne by the Government.

The Committee is of the opinion that this is a unique if not unprecedented situation. Consequently, there has been included an amendment to the bill, namely Section 610, which would authorize the Secretary of Defense to afford these communities such relief as he finds necessary.

Section 610 was added to the bill by the Senate Committee and authorizes the Secretary of Defense, under certain conditions, to utilize funds appropriated to the Department of Defense for carrying out the Safeguard antiballistic missile system for the purpose of assisting any local community in meeting expenses incurred by such community in providing increased municipal services and facilities as a direct result of

the work being carried out in connection with the deployment of the Safeguard antiballistic missile system, and that an unfair and excessive financial burden will be incurred by such community as a result of the increased need for such services and facilities.

Sec. 610. (a) The Secretary of Defense is authorized to assist communities located near Grand Forks Air Force Base, Grand Forks, North Dakota, and Malmstrom Air Force Base, Great Falls, Montana, in meeting the costs of providing increased municipal services and facilities to the residents of such communities, if the Secretary determines that there is an immediate and substantial increase in the need for such services and facilities in such communities as a direct result of work being carried out in connection with the construction, installation, testing, and operation of the Safeguard Anti-ballistic Missile System and that an unfair and excessive financial burden will be incurred by such communities as a result of the increased need for such services and facilities.

(b) The Secretary of Defense shall carry out the provisions of this section through existing Federal programs. The Secretary is authorized to supplement funds made available under such Federal programs to the extent necessary to carry out the provisions of this section, and is authorized to provide financial assistance to communities described in subsection (a) of this section to help such communities pay their share of the costs under such programs. The heads of all departments and agencies concerned shall cooperate fully with the Secretary of Defense in carrying out the provisions of this section on a priority basis.

(c) In determining the amount of financial assistance to be made available under this section to any local community for any community service or facility, the Secretary of Defense shall consult with the head of the department or agency of the Federal Government concerned with the type of service or facility for which financial assistance is being made available and shall take into consideration (1) the time lag between the initial impact of increased population in any such community and any increase in the local tax base which will result from such increased population, (2) the possible temporary nature of the increased population and the long-range cost impact on the permanent residence of any such community, and (3) such other pertinent factors as the Secretary of Defense deems appropriate.

(d) Any funds appropriated to the Department of Defense for carrying out the Safeguard Anti-ballistic Missile System shall be utilized by the Secretary of Defense in carrying out the provisions of this section to the extent that funds are unavailable under other Federal programs.

(e) The Secretary shall transmit to the Committees on Armed Services of the Senate and the House of Representatives semiannual reports indicating the total amount expended in the case of each local community which was provided assistance under authority of this section during the preceding six-month period, the specific projects for which assistance was provided during such period, and the total amount provided for each such project during such period.

Mr. JACKSON. Mr. President, another matter that has been of considerable local interest is the addition to the bill by the House Committee of \$2.3 million for an elementary school to be located on the Bolling Air Force Base property in the District of Columbia. This school was not requested by the Department of Defense but was added by the House above the budget. The school would be operated by the Department of Defense for

the benefit of the dependents of the military personnel residing in the area of the Bolling Air Force Base. The apparent motivation for this proposal is the dissatisfaction of the parents over undesirable conditions existing in the public schools which their dependents must attend. It has been the policy of the Department of Defense, and properly so, that the education of military dependents is the responsibility of the local community and there is no precedent for establishing such a school as in this instance. The committee has not included this project in the bill before you, Mr. President, because to do so would establish a precedent of providing Federal schooling for military dependents when public schools, which now receive Federal impact aid assistance, are available.

Finally, Mr. President, I wish to mention a situation that has excited considerable public interest and that is the weapons training activities of the Navy on the island of Culebra and the surrounding cays which are located off the east coast of Puerto Rico. While it is not an issue in this bill, there are pending before the committee both a land acquisition and a disposal project in relation thereto. The Navy now owns about a third of the land comprising this island group, which has for a long period of time been used for weapons training for the Atlantic Fleet. The Navy has proposed to acquire a leasehold interest in another 2,350 acres, primarily to use as a safety zone, while at the same time excessing for conveyance to the Government of Puerto Rico some 680 acres of coastal land now under Navy control. This property is used for a weapons training area for the Roosevelt Roads Naval Station and is unquestionably highly important to the Navy. Nevertheless, there has been growing dissension among the inhabitants of Culebra and others over these continuing Navy activities. The time is at hand when something must be done to make at least a portion of the area now in use by the Navy available for development and recreational purposes and to ameliorate the distress of the local residents. The committee has gone into this matter quite extensively and as a result, there has been included in the bill a provision—section 611, page 102 of the bill—to require the Secretary of the Department of Defense to undertake a study to consider all feasible alternatives to the training now taking place on the Culebra Complex and to report to the President of the United States and the appropriate committees of the Congress as to his findings by April 1, 1971. The Department of the Navy is further directed to terminate all weapons range activities conducted on or near the east coast of Culebra and the cays within 3 nautical miles of the east coast no later than January 1, 1972, unless the President of the United States determines the national security of the United States requires the continuation of such activities beyond that date.

As I have previously stated, the time is now at hand when we must face up to this problem which has been a festering sore for a number

of years. The committee views are more extensively set forth beginning on page 5 of the report.

Mr. President, I believe that I have succinctly outlined the salient features of the bill before you. I am confident that the construction needs of the Defense Department will be adequately provided for during fiscal year 1971.

Mr. THURMOND. Mr. President, as the ranking Republican on the Military Construction Subcommittee, I am pleased to join with the subcommittee chairman, Mr. JACKSON of Washington, in presenting the fiscal year 1971 military construction authorization to the Senate.

The decisions of the subcommittee which received the approval of the full committee resulted in authority for military construction in the amount of \$1.682 billion consisting of \$1.654 billion in new authority and an increase in prior years' authorization of \$33,586,000.

This year the trend of the military authorization bill continues toward emphasizing housing facilities for military personnel. The bill provides 7,600 units of new military family housing and new housing for some 26,000 bachelor personnel.

Of particular note this year was the administration's request for approval of a number of air and water pollution projects. These numbered over 100 and cost approximately \$75 million.

The subcommittee members of the Senate Armed Services Committee have heard witnesses on all portions of the bill. Particular study was given to certain provisions of the bill, specifically the Marine barracks expansion in Washington, D.C., and the Culebra firing range in Puerto Rico.

Also, of special interest was the addition by the House Armed Services Committee to the military construction bill of \$2.3 million for construction of an elementary school building to be located at Bolling Air Force Base.

These three issues proved to be the most controversial which the subcommittee faced.

The subcommittee acted favorably on the request of the Navy for \$700,000 in funds to acquire about 1 acre of land in the District of Columbia which contains some 24 housing units and two small businesses. Special language was included in the bill to insure fair treatment of those persons presently occupying this property. The land is to be used for a much needed and long overdue expansion of the Marine barracks in the District of Columbia.

Second, the subcommittee has requested the Defense Department to make a detailed study by April 1, 1971, of the Culebra issue. This is a small island group off Puerto Rico which the Navy has used for years as their Atlantic Fleet test firing range. This firing range is critical to Navy test and training programs and, despite extensive efforts to date, an adequate substitute area has not been located.

Third, the need for a school on the Bolling-Anacostia grounds to provide a proper educational environment for military dependents residing in that area was proposed by the House Armed Serv-

ices Committee. The House added \$2.3 million to the bill for construction of an elementary school to meet this special need. Witnesses appeared before the Senate subcommittee citing the circumstances which they felt justified this request. I do not concur in the decision of the subcommittee to reject this project.

Leaders of the Military Parents Association of Washington, D.C., appeared before the Senate subcommittee and made out a strong case. They are merely asking that the Government meet its obligation to provide safe and adequate school facilities for children of military dependents. District of Columbia schools have failed to provide such an environment. The record is full of cases where these children of military personnel have been assaulted or robbed. We cannot continue to ignore the plight of these families.

Finally, Mr. President, the work of the subcommittee has gone most smoothly because of the outstanding leadership of the Senator from the State of Washington. Able assistance has been provided, as in past year, by Mr. Gordon A. Nease, professional staff member, and his efficient secretary, Miss Mary E. Keough.

The distinguished Senator from Colorado (Mr. DOMINICK) contributed greatly to the successful consideration and preparation of the bill. It was a pleasure for the minority members to work with him. I urge favorable consideration of the bill by the Senate.

Mr. GOLDWATER. Mr. President, will the distinguished Senator from Washington permit me to ask him a few questions?

Mr. JACKSON. Mr. President, I am glad to do so.

Mr. GOLDWATER. Mr. President, referring to page 14 of the report as it relates to the cadet activities building at West Point, I want to make it clear for the Record that the subcommittee did authorize an additional sum of money in the amount of \$10,738,000. However, the subcommittee stipulated that the money not be appropriated. Is that a correct statement?

Mr. JACKSON. The Senator is correct.

Mr. GOLDWATER. West Point and the Army understands that they will have to get the money from their own sources.

Mr. JACKSON. The Senator is correct. The authorization is not in addition to other programs. On the contrary, it will be necessary, as the Senator from Arizona has pointed out, for the Army to take and obtain this money out of other programs. However, they are authorized to go ahead on that basis.

Mr. GOLDWATER. Mr. President, I might point out at this time that the experience at West Point is similar to the experience met in other areas of the United States where local unions have not been allowed to form.

As I understand it, at West Point the pay is portal to portal from as far away as New York City, and at Fort Huachuca, Ariz., from as far away as Tucson, a distance of 70 miles. For the Army, at Yuma, there would be the same situation. However, there is no other town close to it.

I would hope there would be some way, through the subcommittee and the full committee possibly working with the Secretary of Labor and with the labor movement itself, that we might be able to change this so that where we have a situation like West Point, located a long ways away from the nearest location, the unions themselves would authorize the establishment of locals nearby.

This involves a tremendous cost. Some of these costs can run as high as \$40 an hour.

If we have to continue this, I do not see any way in which we can make a proper guess, or even an estimate, as to what the construction cost will amount to at West Point and other remote sites.

I point out that the particular bill we are talking about has increased by about 64 percent. I would say that most of it is in the cost of the labor and that the rest of it is in building on that hard granite they have there.

In closing, Mr. President, I am in complete agreement with what the subcommittee has further recommended at the bottom of page 14 of the report; namely, that a Facilities Advisory Board be appointed to assist in the planning and review of the West Point Academy construction program.

I am happy to inform the chairman of the subcommittee that the Board has either been fully appointed by this time or it is in the process of being appointed.

It has not been the easiest thing to get a number of qualified retired engineers and architects, graduates and non-graduates of West Point, to agree to assist in this difficult job.

Mr. President, I am glad that the subcommittee and the full committee has recommended this. I point out that at no time in history at West Point has there ever been a facility where the entire corps can be gathered. This will now be possible. I understand that this will be called Eisenhower Hall. West Point will have the proper facilities.

I take this opportunity to thank the chairman of the subcommittee, the Senator from Washington (Mr. JACKSON), for his diligent learning and constantly applied work in this field. It is not easy. It requires great knowledge of the subject, which the Senator has.

While I was not of too much help to him this year because of absence, it has been a real pleasure for me to serve with him on this subcommittee.

Mr. JACKSON. Mr. President, I thank my good friend, the able junior Senator from Arizona.

Mr. President, I do want to take this opportunity, too, to express my appreciation to all members of the subcommittee.

We worked together on a completely nonpartisan basis, as we have done in the past. By holding joint hearings with the Appropriations Subcommittee on Military Construction, I think that we were able to do a much better job again this year, as we have in the past.

I want especially to express my deep appreciation to our very able staff people—Gordan A. Nease, and Mike Rexroad of the Appropriations Subcommittee. Mr. Nease serves as the staff director

for the subcommittee of the Armed Services Committee. Without their help, as always, we know this job could not have been done.

I want to thank the distinguished Senator from Arizona for his special interest in this problem at West Point.

We have been trying, as the Senator is aware, for several years to try to bring the costs in line. We hope now that, with the final warning we have provided here, this rather sticky problem will finally be resolved in a way that will avoid further overruns in the future.

Mr. BAKER. Mr. President, I call up my amendment which is at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

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

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

The amendment proposed by the Senator from Tennessee (Mr. BAKER) on behalf of himself and the Senator from New York (Mr. JAVITS), ordered to be printed in the RECORD, is as follows:

On page 104, line 6: beginning with the word "unless" strike out all through the word "date" on line 9 and insert in lieu thereof the following: "and on Agua Cay no later than January 1, 1973, and to terminate all weapons range activities on Culebra and within three nautical miles thereof not later than January 1, 1976, unless the President of the United States determines that the national security of the United States requires the continuation of any such activities beyond such date or dates and that no satisfactory alternative site or sites can be made available."

Mr. BAKER. Mr. President, I neither hope nor expect to detain the Senate long on this matter. I had hoped that the distinguished manager of the bill would be able to accept this amendment, but since he cannot I am bound to present it to my colleagues for their consideration and disposition.

I believe that most—if not all—members of the Senate have some familiarity with the matter of Culebra, a small island 20 miles east of Puerto Rico which has long been the heart or inner range of the U.S. Navy's Atlantic Fleet Weapons Range. On Culebra and the surrounding cays, the Navy carries out ship-to-shore bombardment, air-to-surface aerial bombardment and missile activities, practice mining of coastal waters, and other related naval munitions practice. Each of these activities is of great importance to maintaining the battle readiness of the Atlantic Fleet and must be carried out at some single location or set of locations.

Although the island of Culebra has been inhabited since these operations were undertaken nearly 30 years ago, it is only recently that the use of the island by the Navy has become a matter of serious controversy, both in Puerto Rico and in the United States. At a time when the only common use of the island by the Navy was for the purpose of ship-to-

shore shelling, which is relatively safe and unobtrusive for other and inhabited parts of the island, and at a time when the political situation in Puerto Rico and the rest of the Caribbean was relatively stable and relations with the United States harmonious, there was little objection to the naval bombardment of Culebra.

Today it is different. Ship-to-shore bombardment has been supplemented by heavy and almost daily bombardment by supersonic aircraft. During major fleet operations, such as the annual Springboard exercise, the waters around Culebra are awash with various sorts of military vessels and aircraft, utilizing all kinds of actual and practice ordnance. In an incident now somewhat famous to those who know of the issue at all, a boat carrying Puerto Rican Gov. Luis Ferré was, earlier this year, lying off the waters of Culebra when a Naval shell fell close to the boat and far from its target.

The Committee on Armed Services gave the most careful and commendable consideration to this problem in its deliberation on the pending bill. Under the expert leadership of our distinguished colleague the Senator from Washington (Mr. JACKSON) the committee agreed to an approach to the problem of Culebra that marks a very significant step toward alleviating the problem. The solution of the committee is embodied in section 611, of the old bill, not the star print, which is found beginning at page 56 of the bill, line 8. The section provides that the Secretary of Defense shall conduct an exhaustive study of the Culebra problem and report to the Congress no later than April 1, 1971. The section further provides that the Navy shall avoid any increase or expansion of weapons range activities on Culebra pending the report of the Secretary of Defense to the Congress.

Finally, and of the most immediate significance to the people of Culebra and Puerto Rico, the committee bill provides that all weapons range activities on the eastern shore of Culebra will be terminated by January 1, 1972, regardless of the findings of the Secretary of Defense, unless the President determines that such operations are required by the national security of the United States.

Mr. President, again I commend the distinguished committee or including this section in the bill. I support everything that it does. The investigation and report required by section 611(a) is certainly badly needed and long overdue.

However, in the view of the people of Culebra and the very distinguished Governor to Puerto Rico, Luis Ferré, the committee provision, while highly commendable, does not go far enough. It is at the direct personal request of Governor Ferré, for whom I have the highest personal regard, that I have introduced this amendment today and urge my colleagues to accept it.

What would my amendment do? It would add three simple requirements to the existing provisions in the committee bill. First, it would require that all weapons range activities be ceased on the small and rocky Agua Cay, where aerial

activity has become extremely annoying and disruptive of life in the inhabited parts of the island; these activities would cease no later than January 1, 1973, 1 year later than the end of all operations on the eastern shore. Second, my amendment would provide for the cessation of all weapons range activity on all of Culebra and the adjoining waters no later than January 1, 1976. Third, my amendment would preserve the necessary authority of the President to continue beyond such deadlines any specific activities that he finds essential to the national security, but my amendment would add the requirement that the President also find, prior to such continuation, that "no satisfactory alternative site can be made available." Such a finding is, I think, implicit in the committee language, but it seems to me well that it be made explicit and that a specific finding be required.

Mr. President, there has been a considerable degree of emotionalism connected with this issue. I do not share in that emotionalism. While I am certainly sympathetic to the circumstances in which the people of Culebra find themselves, I do not believe that the use of the island by the U.S. Navy is "shocking," "outrageous," "immoral," "inhumane," or any of the rest of those charged and misleading terms.

What I do believe is that humanitarian and political considerations require that the United States find an alternative site for conducting essential naval weapons range activities within a reasonable period of time. Five years is a reasonable period of time.

The citizens of Puerto Rico are American citizens. As such, the strength of the American Navy should be of as much importance to them as it is to citizens of the 50 States. At the same time, the needs and aspirations of our fellow American citizens in Puerto Rico—where young men enlist and are drafted to defend our country—should be a matter of real concern to this Government.

There is a growing tide of nationalism in Puerto Rico. The people of Puerto Rico are concerned about naval shelling of Culebra. The Governor of Puerto Rico has asked that the shelling be terminated at a date certain. In a letter to all Senators, the people of Culebra have asked that all activities be terminated on a date certain. The distinguished Resident Commissioner of Puerto Rico in the House of Representatives, the Honorable JORGE L. CÓRDOVA, in a letter to all Senators, has asked that all activities be terminated on a date certain. There is no equivocation on the part of these officials who so ably and accurately represent the views of the people of Puerto Rico. I believe that if we ignore these direct appeals to the Congress on behalf of the people of Puerto Rico, we will think better of it later.

Mr. President, I ask unanimous consent that there be inserted in the RECORD at the completion of my remarks the following documents: First, a letter to me from the Honorable JORGE A. CÓRDOVA, dated September 28, 1970; second, a copy of a letter from Mr. CÓRDOVA to Senator HENRY M. JACKSON, of the same date;

and, third, a copy of a letter that was sent to me and to all other Senators dated September 23 by Culebra Mayor Ramon Feliciano, Pablo Munet Santiago, president of the Culebra Municipal Assembly, and Anastacio Soto, president of the Culebra Rescue Committee and Culebra's Fishermen's Association.

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

(See exhibits 1, 2, and 3.)

Mr. BAKER. Mr. President, my amendment would in no way affect the excellent requirement proposed by the Committee that the Secretary of Defense report to the Congress no later than April 1, 1971. If this report, or any subsequent report or finding by the Secretary or the President, indicates that the national security will be seriously impaired by the provisions of this act, or that no alternative site or sites can possibly be made available for such necessary activities, I am confident that the Congress would give the most prompt and thorough consideration to such a finding.

However, I do not believe that it is reasonable to hold out an open ended and vague hope to the people of Puerto Rico and Culebra that just maybe someday all of the bombardment will cease. It seems to me far more just and far better politics to say to the people of Puerto Rico that we intend to stop and we will stop all bombardment of your island by January 1, 1976, unless we find that certain of these activities simply cannot be relocated to other areas and must be carried out in the paramount interest of national security.

I do not wish to detain the Senate any longer, but I strongly urge that the Senate accept this amendment.

EXHIBIT 1

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 28, 1970.
Hon. HOWARD H. BAKER, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BAKER: I enclose copy of letter I have just addressed to Senator JACKSON on the Culebra problem. It expresses the position of the Governor, as well as mine. The Governor would appreciate it if an amendment is proposed on the Senate floor providing for the total phase-out of firing on Culebra and surrounding cays within five years. As you know, this five years phase-out has been recommended by Dr. Robert Killmarx in a report of which you probably have copy, but of which I enclose another copy, as something which is entirely feasible and consistent with the readiness of the Navy for modern warfare.

With warm personal regards,
Sincerely,

JORGE L. CÓRDOVA.

EXHIBIT 2

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 28, 1970.
Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JACKSON: On September 21 I asked the members of the Senate to support Senator Goodell's amendment to H.R. 17604 (the Military Construction Authorization Bill) unless you should be successful in finding an acceptable solution to the problem of Culebra.

Since then the Senate Armed Services Committee has agreed to your amendment,

which in my judgment would lay the foundation for an acceptable solution to the problem. I therefore wish to express to you my support of your amendment.

I am aware of the difficulties involved in obtaining the actual enactment of this amendment, and that its wording inevitably reflects compromise looking toward such enactment. Yet I must point out that it falls short of the solution desired by Governor Ferré in one respect; it does not provide for a total phase-out of firing on Culebra and its surrounding cays within five years.

I have just discussed this matter with Governor Ferré, and I am authorized to convey to you his position in this respect, as well as his appreciation, which I fully share, for the great interest you have taken in this matter, the effective work which you have done, and the very substantial contribution which has resulted from your interest and your work.

With warm personal regards,

Sincerely,

JORGE L. CÓRDOVA.

EXHIBIT 3

ESTADO LIBRE ASOCIADO DE
PUERTO RICO,
GOBIERNO MUNICIPAL DE CULEBRA,
Culebra, Puerto Rico, September 23, 1970.

AN OPEN LETTER TO EVERY U.S. SENATOR

DEAR SENATOR: We, as representatives of the citizens of Culebra, after consultation with them, declare that the overwhelming majority of the people of Culebra strongly urge passage of the Goodell-Cranston Amendment to end the naval shelling and bombardment of our island. The people of Culebra have endured this weapons practice for thirty-four years, and they believe that the time to call a halt is now! We are unwilling to endorse even one more day of anxiety and fear for our children, our wives and our fellow citizens. The people of Culebra have voted today at an open meeting to urge that the Goodell-Cranston Amendment be brought to a vote in the Senate. We believe that our basic rights as American citizens support this position.

We have been informed, however, that political realities will make it difficult to gain acceptance of this amendment in the Senate-House Conference Committee. We also recognize that, because the Navy has not been as diligent as it could have been in preparing for the use of alternative sites, arguments can be made in support of a more gradual withdrawal. Based on these two assumptions, we have consulted with our fellow citizens to discover the most unpalatable conditions which they reluctantly can accept with dignity. These conditions, which have been carefully considered and which represent our greatest concession and *not* a bargaining position, are:

(1) that the Navy terminate its weapons practice on the eastern portion of Culebra and the cays within three nautical miles thereof not later than January 1, 1972;

(2) that the Navy cease its weapons activities on Agua Cay not later than January 1, 1973;

(3) that the Navy cease all of its remaining weapons activities on Culebra and the surrounding cays not later than January 1, 1976;

The removal of weapons activity from Agua Cay is particularly important, because the target on Agua Cay, which is used for aerial jet bombardment, is the most objectionable target to the people living in the town of Dewey, for several reasons: (1) Agua Cay is the closest aerial bombing target to the town; (2) Agua Cay is the most disturbing target in terms of interference with air and ship traffic between Culebra and Puerto Rico; (3) Agua Cay is, after Cuelbrita, the most important fishing area; (4) the jets that use Agua Cay frequently pass over the town at super-

sonic speeds and low altitudes, causing great discomfort.

In addition, the people of Culebra cannot understand why the Navy should be permitted to acquire one-year, nonhabitation easements over the eastern portion of the island. If land speculation is the concern, can not authorization for the acquisition of easements by the Navy be conditioned, at least, upon the failure of the government of Puerto Rico to freeze development of this land before the enactment of the military construction authorization bill into law? If there are no alternatives to the easements as an assurance against the exploitation of this land by land speculators, there are two conditions which the people support: (1) if the purpose of the easements is really to prevent land speculation, an exception must be made for one-family dwellings of full-time residents; (2) the farmers of Culebra demand that they be permitted to continue to administer and control their own farms.

Although the Culebrans have many courageous supporters in the United States Senate, we would like to express our gratitude to two Senators who have been friends of Culebra: Senator Goodell and Senator Jackson. Without their efforts, we would not hold the hope and confidence which we all now share in the future of Culebra. Each man has supported the democratic wishes of our people in his own way, but each has made an enormous contribution to our cause.

Respectfully yours,

PABLO MUNET SANTIAGO,
President, Municipal Assembly.

RAMON FELICIANO,
Mayor of Culebra.

ANASTACIO SOTO,
President Culebra Rescue Committee,
and Culebra Fishermen's Association.

Mr. BAKER. 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. BAKER. 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. GOODELL. Mr. President, I want to express my respect to the Senator from Tennessee for his efforts to resolve this problem. He has been concerned about it, as has also the chairman of the Armed Services Subcommittee (Mr. JACKSON). He has expressed his concern. He has called upon the Navy to give explanations and justifications. He has met with the subcommittee a number of times to try to resolve this problem.

On September 1, I reintroduced an amendment to the military construction authorization bill which I had previously introduced to the military procurement authorization bill. That amendment called for immediate cessation of the Navy's shelling and bombardment of the Island of Culebra, which is a part of Puerto Rico on which nearly 800 American citizens live.

I withdrew that amendment to the military procurement authorization bill in order to allow time for the Subcommittee on Military Construction of the Armed Services Committee, of which the Senator from Wahington (Mr. JACKSON) is chairman, to negotiate with the Navy on the question of Culebra.

Section 611 of the pending legislation represents the product of that negotia-

tion. The Senator from Washington (Mr. JACKSON) and his subcommittee have labored long on this issue, and I know that they share the goal of the Culebrans—the total cessation of shelling on the island.

Nevertheless, section 611 is inadequate to meet that objective, and it, therefore, does not, as it now stands, serve the interests of the Culebrans. Section 611 is inadequate in two major respects.

First, it provides for withdrawal by the Navy from the eastern part of the island, contingent upon national security considerations, by January 1, 1972. In covering only the eastern third of Culebra, section 611 fails to provide for cessation of shelling in the area of Dewey, the population center of Culebra; Flamingo Beach, a recreation and fishing center off Dewey; and Agua Cay, a wildlife and fishing center just off Culebra.

Section 611, therefore, fails to cover those areas which the Culebrans most cherish and which there is most need to cover in this bill.

Section 611 provides, also, for withdrawal from even the limited portion of Culebra which is covered unless the President of the United States determines that the national security of the country requires the continuation of such activities beyond January 1, 1972. The national security exemption, in my opinion, will nullify the intention of the Senator from Washington's (Mr. JACKSON) insertion of section 611, and will lead to indefinite extension of Navy shelling of Culebra.

The argument is made in support of the national security exemption that the political cost in 1972 of invoking that exemption and continuing shelling of Culebra will be so high that the President will not dare do so. I would argue, however, that it will be possible for a low-level Navy official to make the decision and to continue shelling without high political cost, since the Navy has already told Congressman BENNETT's Real Estate Subcommittee in the House and Senator JACKSON's subcommittee in the Senate that national security requires continued shelling, and that there is no alternative that would meet the Nation's national security goals.

Can we expect the Navy and the President to change their minds when they have already twice, in response to requests from the Congress, responded in such a way as to preclude withdrawal from Culebra?

Mr. BAKER. Mr. President, would the Senator from New York yield to me long enough for me to ask for the yeas and nays on the amendment?

Mr. GOODELL. I yield.

Mr. BAKER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GOODELL. Mr. President, I wonder how long we should go on compromising on an issue like this? American citizens are being shelled. The President of Puerto Rico, a few months ago, was cruising on his yacht near Culebra and almost was hit by one of the Navy's shells. There have been injuries and deaths. Members of Congress and Senators and committees have asked for an

explanation, and all we get from the Navy is generalizations—it is necessary for the national security. They do not tell us why specifically. We have had expert studies that have indicated clearly that we could have alternates—either another island or artificial islands which could be satisfactory for the Navy's purposes.

While the people go on being shelled in Culebra, all we get is excuses from the Navy and a strong positive statement that there is no alternative; they just have to go on shelling Culebra.

If they were shelling a section of the State of Washington or Long Island, when American citizens were nearby and in jeopardy, I wonder if it would take us so long to bar the Navy from this kind of activity. People on Culebra are as much American citizens as you and I. They have some rights. Culebra is an island that has rather great potential for development on behalf of the Culebrans, but not while the Navy is there shelling.

We are talking about an amendment here offered by the Senator from Tennessee that would take effect by 1972, provided the President did not make a determination to have it go further.

Then we have a further provision that it would be effective by 1976—again provided the President did not make a determination that it was in the national security to go beyond that—6 years from now.

I see no reason why Congress should not assert itself at this time. Since the Navy has preferred to give us notification, my own preference is my amendment, which would immediately bar the shelling. It would not go on any more. But if we do have concern that perhaps there is some justification here, and until a substitute is found which could involve the national security, why do we not give the Navy a deadline in the future and say, "You have got to get out of there by January 1, 1972—period"? Then the Navy Department, the executive branch, will be on notice that "This is the intention of Congress, this is the will of the Congress; find yourself a substitute."

We know perfectly well that the general language here is not going to induce the Navy to take the kind of initiative, the kind of action necessary to provide an alternative, because the Navy has testified before our committees. The Navy has said there is no alternative; it is the Navy's intention to just stay there.

Now we have an amendment before us which provides that somebody in the Navy Department, in the name of the President, can say it is in the national security interests to remain there even after the date we set, and even 6 years from now. What kind of justice is that for American citizens, almost 800 of them, who live on the Island of Culebra? The shelling is going to go on—we know that—under this amendment.

As a further fallback, even if we are going to take the Baker amendment, we should require that Congress share in this decision. If there is a determination by the President that it is in the national security to continue the shelling beyond the date we set, we ought to have the

President come up here and make that recommendation and persuade Senators like the distinguished Senator from Washington, chairman of the subcommittee, that they really do have some reasons why it has to be done beyond that date, to assure us that it is not a decision made by a Navy Department official who finds it is too much trouble for them to find an alternative, and who just wants to stay there.

I commend the Senator from Washington for the pressure he has already put on the Navy. But I am saying this is not enough pressure. We have got the Navy to move just a few little inches. They still are saying it is absolutely necessary to remain there, and to go on with the shelling.

I see no indication that the Navy has gotten the message that the chairman of the Armed Services Subcommittee on Military Construction wants the Navy out and wants the Navy to cease its shelling. I say the Navy is not going to get the message from this amendment. The Navy is not going to get the message from the provisions of sections 611 that are now in the bill.

Mr. President, I shall vote for the Baker amendment at this point, because it is better than the provisions of the bill as it now stands; but I shall offer an amendment to the Baker amendment which would require that not only the President, but Congress as well, make this determination that it is in the national security interest to be an exemption, and they be permitted to continue shelling after the date set in the Baker amendment.

We are talking about 6 years. We are talking about an effective date for the initial phase of this amendment over a year hence. I see no reason why, if there is justification, it cannot be brought to Congress to persuade us. It certainly has not been brought to Congress up to this point. No one has given us any specifics in secret, in confidence, or openly in public, to justify the continued shelling.

So, Mr. President, I send to the desk at this point an amendment to the Baker amendment.

The PRESIDING OFFICER (Mr. CASE). The amendment will be received.

Mr. GOODELL's amendment is as follows:

On line 8 of the pending amendment of the Senator from Tennessee (Mr. BAKER) strike out the word "determines" and insert in lieu the following: "and the Congress of the United States by joint resolution determine"

Mr. JACKSON. Mr. President, together with other members of the Subcommittee on Military Construction of the Armed Services I have been actively engaged in seeking to find realistic and practical alternatives to the Department of the Navy's present Atlantic Fleet weapons training activities now being conducted on and near the island of Culebra off the coast of Puerto Rico. This effort has involved a special hearing before the Subcommittee on Military Construction on August 11; numerous meetings with the Secretary of the Navy and his representatives; meetings with the Governor of Puerto Rico, the mayor of Culebra, and attorneys for the municipality of Culebra; and extensive discussions with the State Department, the Department of the Interior, and the White House.

The Culebra situation presents a complex problem which will not yield to simple answers. It raises important questions concerning the safety and well-being of the residents of Culebra, the natural environment of the area, the political relationship of Puerto Rico to the United States, and the Nation's national security interest in insuring that the young men who fly Navy aircraft and man Navy weapons are given the best possible armaments training. The importance of this latter point was emphasized with the deployment on September 18 of the attack aircraft carrier *John F. Kennedy* to the Mediterranean. When deployed in connection with the crisis in the Mideast the *John F. Kennedy* was engaged in training exercises near the Culebra complex of the Atlantic Fleet Weapons Range. More recently, reported Russian attempts to secure a submarine base in Cuba underscore the importance of the Atlantic Fleet's training mission.

All of these matters were carefully considered by the committee and are reflected in the language of section 611 of the bill and in the committee's report. The amendment adopted by the committee and the directives contained in the report furnished a sound and a realistic interim solution which is responsive to the desires of the people of Culebra and which does not endanger national security or the preparedness of the men assigned to the Atlantic Fleet.

Section 611 as approved by the committee provides for the following:

First. The Department of the Navy is directed to terminate, no later than January 1, 1972, all weapons range activities on the eastern coast of Culebra and on the Island of Culebra and adjoining cays.

Second. The Department of the Navy is directed not to increase or expand present activities pending the Secretary's completion of the report and transmittal of his recommendations.

Third. The Secretary of Defense is to undertake a study and prepare a report on all feasible alternatives, geographical and technological, to the training activities now taking place in Culebra.

Fourth. The report, together with the Secretary's recommendations, is to be transmitted to the President and to the Armed Services Committees no later than April 1, 1971.

Fifth. In preparing the report and recommendations the Secretary is directed to consider environmental factors, safety, the economy of Culebra, and political ramifications as well as national security.

Sixth. The Secretary is directed to consult with the people of Culebra, the government of Puerto Rico, and all appropriate Federal agencies.

In addition to the express directives set forth in Section 611 of the bill, the committee's report directs that the following actions be taken:

First. Pending completion of the re-

port and an opportunity to act on the Secretary's recommendations no Walleye missiles are to be fired on Culebra or adjoining cays.

Second. Aircraft overflights over the town of Dewey are to be avoided.

Third. Advance notice of training schedules is to be given.

Fourth. Six hundred and eighty acres of land are to be transferred to the government of Puerto Rico.

Fifth. A safety zone in the area adjoining the northwest peninsula's ship-to-shore impact area is to be established.

Sixth. A temporary nonhabitation easement on the eastern portion of Culebra is to be acquired to insure safety while the Navy phases out of this area by January 1, 1972. This easement will also serve to prevent land speculation and unplanned development and subdivision. This will furnish Puerto Rico and the Congress an opportunity to consider the creation of a National Recreation and Seashore Area on the eastern part of the island and on the adjacent islands and cays. At present, much of this property is in Federal ownership and has great recreational potential.

Mr. President, the junior Senator from New York and the Senator from Tennessee have both expressed strong concern over the impact of the Navy's activities on the safety and solitude of the people of Culebra. I must say that I share their concern. I know they are deeply disturbed, as is the chairman of the subcommittee and the members of the committee. On the basis of many meetings and a careful review of a great deal of information, it is my view that the committee's amendment is reasonable and deserving of the Senate's full support.

The amendment is, in part, an interim solution. It terminates the most objectionable activities on the eastern coast of Culebra, but preserves for future determination the activities on the western coast. A decision on these activities would be made after completion of the Secretary's report on April 1, 1971. This will insure that all alternatives are considered in an orderly fashion and that appropriate changes may be implemented without undue disruption of the Atlantic Fleet's important weapons training mission.

Mr. President, I should like at this point to have printed in the RECORD section 611 of the act and the pertinent language from the report explaining the provisions of section 611.

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

SEC. 611. (a) The Secretary of Defense is directed to undertake a study and to prepare a report on the weapons training now being conducted in the Culebra complex of the Atlantic Fleet Weapons Range. This study shall consider all feasible alternatives, geographical and technological, to the training now taking place in the Culebra complex, and shall result in specific recommendations for, together with the estimated costs of, moving all or a part of such activities to a new site or sites, and appropriately modifying such activities to minimize danger to human health and safety. In preparing such

study, the Secretary is directed to consider the impact of each of the alternatives on:

(1) the safety and well-being of the people who live on Culebra;

(2) the natural and physical environment of Culebra and adjoining cays and their recreational value;

(3) the development of a sound, stable economy in Culebra;

(4) the unique political relationship of Culebra and Puerto Rico to the United States;

(5) the operational readiness and proficiency of the Atlantic Fleet; and,

(6) national security.

(b) In preparing the report required by this section, the Secretary shall consult with the people of Culebra, the Government of Puerto Rico, and all appropriate Federal agencies having jurisdiction or special expertise on the subject matter involved. The report required by this subsection shall be transmitted to the President of the United States and to the chairmen of the Committees on Armed Services of the Senate and the House of Representatives no later than April 1, 1971.

(c) The Department of Navy is directed to terminate all weapons range activities conducted on or near the eastern coast of Culebra and the cays within three nautical miles of the eastern coast no later than January 1, 1972, unless the President of the United States determines that the national security of the United States requires the continuation of such activities beyond this date.

(d) Pending the completion of the report required by this section and its review by the President of the United States, the appropriate committees and the Congress, the Department of Navy is directed to avoid any increase or expansion of the present weapons range activities in the Culebra complex and, wherever possible, without degrading the training activities, to institute procedures which will minimize interference with the normal activities and the solitude of the people of Culebra.

NAVAL ACTIVITIES ON ISLAND OF CULEBRA

In section 611 the Committee has adopted language which directs the Secretary of the Defense to undertake a thorough study and to prepare a report on all feasible alternatives, geographical as well as technological, to the weapons training now taking place on the island of Culebra and adjoining cays. The language of the Committee amendment specifically directs the Secretary to consider a wide range of factors in making the study and in developing recommendations to the Committees on Armed Services, to the President, and to the Congress. These factors include national security, the operational readiness of the Atlantic Fleet, the political relationship between Puerto Rico and the United States, Culebra's economy, the natural environment, and the safety and well-being of the people who live in Culebra.

The Secretary is also directed to consult with the people of Culebra, the government of Puerto Rico and other Federal agencies in undertaking the study and in the preparation of the report. Pending transmittal of the report and a reasonable period of time for the Committees to act on the Secretary's recommendations the Department of the Navy is directed to avoid any increase or expansion of its training mission in the Culebra complex and, wherever possible, to undertake actions which will reduce or eliminate potential areas of friction and misunderstanding between the Navy, the people of Culebra and the government of Puerto Rico. The report is to be transmitted to the President and to the Committees no later than April 1, 1971.

Subject to a determination by the President of the United States that the Nation's national security requires the continuation of

the activities involved, the Department of the Navy is directed to terminate weapons range activities on or near the eastern coast of Culebra and adjoining cays no later than January 1, 1972. The Navy has recently terminated live bombing in this area and the remaining activities consist of strafing targets and inert bombing activities. It appears that these aspects of the Navy's mission may be met by better scheduling and by increased use of areas on and near Vieques Island, areas near the western coast of Culebra and other areas.

ACTIONS ALREADY UNDERTAKEN

The Committee is advised that the Navy has already undertaken a wide range of actions designed to make the Navy's training program more compatible with the aspirations and desires of the people of Culebra. These actions are discussed in a September 23, 1970 letter from Secretary Chafee to Senator Jackson, Chairman of the Subcommittee on Military Construction. They include suspension of weekend training activities except in extraordinary circumstances; making Flamingo Beach on the Northwest coast available for weekend use by the people of Culebra; suspension of live bombing on the islands and bays east of Culebra; advance notice and publication of training schedules; installation of warning lights and flags; the assignment of a full time officer to Culebra to work with the local community; and the creation of employment opportunities for the residents of Culebra. The Secretary's letter follows:

DEPARTMENT OF THE NAVY,

OFFICE OF THE SECRETARY,

Washington, D.C., September 23, 1970.

Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JACKSON: In response to your request for information as to what the Navy is doing to make its training operations around Culebra less inconvenient to the local citizens, I am pleased to furnish you with the following information:

1. All weekend training around Culebra has been suspended except in extraordinary circumstances where such training is necessary to meet an operational commitment, for example, a ship deploying to the Mediterranean in the current crisis. This procedure is being strictly adhered to, and I can assure you that weekend training is no longer scheduled for the convenience of a visiting ship or aircraft squadron.

2. We are concentrating our greatest efforts in avoiding weekend training on the ship-to-shore bombardment exercises on the northwest peninsula. This will mean that Flamingo Beach will be available on Saturdays and Sundays for use by the people of Culebra, except in unusual circumstances.

3. Several weeks ago Mayor Feliciano of Culebra told Frank Sanders, Assistant Secretary of the Navy (Installations and Logistics) and Joseph A. Grimes, Jr., my special assistant, that the people of Culebra were most bothered by: (a) The live bombing of Shark Rock and Palada Cays and (b) The use of Ladrones Cay and Culebrita as targets. Accordingly, we have suspended all live bombing of Shark Rock and the Palada Cays (the only live targets on the cays and rocks to the east of Culebra). We are also making every effort to use the Vieques and west Culebra air-to-ground targets whenever possible so as to reduce use of the east Culebra targets to a minimum.

4. Several weeks ago we began publishing training schedules in the Puerto Rican press on Fridays for the following week. Changes are authorized only when operationally necessary and never with less than 24 hours notice. This, incidentally, is a further step in advance scheduling over the 72 hour ad-

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vance notice procedure we instituted earlier in the summer. Hopefully, it will make planning easier for fishermen, yachtsmen and tourists as well as for the people of Culebra.

5. We are installing additional warning lights and bravo warning flags, and we have requested Mayor Feliciano's assistance in finding a location in downtown Dewey to hoist the red warning flag when the range is in operation. We also plan to acquire range safety boats that will help clear the area when boats inadvertently enter a restricted area while the range is in operation.

6. The Navy has established a billet for a full time officer on Culebra to work with the local community to assure that all avoidable inconveniences to the people are in fact avoided; that claims and complaints, if any, are expeditiously dealt with, and that possible Navy assistance to the community will be brought to the attention of higher authority. We have looked carefully for the right man, and we have now located a Spanish speaking officer with extensive experience in Latin America. We expect that he will report to Roosevelt Roads within the next few weeks.

Those are some of the steps the Navy is taking to make its training exercises around Culebra less of a burden to the people of the island. There is, however, another element, besides the level of inconvenience, that determines how a local community reacts to a military presence. That element is the positive contribution the military makes to the community.

In the past the Navy has helped with school books, ball fields, and water and molasses for the cattle during periods of drought, but many Culebrans have felt that the Navy presence on Culebra did not, on balance, benefit the community. Now, however, in addition to the steps mentioned above, we are starting to hire more Culebrans for work on the range. This will not only improve range safety but will also greatly assist the economy of the island. In fact, the number of applicants greatly exceeds the number of jobs available.

Despite many instances of good community relations in the past, it is fair to say that the Navy did not pay sufficient attention to the needs and desires of the people of Culebra. Part of the reason was that the Navy for many years expected the Culebrans to be resettled to some other location in Puerto Rico, both for their benefit and the benefit of the Navy. As you know, we abandoned that plan earlier this year, and now the Navy is making renewed efforts to adjust its training schedules to the desires of the people of Culebra. These efforts are being made in good faith, and we feel that in time most Puerto Ricans will accept them in that light.

Sincerely yours,

JOHN H. CHAFEE,
Secretary of the Navy.

COMMITTEE RECOMMENDATIONS

The Committee concurs in the actions already undertaken by the Department of the Navy to improve community relations. In addition to the actions already undertaken or planned by the Department of the Navy the Committee directs that the following additional actions be taken:

1. Walleye Missile

Culebra island on the eastern coast of Culebra has been designated by the Navy as a target for training operations using the Walleye Missile. The prospect of firing this and perhaps other missiles on Culebra has caused a great deal of apprehension and fear among the residents of Culebra. The Committee believes that this activity can be performed elsewhere without serious degradation in the quality of the Navy's training program. In view of these factors, pending completion of the report and an opportunity to act on the Secretary's recommendations, the Committee directs that the Walleye Missile not be fired at Culebra or adjoining cays.

2. Overflights

The Committee directs that all possible efforts be made to avoid overflights over the town of Dewey and other occupied areas of Culebra.

3. Training Schedules

Advance notice of training schedules is desirable and will go far towards improving community relations and in avoiding an accident which could endanger lives or property. The officer assigned to Culebra should be given authority to insure compliance with the schedules and should be equipped with a communications system which will enable him to give timely warning to the people of Culebra if there should be any change in schedule due to extraordinary circumstances.

4. Disposal of Land

Disposal Report No. 300 submitted by the Department of the Navy proposes the transfer of some 680 acres of Federally owned land to the government of Puerto Rico. This land is near the town of Dewey and on the municipality's harbor. The Committee concurs in the proposed transfer.

5. Acquisition of nonhabitation easements

Acquisition Report No. 102 submitted by the Department of the Navy proposes the acquisition of nonhabitation leasehold interests on 2,350 acres of land on Culebra. The purpose of the acquisitions are to establish safety zones which will permit continued grazing and agricultural use, but which will prevent the construction of permanent residences within the safety zone areas. The acquisitions are in two blocks. The first is on the Northwest corner of the island and is adjacent to the Northwest Peninsula which is the impact area for ship-to-shore firing. The second is on the eastern part of the island and provides a safety zone for activities conducted on Culebra and adjoining cays.

The Committee recommends that the Northwest safety zone nonhabitation easement be acquired pursuant to the terms proposed by the Navy.

The Committee recommends that the eastern safety zone nonhabitation easement be acquired until January 1, 1972. At this date activities on the islands east of Culebra will cease.

6. Recreational value

On August 24, 1970, the Chairman of the Senate Interior Committee wrote to the Secretary of the Interior requesting a report on the suitability of the island of Culebra and adjoining cays for some form of national recreation or seashore area status. On September 8, 1970 the Department of Interior replied that "Culebra has been identified as having public recreational potential" in an inventory and study of the islands of the United States. The Bureau of Outdoor Recreation's report, "Islands of America" should be available to the Congress by October 1970.

In view of the recreational value of this area, its uniqueness, and the fact that substantial portions are now in Federal ownership, the Committee believes that the status quo should be maintained until the Secretary's report and recommendations are received and acted upon. The nonhabitation easement on the eastern portion of Culebra will insure safety, preserve the status quo and will prevent development of the area by land speculators and subdividers.

Mr. JACKSON. Mr. President, I have received this morning, upon my return to the city, a letter from the Secretary of the Navy, dated September 29, 1970, and I should like to read the pertinent parts of Secretary Chafee's letter. I ask unanimous consent that the entire letter be printed at this point in the RECORD.

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

DEPARTMENT OF THE NAVY,

Washington, D.C., September 29, 1970.
Hon. HENRY M. JACKSON,
Washington, D.C.

DEAR SENATOR JACKSON: The rumblings on Capitol Hill are audible here in the Pentagon. Therefore, I feel that I should once again describe the training conducted around Culebra.

The training conducted at the Atlantic Fleet Weapons Range is essential to fleet readiness. The complex includes training areas on and around Culebra, at Vieques, at Roosevelt Roads, San Croix and 118,000 square miles of open ocean. Culebra is a vital part of this complex which provides integrated fleet training for the ships of the Atlantic Fleet.

Ninety percent of the Atlantic Fleet's ship-to-shore gunfire training is conducted on the northwest peninsula of Culebra, and eighty percent of the air-to-ground weapons delivery training done at the Atlantic Fleet Weapons Range is done on the rocks and cays to the east and west of Culebra. It is a unique area and one for which we have yet to find a suitable substitute.

Your proposed amendment does restrict this training and, therefore, it must have an effect on the overall readiness of the Fleet. However, by giving us some time to realign schedules and targets for the eastern range, you do provide us a means of compensation for this restriction. It is better, or course, than eliminating the entire Culebra complex as a training area at this time.

Those amendments that require the Navy to either leave immediately or provide an unrealistic and artificial deadline for leaving can only be described as detrimental to the readiness of the Atlantic Fleet.

If we were to lose Culebra as a target area for naval gunfire support we would have to increase the use of Bloodsworth Island in the Chesapeake Bay. This, coupled with the limited ability of Vieques to absorb additional naval gunfire training without an unacceptable reduction in Marine training, would permit only sixty percent of the Atlantic Fleet's ships to complete gunfire support training because of the limited capabilities and potential inherent in Bloodsworth Island and Vieques. The actual degradation of naval gunfire support training would be qualitatively reduced in excess of forty percent.

With respect to the air-to-ground training, the Navy and Marine Corps have eight targets in the Atlantic Fleet Weapons Range, seven of them around Culebra. These are used for the advanced training of squadrons, maintenance of combat efficiency of embarked carrier air wings and task force training. If the seven Culebra targets were lost, the advanced training would, of necessity, be required to be done elsewhere. Other available targets could absorb only fifty-five percent of the target time now used at Culebra. Therefore, it is evident that forty-five percent of advanced squadron combat efficiency and task force training requirements could not be accomplished.

The gradual phasing out of gunnery and bombing on Culebra and its cays would require new technology for weapons systems training and evaluation of ships and aircraft and their crews. Or, it would require suitable alternatives to Culebra. The Navy has and is continuing to work toward developing these new technologies, but the state of the art is not sufficient yet to provide a substitute to Culebra.

Some have suggested floating islands or platforms but neither of these is now a practical alternative because of the state of the art and the cost. Further, Navy studies thoroughly conducted over many years have concluded that there is no island alternative to Culebra. The many and varied alternatives mentioned by the press and others have been investigated and they have not proven to be suitable alternatives to Culebra.

bra. Therefore, the elimination of Culebra as a training area at this time or at some future but inflexible date without a viable alternative would certainly degrade fleet readiness. That, as you know, is not an academic subject. Fleet readiness or the lack thereof is real and of great concern to this country. Recent events in the Mediterranean and the subsequent reaction of our fleet there served to highlight the essential quality of the need for the highest state of fleet readiness. It may be of interest to you to know that all of the more than forty combatant ships serving in the Sixth Fleet trained at the Atlantic Fleet Weapons Range and, therefore, on the targets on and around Culebra.

The integrated fleet training and advanced training they received there makes them ready to do whatever our country calls upon them to do. Without it, they would not be as fully trained and capable to professionally and efficiently carry out the tasks that could be assigned to them. Therefore, this training is essential to the safety and well-being of the men who sail our ships and fly our aircraft and to the readiness of the Fleet to carry out its mission.

I have written and spoken to you before on the matter of Culebra, and this letter is to reinforce the Navy's position in the face of active debate on the subject.

If I can be of further assistance to you in providing information, please do not hesitate to call on me.

Very best personal wishes.

Sincerely yours,
JOHN H. CHAFEE,
Secretary.

Mr. JACKSON. The pertinent parts I should like to read are as follows:

The training conducted at the Atlantic Fleet Weapons Range is essential to fleet readiness. The complex includes training areas on and around Culebra, at Vieques, at Roosevelt Roads, San Croix and 118,000 square miles of open ocean. Culebra is a vital part of this complex which provides integrated fleet training for the ships of the Atlantic Fleet.

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Therefore, it is evident that forty-five percent of advanced squadron combat efficiency

and task force training requirements could not be accomplished.

The gradual phasing out of gunnery and bombing on Culebra and its cays would require new technology for weapons systems training and evaluation of ships and aircraft and their crews. Or, it would require suitable alternatives to Culebra. The Navy has and is continuing to work toward developing these new technologies, but the state of the art is not sufficient yet to provide a substitute to Culebra.

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Mr. President, I should like to conclude my remarks on the pending amendment by saying that it may well be the decision of the committee, after hearing from the Navy, that what is contained in the pending amendment should be the final decision. I want to make that very clear.

I also want to make very clear that the committee has not had an opportunity, in the time available, to be able to say that we are in a position to make a final judgment as to what area or areas should be involved in the Navy's weapons training mission. I do think, in all fairness, that the guidelines we have laid down here will make it possible to bring about a final decision by April 1. We have made a start. We have required certain actions to be taken by the Navy in the time set out in the bill. We based that decision on information we had received, which was not disputed. But, Mr. President, I think it would be a mistake to proceed without all the facts. A finding and a decision should be deferred until April 1. By that time, the committee will have the report from the Secretary of Defense. The committee then will be in a position to make a final recommendation. It may well be—and I want to emphasize this—that Congress will then decide to go along with some type of amendment such as the amendment that is now before the Senate.

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

Mr. JACKSON. I yield.

Mr. GOODELL. Mr. President, I want to express my appreciation for what the Senator from Washington has said and what he has done. I, of course, feel at this point that the Navy has had ample time, that there have been studies and restudies, and that in each instance the Navy comes back with a flat assertion that there is no alternative and that they have to continue. But they do not give us any

persuasive evidence of this. To my knowledge, they have not given any persuasive evidence of this to the Senator from Washington, who is the chairman of this very important subcommittee. They have given no persuasive evidence of this to any other Member of the Senate, to my knowledge.

The Senator from Washington has taken an approach that at least we will not leave this whole thing on dead center.

I should like to clarify the legislative history in the viewpoint of the Senator from Washington and, hopefully, the viewpoint of the Senate, that if the Baker amendment is rejected and the Goodell amendment is rejected and section 611 remains in the bill as it now stands, are we saying to the Navy, and is it the intention of the Senator from Washington to say to the Navy, "Look, you go out and find an alternative, if one is available consistent with the national security, an alternative to the continued shelling of Culebra, if there is one available, consistent with the national security"?

Mr. JACKSON. If there is an alternative available, I think they should move to that alternative.

Mr. GOODELL. And we are saying that in section 611, as it stands now, it is our intention that their studies should not be a study to go out and find all sorts of new reasons and justifications for what they are doing. It should be a study aggressively to find an alternative consistent with the national security, if there is one.

Mr. JACKSON. In addition, I point out that the committee will review the findings of the Navy and their report, independent of whatever recommendations they make. We intend to make the final legislative adjudication of this controversy.

Mr. GOODELL. Exactly. But the Senator does agree with my statement that that is our intention in section 611 as it now stands?

Mr. JACKSON. The Senator says it is his intention?

Mr. GOODELL. No, the intention of the Senator from Washington.

Mr. JACKSON. Yes. The whole purpose here is to see to it that every possible alternative is exhausted, so that we will have before us, by April 1, all the alternatives; and if there are no alternatives, then the committee will have to act independently. As I say, we have already moved down that road. We have set target dates, as the Senator is aware, on section 611, for their removal from the eastern side of the island, and three nautical miles on the eastern side of Culebra. We believe that this is a proper step because it is clear that there is no dispute on this point. We would have gone further, but we did not have sufficient information at the time.

Mr. GOODELL. I do not want to delve beyond permissible limits in open session, but I should like to ask the Senator from Washington if, up to this point, the Navy has presented to the Senator, as chairman of the subcommittee, any persuasive evidence that there is no alternative to the shelling of Culebra.

Mr. JACKSON. I am not satisfied—

Mr. GOODELL. I do not say that the study has not been made, but I want to know if there is persuasive evidence which has been presented to the Senator's committee that there is no alternative.

Mr. JACKSON. The Navy has indicated in the past that there is no suitable alternative. I am not satisfied with that conclusion. That is the reason why we have provided that they are to report back by April 1, 1970 as the section provides. It is useful at this point to read the language:

The Secretary of Defense is directed to undertake a study and to prepare a report on the weapons training now being conducted in the Culebra complex of the Atlantic Fleet Weapons Range. This study shall consider all feasible alternatives, geographical and technological, to the training now taking place in the Culebra complex, and shall result in specific recommendations for, together with the estimated costs of, moving all or a part of such activities to a new site or sites, and appropriately modifying such activities to minimize danger to human health and safety—

I might say that in addition to my responsibility on the subcommittee, as chairman of the Interior and Insular Affairs Committee which has legislative jurisdiction pertaining to the government of Puerto Rico, I am deeply concerned about the implications of the current activities in connection with Culebra and that area as they relate to the political impact—the effect these activities will have on our relations in that area of the Caribbean. Thus, I have deep concern not only in connection with my responsibilities as chairman of the Military Construction Subcommittee but I should also emphasize that I feel strongly, as chairman of the Committee on Interior and Insular Affairs, that I have that dual responsibility and I intend to deal with the matter in a fair but firm way to see that the problem is resolved.

Mr. GOODELL. I appreciate what the Senator from Washington has said. I think we have made it clear now, the import in section 611 as it now stands, even if the Baker or Goodell amendments fail, and that is that the Navy shall, with all due energy, imagination, and initiative undertake the study and find a feasible alternative to the shelling of Culebra consistent with national security. We are not saying to them, "You have got another 6 months to come in with some reports and tell us why it is a good idea to keep on shelling Culebra," but we are telling them, "Intensively study this problem, because it is the objective of Congress to get the shelling ended on Culebra consistent with the national security."

I appreciate very much the agreement of the Senator from Washington on this question. He is a very important factor in this whole consideration during the months ahead.

Mr. JACKSON. I thank the Senator from New York. Might I read from page 9 of the report where we refer to item six, "Recreational Value."

I read this provision because it concerns my responsibility as chairman of the Committee on Interior and Insular Affairs:

6. RECREATIONAL VALUE

On August 24, 1970, the Chairman of the Senate Interior Committee wrote to the Secretary of the Interior requesting a report on the suitability of the island of Culebra and adjoining cays for some form of national recreation or seashore area status. On September 8, 1970 the Department of Interior replied that "Culebra has been identified as having public recreational potential" in an inventory and study of the islands of the United States. The Bureau of Outdoor Recreation's report, "Islands of America" should be available to the Congress by October 1970.

In view of the recreational value of this area, its uniqueness, and the fact that substantial portions are now in Federal ownership, the Committee believes that the status quo should be maintained until the Secretary's report and recommendations are received and acted upon. The nonhabitation easement on the eastern portion of Culebra will insure safety, preserve the status quo and will prevent development of the area by land speculators and subdividers.

In connection with section 611, we also required that the study be coordinated under subsection (b) in the bill, which states:

(b) In preparing the report required by this section, the Secretary shall consult with the people of Culebra, the Government of Puerto Rico, and all appropriate Federal agencies having jurisdiction or special expertise on the subject matter involved.

Then we go on to say that it will be submitted to the President, to the House and to the Senate.

The point I want to make is that the Department of the Interior is one of those important agencies that should and must be involved in connection with the requirements set forth in the section concerning the report that is to be prepared.

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

Mr. JACKSON. I yield.

Mr. DOMINICK. I have been listening to this debate with interest. I am privileged to sit on the subcommittee with the distinguished Senator from Washington and listened to the evidence brought before us both in public and private hearings on this particular subject.

It seemed apparent to me during this process that we are faced with a rather difficult situation, one being the understandable desire of the people of Culebra to live without being surrounded by military activities; and the other being the undoubtedly need of the Navy to have some form of targeting and practice areas so that the efficiency of the fleet can be maintained.

We worked hard on this and made a number of proposals and amendments in order to come up with the final form of the bill. Meanwhile, as Senators know, the so-called Real Estate Subcommittee of the Committee on Armed Services of the House of Representatives had been to Culebra to investigate the same situation, and issued a report, a copy of which I hold in my hand, dated August 4, 1970.

In order to put this in perspective, I think that a few of the comments made by that subcommittee are in order. But first I might point out that two of the Representatives serving on the subcommittee are from the State of New York, Representatives STRATTON and KING, and

all are agreed on the majority of the points made in the report.

Some things that are of interest in this discussion, I think, contained in the report, are:

1. The committee found that the inconvenience of range firing noise to the citizens of Culebra was, in fact, infinitesimally small, and that ordinary conversation would prevent it from being heard in the town of Dewey.

2. The Navy proposal will improve the present safety of Culebrans without requiring any of them to move.

This proposal is the easement over the eastern end of the island and the transfer of 680 acres of governmental land to the Government of Puerto Rico and Culebra.

The report continues:

3. There are, in fact, no rare Puerto Rican parrots on the island as was alleged, and possibly there never have been, but if any rare wildlife can be found there in the future its chances of survival will be improved, not harmed by the Navy proposal to limit human habitation in certain areas.

4. Contrary to testimony received during the open hearing: there are no bombs dropped on the island of Culebra and no napalm is dropped on Culebra or any other part of the Atlantic Fleet Weapons Range; artillery shells fired at the northwest peninsula are scarcely audible in the town of Dewey; and it can positively be stated that none of the firings which took place during the subcommittee's visit caused the school building or any other building in the town of Dewey to tremble.

It mentions, I think, two other points which are probably not so important as those I have read. They are available in the report.

The point I make is that I think a good deal of information has been circulated which just is not so.

The military construction subcommittee and the full committee came to some kind of a compromise whereby the Armed Services committees would have continuing jurisdiction in this matter and would eliminate as of a certain date activities on the eastern end; whereby we would, with the consent of the Navy, already obtained, eliminate the firing of any missiles at all in that area; and would, with the use of the Navy study, determine whether there is any possibility of continuing the target range there or anywhere else in the Atlantic Weapons Range.

I personally thought that we came up with a pretty good proposal. I am a little bit disheartened that it has not been greeted with acclaim by the junior Senator from Tennessee and the junior Senator from New York.

I do think, in addition to what I have already said, that I should place in the RECORD at this point the actions which the Navy has undertaken and which are discussed in a letter of September 23 to the Senator from Washington (Mr. JACKSON) these include the suspension of any weekend training activities except in extraordinary circumstances. That means that over the weekends the people of Culebra can do anything they want to do without worrying about weaponry.

Flamengo Beach on the west coast will be available for weekend use for the people of Culebra.

There will be the suspension of live bombing and advance notice and publication of training schedules, warning flags, the assignment of a fulltime officer on Culebra to work with the local community, and the creation of employment opportunities for residents.

By the steps taken to date by the Navy and the provisions in the committee bill we have alleviated at least the immediate concern of people in that area and we have also laid the basis for a permanent solution to this problem.

As we get down the road, after the study is in, we can then find out whether there are other available resources, what it will cost, what the terms might be, and any other factors which deal with this matter, including the desires of the people of Culebra and the Governor of Puerto Rico, who have to be consulted in the process of this study.

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

Mr. DOMINICK. I yield.

Mr. GOODELL. Mr. President, will the Senator agree with the colloquy the junior Senator from New York had with the junior Senator from Washington a few moments ago, in which we agreed that the intention of section 611, as it now stands, is to direct the Navy to go out and find an alternative to the shelling of Culebra, if there is an alternative available, consistent with the national security.

Mr. DOMINICK. Yes, I would think that is accurate. Definitely, we have suggested that they do this. In fact, in that section we have demanded that they do it, keeping in mind that they might come back and say that there is not any alternative.

Mr. GOODELL. Mr. President, I understand that. They will then have to present evidence to the subcommittee to convince the subcommittee that there is no alternative. As the Senator from Washington has said, there would be a review by the committee.

We know very well that the Navy has come back in every instance in connection with every study and flatly said that there was no alternative. However, they presented no documentation or detail as to why. We have had other studies that have contradicted the Navy and said that there are alternatives.

Mr. DOMINICK. The Senator is correct. In the process we have to consider the cost and a variety of things of that nature.

There is an established air route between Puerto Rico and Saint Thomas in the Virgin Islands. If we try to redirect the method of firing, which we explored at some length, we find it will inject weapons into that air route, which will not be greeted with pleasure by the airline or by passengers flying on the air-lines.

There are a number of problems that are not self-evident. If we make a simplistic approach we will almost certainly find ourselves in serious trouble.

Mr. JACKSON. Mr. President, I thank my friend, the Senator from Colorado, for his help in trying to resolve the problem pending before the Senate.

I think that the Senator from Colorado has brought out a point that has been overlooked in the debate up to this time. That is the work of the House subcommittee that visited the area. This further complicates the problem, especially when we go to conference.

I must say that I am not at all sanguine about what might happen in conference, even in connection with section 611, now in the bill.

The Senator from Colorado and I were in unanimous agreement in connection with the action we have taken here. We are both determined to see to it that this problem is resolved in a timely, but in a fair way. I want to emphasize that point.

Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, those of us who have studied this matter and gone into it thoroughly certainly feel great sympathy for the Puerto Ricans in this matter.

The Real Estate Subcommittee of the House held public hearings on this matter on June 10, 1970. They heard all who wished to testify at that time. Subsequently the subcommittee made an on-site inspection in order to gain firsthand information about the situation.

The distinguished Senator from Colorado has just mentioned some of the points brought out from their visit and on-site inspection.

The subcommittee, after having public hearings and making an on-site inspection, took certain positions. I wish to call to the attention of the Senate certain of these positions, without going into detail on all of them.

The Real Estate Subcommittee of the House came to the conclusion that the Culebra complex is irreplaceable and definitely required for our national defense.

Although the subcommittee of the House recognized that the feelings and desires of the Culebra people are important, and they did recognize that, they also found that they must give consideration to the Nation's defense needs, which in these circumstances involve the readiness of the Navy to respond promptly and effectively whenever called upon.

The "nonhabitation" easements on this island requested by the Navy will give the protection to the people of Culebra which they have a right to expect with the continued presence of the Navy, according to the subcommittee.

The Navy convinced the subcommittee that it had made an extensive search and found no site which could be made available to the Navy to substitute for Culebra, in the essential defense program of the Atlantic Fleet Weapons Range. There have been charges in the press that the Navy cares more for its weapons than for human beings. The subcommittee repudiated that by saying that the subcommittee does not consider that to be the case. The reason for training is to develop a force to protect the way of life and the very lives of all Americans. Further, realistic training gives the fighting men in this country a better chance to survive in a combat environment.

The committee further stated that the

safety zones the Navy desires, and its safety procedures, are for the very purpose of protecting the lives and property of the people of Culebra. Therefore, the subcommittee feels that the charges made by some of the news media are without foundation in fact.

Mr. President, the subcommittee made certain recommendations and took certain actions. Some of the recommendations they made were as follows:

1. Assign an officer to full-time duty on the island of Culebra;

2. Erect in the town of Dewey a rotating beacon or visible red flag to more adequately alert the residents of actual range usage;

3. Employ more patrol boats or helicopters to better patrol areas of the range into which boats may inadvertently enter while the range is in use;

4. Revise immediately schedule posting procedures; be certain of their accuracy; and eliminate the posting of "blanket schedules";

5. Investigate further the possibility of unexploded ordnance being in the waters around the island of Culebra; and if such are found, investigate the feasibility of their removal.

Mr. President, one item not previously discussed that the subcommittee felt the Navy should consider was the possible rerouting of the present flight patterns so that the aircraft could remain even farther away from the Island of Culebra than they do today; and if the Navy proposes the use of any new missile on Culebra or any other island in the range, it should report to the House Committee prior to the scheduling of any such firing.

Then, they required the Navy to submit a report of the implementations of the recommendations as soon as possible.

Mr. President, in addition to this study, which seems a rather thorough study made by the Real Estate Subcommittee of the Committee on Armed Services of the House of Representatives, our Subcommittee on Military Construction went into this matter and made recommendations. Those recommendations are embodied in the committee report. I shall not take the time of the Senate now to go into detail. The point is that the Senate has gone into this matter through the Subcommittee on Military Construction and a full study will be made and a report made by the Defense Department.

In view of this it is felt that the position taken by the Subcommittee on Military Construction is the proper course and a reasonable one to protect the people down there and also to protect the national defense of this country because we have to keep both of those matters in mind.

In view of this I hope the amendment of the Senator from Tennessee, as well as the amendment of the Senator from New York will not be agreed to by the Senate.

Mr. JAVITS. Mr. President, I wish to support the position taken by my colleague (Mr. GOODELL) and the Senator from Tennessee (Mr. BAKER) on Culebra. Both of them have rendered a very distinct service to the people of this particular island and Puerto Rico in trying to find a rational way to settle the problem. It will be noted that the amend-

ment originally submitted by my colleague from New York (Mr. GOODELL), which I cosponsored, was much more drastic in terms of completely eliminating testing, and so forth, on Culebra almost at once. Now, some reasonable compromise is needed to reconcile the positions.

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

Mr. JAVITS. I yield.

Mr. GOODELL. Mr. President, I would like to ask for the yeas and nays on my amendment to the Baker amendment.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it may be in order to order the yeas and nays on the amendment.

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

Mr. BYRD of West Virginia. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I shall be very brief because I wish to address myself strictly to the diplomatic and political phases of the matter.

Mr. President, this has become an enormous issue in Puerto Rico. As Puerto Rico represents a very key area of the United States in terms of our relations with all Latin America, typifying, as it were, our attitude toward the people of that whole area, we should do our utmost to meet their views consistent with the requirements of national security.

The great virtue of the Baker amendment is that it sets an outside date so that the people can have some sense of planning and the Navy can have some sense of planning; and it still has the national security provision which is contained in the committee amendment, as well; but it sets an outside date to terminate all weapons range activities on Culebra.

If the amendment of my colleague from New York is accepted it ties Congress into the process, which is important from the point of view of relations with Puerto Rico, because they rely on Congress.

I served on the Puerto Rico Status Commission, and I am well aware of the reliance they place on their relations with the United States, which are heavily premised in what their people wish, and what Congress requires. That was the whole burthen of the Status Commission's report, and it is the reason for the new excellent standard of relations between the United States and the Commonwealth of Puerto Rico.

In addition, I deeply feel that Governor Ferre of Puerto Rico, who has the deepest feelings about his relations with the United States and the national security of the United States, and the fact that they can look to us for security and defense, would not favor any solution which would not go the last mile to meet American views on the mainland on this subject.

Mr. President, for these reasons, and in the absence of any showing that there is a danger to the national security, I hope both amendments will be agreed to.

Mr. GOLDWATER. Mr. President, I shall be brief. I rise to oppose both of

these amendments—not their intent, but I think we should take time to study this matter, as the Military Construction Subcommittee has suggested.

A firing range is probably the most valuable piece of real estate that a branch of the military has. While I realize this range has been used for over 30 years and that the island, which was once uninhabited, is now inhabited, I am convinced, having talked with Navy officials, that they will find a solution to this problem.

On the west coast we have San Clemente, off San Diego. Nobody lives on that island, so there is no problem. I can recall the problem that the Air Force found itself in just after World War II when aircraft rockets were put to use on fighter-type aircraft. We had the very fine range facilities at Yuma, Ariz. Then when we went to the 4-inch rockets, they were landing in Mexico. Naturally, when the Mexicans objected, we could no longer use that range. Fortunately, we had another range at Tyndall, Fla., where the rockets would land in the ocean. That saved our whole rocket program.

What I am concerned about is that if we vote for the amendment today the Navy is going to be forced to stop its practice of both air-to-ground and ship-to-shore target practice at a time in our Nation's history when, if anything, we should be increasing our range practice.

I would hope we would go along with the committee's recommendation. I think it is a very sound one. The Navy has convinced us that a solution can be found to this problem. I think it would be a very grave and serious mistake to chop the Navy off from any programs they now have without some place for the Navy to practice its gunnery, both air-to-ground and surface-of-the-sea-to-shore. I hope the vote will be a resounding "no."

Mr. BAKER. Mr. President, I have no further remarks on the subject other than to say I do feel the matter of the relationship between the United States and the Commonwealth of Puerto Rico is substantially at stake. That relationship has been unique and a very good one indeed. The Culebra question will not greatly alter that relationship, I trust, regardless of which way we go, but I think Congress ought to be responsive to the overwhelming sentiment of the people of Puerto Rico in this respect, and that is what I believe this amendment does.

I am ready to vote.

Mr. HATFIELD. Mr. President, the time has come to put a stop to the needless shelling and bombing of the small inhabited island of Culebra. This Puerto Rican municipality has suffered for many anguished years as the target of U.S. naval training exercises.

The Navy needs training, but not on a 7,000-acre island inhabited by U.S. citizens. Fortunately uninhabited alternative sites are available and would permit less restricted training that is superior to that now offered at Culebra.

I cannot help wondering whether the Navy shells and bombs would have fallen on Culebra and its neighboring keys if the people residing there spoke English instead of Spanish, wore white instead

of dark skin, and, perhaps most important, were represented by a voting Member of the U.S. Senate.

Gov. Luis Ferre spoke to me about this increasingly serious controversy several weeks ago. All Puerto Rico is understandably incensed at this treatment of the Culebrans. I share their indignation.

I hope the Navy will decide to turn its guns away from Culebra. If, however, there is no clear decision by the Navy to end its firing on Culebra and neighboring keys, I shall cast my vote for the Goodell amendment to the military construction authorization bill to cut off funds for this unacceptable activity.

Mr. PELL. Mr. President, the use of the island of Culebra as a weapons range poses troublesome questions regarding the rights of the residents of Culebra to a measure of individual security and peace.

Because of the commonwealth status of Puerto Rico, we in the Congress bear a special responsibility to assure that the citizens of the Commonwealth are given equitable treatment. And, through their elected spokesmen, the citizens of Culebra and of Puerto Rico have made their opposition to the naval weapons range operations unmistakably clear.

We in the Congress have also the responsibility to provide for the defense of our country. In the interests of national defense, I believe our Navy men must be given the equipment, the support, and the training they require and that includes adequate weapons test and training range facilities.

In this instance, however, I question whether a confrontation between the desires of the people of Culebra and our national defense requirements is unavoidable. I question whether sufficient consideration has been given to the possibility of using other uninhabited, natural, or manmade sites for the essential weapons range activities.

This same conclusion has been reached in several independent studies of the issue, including a study conducted by the Armed Services Journal, widely known as the spokesman for the services.

Reluctantly, I must agree with the conclusion reached by the editors of the Armed Services Journal:

Our hearts are with the United States Navy, but not about Culebra.

Mr. DODD. Mr. President, I strongly support the amendment offered by the distinguished junior Senator from Tennessee, because I do not feel the committee's recommendation is adequate.

The committee's recommendation, as I understand it correctly, is that all bombardment of the eastern shore of Culebra be terminated before January 1, 1972.

The Baker amendment adds to this a prohibition against the bombardment of Agua Cay after January 1, 1973, and a prohibition of all bombardment in the Culebra area after January 1, 1976.

If anything, I would like to see all the bombardment stopped much sooner. But since this amendment was suggested by the Governor of Puerto Rico, it is my hope that it will be acceptable to the Puerto Rican people.

This is the key to the entire situation, because we simply cannot treat the Puerto Rican people like colonial subjects, whose will we are free to disregard.

They are fellow Americans, and they demand that they be treated as fellow Americans. I urge my colleagues to vote for the amendment. But whether the amendment carries or the committee's recommendation prevails, I hope the Navy will move as rapidly as possible to reduce the intensity of their bombardment practice in the Culebra area and to find an alternative practice area in advance of the suggested deadlines.

Mr. GOODELL. Mr. President, I call up my amendment to the amendment of the Senator from Tennessee, and I am ready to vote.

The PRESIDING OFFICER. The amendment of the Senator from New York to the amendment of the Senator from Tennessee will be stated.

The legislative clerk read the amendment, as follows:

On line 8 of pending amendment strike out the word "determines" and insert in lieu thereof: "and the Congress of the United States by joint resolution determine."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York to the amendment of the Senator from Tennessee.

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 (after having voted in the negative). Mr. President, on this vote I have a pair with the Senator from Maine (Mr. MUSKIE). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. McCARTHY), the Senator from Wyoming (Mr. McGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Oklahoma (Mr. HARRIS) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), the Senator from Alabama (Mr. SPARKMAN), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG), are absent on official business.

On this vote, the Senator from Alaska (Mr. GRAVEL) is paired with the Senator from Missouri (Mr. SYMINGTON). If present and voting, the Senator from Alaska would vote "yea" and the Senator from Missouri would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Kentucky (Mr. COOK), the Senator from California (Mr. MURPHY), the Senator from Maine (Mrs. SMITH),

the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Oklahoma (Mr. BELLMON) is 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 Maine (Mrs. SMITH), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "nay."

The result was announced—yeas 17, nays 58, as follows:

[No. 335 Leg.]

YEAS—17

Brooke	Javits	Packwood
Fong	Mansfield	Pell
Fulbright	McGovern	Percy
Goodell	Metcalf	Stevens
Hart	Mondale	Williams, N.J.
Hatfield	Nelson	

NAYS—58

Allen	Eastland	Moss
Allott	Ellender	Pastore
Anderson	Ervin	Pearson
Baker	Fannin	Prouty
Bayh	Goldwater	Proxmire
Bennett	Griffin	Randolph
Bible	Gurney	Ribicoff
Boggs	Hansen	Russell
Burdick	Holland	Saxbe
Byrd, Va.	Hollings	Schweiker
Case	Hruska	Scott
Church	Hughes	Spong
Cooper	Jackson	Stennis
Cotton	Jordan, Idaho	Talmadge
Cranston	Long	Thurmond
Curtis	Magnuson	Tydings
Dodd	Mathias	Williams, Del.
Dole	McClellan	Young, N. Dak.
Dominick	McIntyre	
Eagleton	Miller	

PRESENT AND GIVING A LIVE PAIR AS PREVIOUSLY ANNOUNCED—1

Byrd of West Virginia, against.

NOT VOTING—24

Aiken	Inouye	Muskie
Bellmon	Jordan, N.C.	Smith, Maine
Cannon	Kennedy	Smith, Ill.
Cook	McCarthy	Sparkman
Gore	McGee	Symington
Gravel	Montoya	Tower
Harris	Mundt	Yarborough
Hartke	Murphy	Young, Ohio

So Mr. GOODELL's amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment offered by the Senator from Tennessee (Mr. BAKER).

Mr. BAKER. Mr. President, the question recurring on the amendment which I offered earlier, I hope that the Senate will adopt this amendment. What it does is to provide an outside cutoff date of January 1, 1976, for the shelling of Culebra. It provides that if the President of the United States determines that the national security interest requires a continuation after that date, he may so certify.

This is the amendment requested by the distinguished Governor of the Commonwealth of Puerto Rico, and I hope we will respond to the wishes of the people of that Commonwealth by voting in the affirmative.

I am ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee. 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 Tennessee (Mr. GORE), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. McCARTHY), the Senator from Wyoming (Mr. McGEE), the Senator from Wyoming (Mr. MONTOYA), the Senator from New Mexico (Mr. MONTOWA), the Senator from Maine (Mr. MUSKIE), and the Senator from Missouri (Mr. SYMINGTON), are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), the Senator from Alabama (Mr. SPARKMAN), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG), are absent on official business.

I further announce that, if present and voting, the Senator from Maine (Mr. MUSKIE), the Senator from Missouri (Mr. SYMINGTON), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Ohio (Mr. YOUNG), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Kentucky (Mr. COOK), the Senator from California (Mr. MURPHY), the Senator from Maine (Mrs. SMITH), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Oklahoma (Mr. BELLMON) is absent on official business.

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

If present and voting, the Senator from Maine (Mrs. SMITH) would vote "yea."

On this vote, the Senator from Kentucky (Mr. COOK) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Kentucky would vote "yea" and the Senator from Texas would vote "nay."

On this vote, the Senator from Illinois (Mr. SMITH) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Illinois would vote "yea" and the Senator from South Dakota would vote "nay."

The vote was recapitulated.

After some delay:

Mr. STENNIS. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The regular order is called for.

The result was announced—yeas 37, nays 39, as follows:

[No. 336 Leg.]

YEAS—37

Baker	Goodell	Pearson
Bayh	Hart	Pell
Boggs	Hatfield	Percy
Brooke	Hruska	Prouty
Burdick	Hughes	Proxmire
Case	Javits	Ribicoff
Cranston	Jordan, Idaho	Russell
Dodd	McGovern	Stevens
Dole	Metcalf	Tydings
Eagleton	Mondale	Williams, Del.
Fong	Nelson	Young, N. Dak.
Fulbright	Packwood	
	Pastore	

NAYS—39

Allen	Ervin	McClellan
Allott	Fannin	McIntyre
Anderson	Goldwater	Miller
Bennett	Griffin	Moss
Bible	Gurney	Randolph
Byrd, Va.	Hansen	Saxbe
Byrd, W. Va.	Holland	Schweiker
Church	Hollings	Spong
Cotton	Jackson	Stennis
Curtis	Long	Talmadge
Dominick	Magnuson	Thurmond
Eastland	Mansfield	Williams, Del.
Ellender	Mathias	Young, N. Dak.

NOT VOTING—24

Aiken	Inouye	Muskie
Bellmon	Jordan, N.C.	Smith, Maine
Cannon	Kennedy	Smith, Ill.
Cook	McCarthy	Sparkman
Gore	McGee	Symington
Gravel	Montoya	Tower
Harris	Mundt	Yarborough
Hartke	Murphy	Young, Ohio

So Mr. BAKER's amendment was rejected.

Mr. THURMOND. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. STENNIS and Mr. DOMINICK moved to lay the motion on the table.

Mr. BAKER. Mr. President, I ask for the yeas and nays on the motion to table.

There was not a sufficient second and the yeas and nays were not ordered.

The PRESIDING OFFICER (Mr. SAXBE). The question recurs on the motion to table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. GOODELL. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

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

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

The text of the amendment is as follows:

AMENDMENT No. 915

On page 102, after line 20, strike through line 18 on page 104 and insert a new section, as follows:

"SEC. 611. None of the funds authorized to be appropriated by this Act or by any other law shall be used for research, development, test, evaluation, personnel training exercises, or the procurement of weapons or other supplies by any military department if such activities include the naval shelling or air bombardment of the island of Culebra (located off the east coast of the Commonwealth of Puerto Rico), or any of the keys adjacent to such island, or of any waters within three nautical miles of such island."

On page 49, line 23, delete "611" and insert in lieu thereof "612".

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

The yeas and nays were ordered.

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

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

Mr. GOLDWATER. Is it proper to inquire what this amendment says and what it does?

Mr. GOODELL. I will explain it. I think it would be easier that way.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read the amendment as follows:

On page 102, after line 20, strike through line 18 on page 104 and insert a new section, as follows:

"SEC. 611. None of the funds authorized to be appropriated by this Act or by any other law shall be used for research, development, test, evaluation, personnel training exercises, or the procurement of weapons or other supplies by any military department if such activities include the naval shelling or air bombardment of the island of Culebra (located off the east coast of the Commonwealth of Puerto Rico), or any of the keys adjacent to such island, or of any waters within three nautical miles of such island."

On page 49, line 23, delete "611" and insert in lieu thereof "612".

Mr. GOODELL. Mr. President, I shall not hold up the Senate for any great length of time on this amendment. The issue of the shelling of Culebra has been debated thoroughly. This is the first amendment that I have put into the military authorization bill. The Senator from Washington (Mr. JACKSON) on the subcommittee inquired further into what the Navy might be able to do to suspend the shelling. This amendment would provide, as a matter of law, for the barring of any shelling of Culebra, now—immediately.

There is nothing complicated about the amendment. Other amendments have fixed dates in the future, and provisos, and leaving out exemptions, and so forth. The President said it was in the national security to continue the shelling of Culebra.

The issue here is simple. There are almost 800 American citizens on Culebra. The island has been shelled for many years. Recently, there have been some close calls where shells have fallen where children were bathing. They have also fallen near populated areas. Some individuals have been injured. Last spring, the Governor of Puerto Rico was in a boat near Culebra and a shell fell right beside the boat.

Mr. President, these are American citizens. The Navy is shelling all around them. I think it is time we stop calling on the Navy to make further studies and report back, because every time they do, they tell us it has no alternative.

To the credit of the Senator from Washington, he has now put into the bill section 611 requiring a further study. He has put the heat to the "baby" and now we want a study and we want the Navy to come back and tell us what alternatives they have to stop the shelling of Culebra.

Meanwhile, the people of Culebra are going to be subjected to a continuous shelling all around them. Some of them may be killed, maimed, or injured. All activities on the island of Culebra will be suspended.

Mr. President, I ask that the Senate now go on record as indicating that it wants this shelling to end and that it regards very highly the rights of the 800 American citizens on Culebra, rights that are now being violated by the Navy.

Mr. President, if this kind of thing

were going on in Washington, in Georgia, or on Long Island, and citizens there were endangered because of shelling taking place all around them, I think that everyone representing those people would be standing up and defending their rights and trying to stop this action.

Mr. President, I ask support for my amendment.

Mr. JACKSON. Mr. President, I shall be very brief. Under section 611 of the bill, the Secretary of Defense is directed to undertake a study and report on the weapons training activities now conducted in the Culebra complex of the Atlantic Fleet weapons range.

We further direct that this study shall consider all feasible alternatives. There is no sense in talking about stopping this important training if we are not going to find some other place where proper practice and training activities can be conducted. We call upon the Secretary of Defense to study all feasible alternatives, geographical and technological, to the training now taking place in the Culebra complex. We require that the Secretary of Defense report back by April 1.

Mr. President, I share the concern expressed here earlier by the junior Senator from New York and the junior Senator from Tennessee.

The point I want to make is that we do not have before the committee and did not have before the committee adequate evidence that would warrant the immediate cessation of naval gunfire practice in that area. It has been going on for over 30 years.

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

Mr. JACKSON. I yield.

Mr. GOLDWATER. Mr. President, can the Senator tell me, if he knows, how many people were living on that island when the Navy commenced to use it 30 years ago?

Mr. JACKSON. About 600. I believe there are 730 now.

Mr. GOLDWATER. No one has moved away because of the shelling?

Mr. JACKSON. That is my understanding. But I do feel there is a serious problem. I share that concern.

I want to emphasize that the committee has taken responsible action here. We have decreed by statute that the eastern area of the island and the cays within 3 nautical miles are to be relieved of any further activity on the part of the Navy no later than January 1, 1972.

The evidence before the committee made it very clear that this was warranted. I do not think that was in dispute. What we need here now are alternatives.

There are other areas along the east coast that may be affected by any such alternative decision. Senators from States on the east coast may have some interest in wanting to know where it will be.

We ought to have all of the alternatives before us. The committee will then be in a position to make a legislative adjudication of this problem. I ask the Senate to go along on the need for appropriate study.

With the alternatives considered that can be presented by the Secretary of Defense, I would express the hope, as I have

earlier, that the Navy might not use Culebra. I hope this will be possible. But I cannot in conscience stand up here and accept the amendment without facts to support it.

Certainly after all these years, they should have until April 1 of next year to come forth with their findings. Then the committee can consider the whole matter *de novo*. We can go over it from the beginning and make our determination based on whatever evidence is submitted.

We are not bound by the findings and recommendations of the Navy or the Defense Department. We will give the matter serious consideration.

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

Mr. JACKSON. I yield.

Mr. GOODELL. Mr. President, I know that the Senator from Washington will give the matter serious consideration. I might say with reference to the question raised by the Senator from Arkansas concerning no one leaving that area—and this was one of the reasons I wanted the Senator to yield at this time—that many Culebrans have left.

This is a very unhappy situation there. These people are native to the island. This is their home. Are we to say to them, "We will go on shelling because it doesn't disturb you very much."

There are still 600 or 700 living there. A great many of them have left because of these conditions and moved to various parts of the United States or Puerto Rico.

I commend the Senator from Washington for his very earnest and sincere efforts. I appreciate what he has been doing, and I know that the people of Puerto Rico and Culebra do also. However, this thing has been studied and studied.

The Navy has been required to come through with studies. Independent research groups have studied it. As a result of these studies by some of the independent sources, we find that there are alternatives to shelling Culebra.

The Navy decides in each case that they must go on shelling the island of Culebra in the national security interest. But they give no specific details on or off the record, in secret or open briefings.

The Senator from Washington has agreed that this is the case. He has not had a persuasive case presented by the Navy. The Senator from Washington wants to afford more time for study. I appreciate the reasons why the Senator from Washington wants to do that. However, I think we have studied this thing to the point where it is time for action.

Mr. JACKSON. Mr. President, as the Senator from New York knows, this matter was not even before the committee. The Senator from Washington felt sufficiently concerned to take affirmative and unilateral action. There was no matter pending before the committee.

Mr. GOODELL. I understand that.

Mr. JACKSON. The Senator from Washington, as was expressed earlier, is also chairman of the Committee on Interior and Insular Affairs and has a special interest as far as the Commonwealth of Puerto Rico is concerned. He felt, despite the study made by the House, that this matter should be gone into very carefully.

This is what we have attempted to do. We have taken legislative action on the part on which we are able to reach a conclusion. We have not been able to reach a conclusion on this overall problem. We simply did not have adequate testimony.

Again, I want to say that we will review the recommendations and findings of the Navy independently. I do not intend to take as gospel their recommendations. Again, I will say that the Department of Defense will make findings and recommendations. I do not, however, intend to take as the final word the findings of the Department of Defense.

We will review them—I emphasize that—Independently so that the Senate will have a chance to know what the alternatives are. If we have to move out of Culebra—and we may—we will have to move out. But the Senate should make that determination based on adequate testimony and adequate evidence. That is all I ask for.

Mr. President, I hope we can vote on the amendment.

Mr. THURMOND. Mr. President, I rise in opposition to the Goodell amendment which would prohibit further gunnery and bombing activities on the island of Culebra and adjoining cays. If adopted, the Navy would be forced to conduct a significant amount of its Atlantic Fleet operational training by fragmenting it to areas which do not have the ingredients necessary to conduct a comprehensive training program. There are few alternatives to the Culebra range and no one of them can be considered adequate.

The loss of the Culebra target area for naval gunfire support would dictate increased use of Bloodsworth Island range in the Chesapeake Bay area. Besides the Bloodsworth Island range for naval gunfire there is only the Vieques Island area some 10 miles from Culebra which is presently serving as a Marine training site.

Well over 80 percent of the Navy's ship-to-shore firing is now being conducted in the Culebra area. The U.S. Navy has used this area for the past 34 years without any serious incidents.

Despite claims to the contrary the Navy record for safety is exceptional. This can be best proven by the fact that in all of the 34 years there has been only one claim filed against the Navy in connection with an injury or property loss on Culebra. The single claim was filed in 1968 when it was contended a calf was killed as the result of shelling in that area.

Mr. President, it is easy to stand here on the Senate floor and speculate about how simple it would be to locate another firing area. However, the Navy has made considerable efforts already in this area without success.

The Culebra site cannot be duplicated because it is exceptional from the standpoint of what the Navy needs. There is a very small population there—some 700 people. They are some 5 miles from the area being routinely shelled and 2½ miles from the nearest range where limited firing is performed.

Further, this is an area where the weather is excellent year around. The terrain on Culebra includes hills and ledges, another factor hard to find but

necessary as an impact area for Navy ship-to-shore shelling.

Still further Culebra is relatively free of commercial shipping thus permitting Navy ships to conduct a wide variety of maneuvers and even land assault forces.

Finally, Culebra is only a few miles from the Navy's Roosevelt Roads Station which provides still another ingredient—a sizable support station for ships and personnel engaged in the range training areas.

The loss of the Culebra target area for naval gunfire support would dictate increased use of Bloodsworth Island in the Chesapeake Bay area. This, coupled with the limited ability of Vieques to absorb additional naval gunfire use, would permit only 60 percent of the Atlantic Fleet ships to complete naval gunfire support training.

Because of the limited capabilities and potential inherent at Bloodsworth Island and Vieques, the actual degradation of naval gunfire support training would be qualitatively reduced in excess of 40 percent.

The restricted sea area at Bloodsworth Island precludes realistic high speed maneuvering and firing at both long and short ranges. Shoal water prevents closure within 5,000 yards of the impact area which combined with an average terrain height of 2 feet does not allow ships to attain proficiency in locating and destroying targets by direct fire—a requirement for ship survival during operations off a hostile shoreline.

Finally, the terrain does not permit the placing of varied targets and observation posts which are essential for the detailed scoring and evaluation of naval gunfire support training. This kind of detailed evaluation is vitally important, because all tactics, doctrine and combat procedures are based upon the predictable performance of each weapons system.

With respect to the air-to-ground training, the Navy and Marine Corps have a total of eight targets in the Atlantic Fleet Weapons Range, seven of them at cays around Culebra. These are used for the advanced training of squadrons, maintenance of combat proficiency of embarked carrier air wings and task force training operations.

If the seven Culebra targets were lost, the advance training would, of necessity, be required to be conducted elsewhere. Targets in the continental United States, which are used primarily for basic aircrew training, would have the capability to absorb 55 percent of the target time now used at Culebra. Thus, we would still lack the target availability to meet 45 percent of our advanced squadron, combat proficiency and task force training requirements.

The outer ranges of the Atlantic Fleet Weapons Range provide the Atlantic Fleet with the only combined airspace, sea space, and electronic environment in which air-to-air and surface-to-air missile training and evaluation can be accomplished. This coupled with the air-to-ground and naval gunfire support targets on Culebra and the outlying cays provide the Atlantic Fleet the only multi-threat environment within which the carriers, destroyers, submarines, am-

phibious ships and the service force can conduct the inter-type and task force training. This type training is essential to molding individual units into an effective force capable of employing the full range of seapower.

A gradual phasing out of gunnery and bombing activities on Culebra and its cays would require new technology for weapon systems training and evaluation of ships and aircraft and their crews. The Navy has and is continuing to work toward developing this capability, but as yet no specific alternatives to realistic land impact areas have been developed. The Navy is not optimistic that a solution can be found in the immediate future.

The Navy has undertaken to find alternatives to Culebra. To date they have been unsuccessful. The few sites found do not come close to providing what is needed. The building of an artificial island has even been considered.

The Senate Armed Services Committee, recognizing the problems in the Culebra issue, has written into its report a requirement that the Department of Defense study this matter and report back to the committee. In the meantime, present testing is to be reduced to a minimum by January 1, 1971. It is hoped this Department of Defense study can develop some alternatives acceptable to maintaining the military preparedness of the Atlantic Fleet. Nothing short of that should be accepted.

In view of this study and the other facts I have stated it is my hope the Senate will reject the Goodell amendment. No evidence exists that the people of Culebra have been harmed by this range which has existed for these many years. Some of the incidents cited here on the floor by proponents of this amendment have been blown up despite competent testimony to the contrary.

Further, the Navy has taken steps recently to further strengthen safety measures in this island area. Some of these steps resulted from a House subcommittee report issued last June. These steps should strengthen the good relations between the Navy and the people of Culebra which have existed until recently.

The safety of the people of Culebra and the surrounding waters and islands is of paramount importance. No shelling of range areas should ever be placed above the safety of the Culebrans or anyone else. None of us would like to have the Navy or anyone else shelling in our backyards.

However, the Navy has an undisputed ownership in the Culebra area and has conducted their range firings over the years without injury to any person. Offers have been made to move the Culebrans to nearby and more prosperous islands. Land exchanges have been offered to further tighten security measures. The Navy should spare no steps in trying to work with the inhabitants of these islands.

It is my opinion land developers are mostly responsible for the present uproar about Culebra. They are generating a lot of smoke in order to turn a fast buck. We should not yield to land developers who

will take this island from the poor and build fancy houses for the rich.

It would also be unwise to act hastily on a matter of such importance to our national security. Let us wait until the range control improvements suggested by the House subcommittee and the Navy are put into effect. Let us wait until the Department of Defense conducts the study requested by the Senate Armed Services Committee. These steps deserve time. The Senate should not overrule these efforts in the face of the recommendation of the responsible Senate committees.

In view of these points I urge defeat of the Goodell amendment.

Mr. FULBRIGHT. Mr. President, I will not delay the Senate. I want the record to show that the former Governor, Luis Munoz-Marin of Puerto Rico, who, in effect, was the founder of the Commonwealth and Governor for 16 years, sent me a wire expressing the interest of this Commonwealth in being released from the necessity of being bombed.

Then, the present Governor, who, if I recall correctly, is a Republican, and a leading industrialist of Puerto Rico, Governor Ferre, a man of the highest integrity, came to see me, and he pleaded with me, and I assume with other Senators, that this target practice is a great imposition upon a small community; that it is one of the most densely populated areas in the Western Hemisphere, about as densely populated as any place in the world. It has very limited land, with no way to expand it. The United States, on the other hand, has over 3 million square miles, with many islands off both coasts. Certain islands off the coast of South Carolina could be converted to this use if necessary. In any case, Puerto Rico is a small, struggling community, with a great many people and very limited land. Both of those Governors are outstanding men. I certainly think it is insensitive and callous for the great United States to take this attitude especially with troops and navies all over the world, with equipment of all kinds on foreign bases—at last count. I think we have about 450 scattered all over the world. It is simply incredible to believe there is not any place else where the Navy could conduct firing practice with obsolete guns.

Certainly these guns, in view of the nuclear weapons and missiles that we have, are simply used as an exercise to keep the Navy boys happy and give them something to do. That firing range certainly could not be of great importance. It may have marginal importance for the happiness of sailors. To say that a great country like ours, with 200 million people, cannot do anything about this situation, which involves a small community with many people on it, is a very bad attitude to take. I hope the Senate will show some magnanimity and consideration for this small community.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York. 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 California (Mr. CRANSTON), the Senator from Tennessee (Mr. GORE), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. McCARTHY), the Senator from Indiana (Mr. HARTKE), the Senator from Wyoming (Mr. McGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), the Senator from Alabama (Mr. SPARKMAN), the Senator from Texas (Mr. YARBOROUGH) and the Senator from Ohio (Mr. Young) are absent on official business.

I further announce that, if present and voting, the Senator from Maine (Mr. MUSKIE), the Senator from Alaska (Mr. GRAVEL), the Senator from Ohio (Mr. YOUNG) and the Senator from Missouri (Mr. SYMINGTON), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Kentucky (Mr. COOK), the Senator from California (Mr. MURPHY), the Senator from Maine (Mrs. SMITH), the Senator from Illinois (Mr. SMITH) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Oklahoma (Mr. BELLMON) is 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 Maine (Mrs. SMITH), and the Senator from Illinois (Mr. SMITH), would each vote "nay."

On this vote, the Senator from Kentucky (Mr. COOK) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Kentucky would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 19, nays 55, as follows:

[No. 337 Leg.]

YEAS—19

Bayh	Harris	Nelson
Brooke	Hatfield	Packwood
Cooper	Hruska	Pell
Dodd	Javits	Stevens
Fong	McGovern	Williams, N.J.
Fulbright	Metcalf	
Goodell	Mondale	

NAYS—55

Allen	Ervin	Moss
Allott	Fannin	Pastore
Anderson	Goldwater	Pearson
Baker	Griffin	Percy
Bennett	Gurney	Prouty
Bible	Hansen	Proxmire
Boggs	Hart	Randolph
Burdick	Holland	Ribicoff
Byrd, Va.	Hollings	Saxbe
Byrd, W. Va.	Hughes	Schweiker
Case	Jackson	Scott
Church	Jordan, Idaho	Spong
Cotton	Long	Stennis
Curtis	Magnuson	Talmadge
Dole	Mansfield	Thurmond
Dominick	Mathias	Williams, Del.
Elekin	McClellan	Young, N. Dak.
Eastland	McIntyre	
Ellender	Miller	

NOT VOTING—26

Aiken	Jordan, N.C.	Smith, Maine
Bellmon	Kennedy	Smith, Ill.
Cannon	McCarthy	Sparkman
Cook	McGee	Symington
Cranston	Montoya	Tower
Gore	Mundt	Tydings
Gravel	Murphy	Yarborough
Hartke	Muskie	Young, Ohio
Inouye	Russell	

So Mr. GOODELL's amendment was rejected.

Mr. JACKSON. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I should like to have the attention of the Senator from Washington.

I do not know whether an amendment is going to be necessary, but I should like at least to ask some questions for the RECORD.

If the Senator will direct his attention to section 103, at page 56, he will note that the bill provides the following:

The Secretary of the Army may establish or develop Army installations and facilities by proceeding with constructions made necessary by changes in Army missions and responsibilities—

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

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. I think Senators will find that what I am about to ask is important. It could involve ultimately vast sums of money and matters of vast significance by the United States. This is not a light matter, it concerns the strategic arms race which has occasioned months of debate in this Chamber, and may again, I hope Senators will give me their close attention.

The section reads:

The Secretary of the Army may establish or develop Army installations and facilities by proceeding with constructions made necessary by changes in Army missions and responsibilities which have been occasioned by: (a) unforeseen security considerations.

Then follow other specifications, including new weapons development. The one I am focusing on is "unforeseen security considerations."

Mr. President, these words are broad enough to justify the acquisition of new ABM sites. If, for example, the United States should enter into some form of SALT agreement with the Soviet Union and should adopt what has been widely speculated upon as the "National Command Authority" formula—that is, an ABM installation of great magnitude around Washington and one around Moscow—I see nothing in this language which would prevent the Secretary of Defense from going right ahead to do it without any further congressional authorization. He would have the difficulty probably of requiring appropriations as this section does not carry any real money. It carries \$10 million. But, nonetheless, he would have authority; and perhaps could use money for missiles and other hardware already authorized or appropriated for use at other sites.

I have questioned the Senator from Washington about this, and I charge no secret motive of any kind by the com-

mittee. He tells me—and I take his word for it—that this has been the kind of provision which has been carried on for a long time to take care of contingencies which might occur under ordinary circumstances.

Within the framework of this enormous struggle over the ABM, within the framework of negotiations which are now going on with the Soviet Union—in other words, within the present circumstances—it would seem at first reading that this does represent an enormous grant of discretionary authority which could be used to fit the kind of situation that I have described. Moreover, taken literally the language of this section would allow the Secretary of the Army to move ahead with ABM sites aimed at "area defense," despite Senator JACKSON's own fine work to prevent this.

I think it is very essential, before any of us decide whether an amendment is deserved, that this matter be resolved. An amendment would be very simple. It would just confine the meaning of this to whatever has been authorized by law. But this is a new law, so I think it is essential that we have the views of the bill.

Mr. JACKSON. Mr. President, I am happy to respond to the questions posed by the able Senator from New York.

First, let me say that this section provides emergency authority for each of the three services. Identical language appears in the Navy and the Air Force titles of the bill.

The purpose of this language, which has been on the statute books for over a decade, is to deal with emergency situations. For example, in connection with our research work, the scientists could well come up with a new concept that would require the construction of a building forthwith. This particular section would make it possible for the Department of the Army to undertake that on-going research activity by building a facility to fulfill the findings made at that particular point in time. It is entirely of an emergency nature.

Another example: In connection with the military operation in 1962, as it pertained to the missile crisis in Cuba, it was necessary for the armed services to undertake various emergency activities, including construction of facilities. They operated under section 103 to do that on an emergency basis.

In any event, they would have to come to both the Armed Services and the Appropriations Committees, for reprogramming of funds already available to them to accomplish construction under this section.

I assure the Senator from New York that under no circumstances could this section be used to develop a new weapons system, or to deploy a new weapons system. It is related directly and primarily to emergency situations. Certainly, the example that the Senator from New York gave—that is, the newspaper discussions about a possible trade-off with the Soviet Union regarding their having ABM facilities in the area of Moscow and a similar arrangement for the District of Columbia in our case—would

require specific authorization by Congress. There can be no question about that.

To corroborate the point legislatively, I may say to the Senator that, as he knows, the House did include in the bill on which we have just completed a conference a provision for the so-called area defense concept, which included a number of sites, including the District of Columbia. That was eliminated in conference.

I do not think there can be any doubt, under any circumstances, that they would be prohibited from utilizing the authority of this section to develop and deploy any kind of weapons system, whether it is ABM or any other. They could develop and do research work on systems but could not deploy a system under this authority.

Mr. JAVITS. If the Senator would allow me to make two observations—

Mr. JACKSON. I want to emphasize that it has been on the statute books for over 10 years.

Mr. JAVITS. I understand that, and I said that myself; but I was looking forward to the situation in which we stand now.

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

Mr. JAVITS. I yield.

Mr. BROOKE. Has the \$10 million authorization always been in the bill in the last decade?

Mr. JACKSON. I am advised that it has varied anywhere from \$5 to \$10 million—\$5 million, \$8 million, \$10 million. But it has been \$10 million for several years.

Mr. BROOKE. Is it clear that under this authorization the Secretary of Defense could not expand to area defense?

Mr. JACKSON. No question whatever. I can assure the distinguished Senator from Massachusetts that there is no authority under section 103 or any other section of this bill to undertake any such activity.

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

Mr. JAVITS. I am not quite through.

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

Mr. JAVITS. I yield.

Mr. STENNIS. Supplementing what the Senator from Washington has said, in years past I was chairman of the subcommittee that handled this bill for many years. A similar provision has been here all these years, and it is a necessary one. Some years very little has been used under it, as I recall. There is no question about this. It is a needed, necessary, regular routine authorization. Further, as the Senator has said, we had this real issue up in the conference on the procurement bill, which has been agreed to, and the conference report has already been approved this afternoon by the House. That bill came back here exactly as it left the Senate so far as the ABM, area defense, or anything else like that is concerned. There is no question about it, it will be before this body this week.

Mr. JAVITS. I should like to ask the Senator another question. The \$10 million figure on page 56, line 20, is that \$10

million an authorization limitation on the whole section or, if not, what is it a limitation on?

Mr. JACKSON. We confine the limit to section 103.

Mr. JAVITS. What I meant is, is the \$10 million ceiling for anything other than under this section?

Mr. JACKSON. That is right.

Mr. JAVITS. That is correct. I see. So that it cannot exceed \$10 million in authorizations in terms of cost?

Mr. JACKSON. To follow up on the Senator's point, on the top of page 57, where it reads:

This authorization will expire as of September 30, 1971, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

They have to notify us of any activity under the section.

Mr. JAVITS. I should like very much, because we are certainly not anxious to create any big problems if there are none, to deal with the problem in a congenial way to all concerned. We have had some bitter experience with interpretations made on the floor. We could write a few books about assurances of managers of bills. For example, on the Gulf of Tonkin resolution and what was ultimately done with the Gulf of Tonkin resolution, in view of its plain words of the legislation. It occurred to my executive assistant Mr. Lakeland, who is helping me follow this bill, and I think it is a sound inquiry, in light of the situation, so that I am pursuing it. I think it will be a service to the Senate and the country. I submit this also to my colleagues, like the Senator from Kentucky (Mr. COOPER) and others, who have been leaders in this fight for months.

Would the Senator from Washington feel it was appropriate and fair to use the word he used—to wit, "emergency" and to say, "made necessary by emergency changes in Army missions, and so forth," thereby implementing this discussion and at least adding something to the bill to represent our acceptance of the word used by the Senator from Washington as the reason why we should not feel such a broad grant of authority was necessary.

Mr. JACKSON. May I respond to that?

Mr. JAVITS. Yes.

Mr. JACKSON. By saying that we did make it clear that under the provisions of section 103, which we have been discussing—

Mr. JAVITS. Fine.

Mr. JACKSON. There is authority to take advantage of any findings in the area of research, so as to authorize under this provision construction of a building necessary to support that research activity. I would point out that this is not an emergency but a matter of urgent consideration. If they should have to wait to go through the whole authorization process, invaluable time would be lost. Therefore, if it were confined to any emergency situation in every situation, I think it would work to the disadvantage of some of our important research activities.

I want to emphasize again that there is absolutely no authority under section 103 for the Army to undertake any kind of construction program that would involve deployment of any new system.

Mr. JAVITS. If the Senator would allow me to make one suggestion here—I am submitting this to the Senator because I want to proceed in a way congenial to all concerned—perhaps we could solve the problem by inserting the word "emergency," in connection with "unforeseen security considerations," and instead of saying "unforeseen," say "emergency security considerations."

In other words, what I am trying to do is to take the statement of the Senator himself and, by making some minor change, show that we have accepted his statement as giving the necessary assurance; making it clear that it does not apply to strategic weapons systems.

Mr. JACKSON. The Senator would say that this authority cannot be used, for example, to deploy—

Mr. JAVITS. A weapons system.

Mr. JACKSON. A weapons system.

Mr. JAVITS. I would find that acceptable.

Mr. JACKSON. That is something else, but I would like to say that I would prefer to go over this very carefully, so that we do not tie our hands here in connection with an emergency development. I cite the Cuban missile crisis.

Mr. JAVITS. The Senator did, yes.

Mr. JACKSON. When President Kennedy had to use his authority—

Mr. JAVITS. Right.

Mr. JACKSON (continuing). And actually build facilities in the movement of troops in October of 1962, does the Senator not see, because of that development. I would rather think this through a little, and then come up with some limiting language at another time. I would rather not do so on the floor.

Mr. JAVITS. I do not know when else we can do it in view of the fact that the bill is now pending before us.

Mr. JACKSON. If I am here when this bill comes up next year—

Mr. JAVITS. Oh, well, I am sorry, but I do not think we want to do that. But I do not want to present the Senator with an amendment at this minute. Other Senators have amendments to offer. I have the explanation now, and I will do my best to work something out which will be agreeable.

Mr. DOMINICK. Mr. President, I think the colloquy the Senator just had with the Senator from Washington is crystal clear as to the intent, but let me give some examples where the word "emergency" would not be used.

Let us suppose, for example, that there is a further reduction and consolidation in the Armed Forces this year, and all of a sudden, in order to put this together, the Secretary of Defense decides he has to consolidate some bases and provide more construction on a base, in order to take care of the concentration of population which has not been provided for in the basic bill. That is one example.

Suppose we have a NATO agreement, in view of a Soviet threat, to decide as to how we had better boost our forces.

We might have to take some emergency action with respect to that. Of course, that would not be emergency action but real action with respect to the deployment of troops, and for construction overseas, whatever it may be. This is designed to give that flexibility, still limited in amounts and still with the requirement that the Army has to inform the committees before they take irrevocable action on these particular items. So, under those circumstances, although I can see that the Senator is legitimately concerned with the breadth of the language, it would seem to me that this colloquy has ironed out those problems.

Mr. JAVITS. I have already made clear my position. I shall desist for the moment and allow other Senators to go forward. I shall see, in the meantime, if I cannot come up with something that will be mutually agreeable to those who feel as I do, and the manager of the bill.

Mr. FONG. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER (Mr. EAGLETON). The amendment will be stated.

The legislative clerk read as follows:

On page 104, line 6, after the comma after '1972' insert the following "and on the island of Kahoolawe, State of Hawaii."

Mr. FONG. Mr. President, I am offering an amendment, on page 104, line 6 of the bill, after the comma after "1972", to insert the following: "and on the island of Kahoolawe, State of Hawaii." It goes to that paragraph in the bill that states:

The Department of Navy is directed to terminate all weapons range activities conducted on or near the eastern coast of Culebra and the bays within three nautical miles of the eastern coast no later than January 1, 1972, unless the President of the United States determines that the national security of the United States requires the continuation of such activities beyond this date.

To this directive to terminate target activities, I have added the island of Kahoolawe. The island of Kahoolawe is 45 miles long and 6 miles southwest of the island of Maui.

By Executive Order 10346, it was set aside as a bombing range by the President. This Executive order contemplates that Kahoolawe should be returned to civilian use and that certain conservation measures should be taken on the island; namely, to protect it from erosion, to see that the cloven hoof animals do not exceed 200, and to maintain the island so that at the time it is restored to Hawaii, it be a habitable island.

In the amendment, I provide that the island of Kahoolawe be treated the same as the island of Culebra so that if, in the discretion of the President after January 1, 1972, he feels the national security of the United States requires the continuation of that island as a bombing target, it can be used in that manner.

The reason I bring this to the attention of the Senate is that I have received numerous requests from the people on the island of Maui relative to the cessation of the bombing of Kahoolawe. The

people of Maui are very fearful that the bombs dropped on that island by U.S. warships, Navy, and Air Force planes may some day hit them. In fact, a 500-pound live bomb fell on the island of Maui on September 29, 1969. The bombs that have landed on Kahoolawe have constantly shaken the people on Maui. The shocks have been felt 30 miles away. Persons have been shaken and concrete slabs have been cracked.

Apropos of this, in 1965 two Navy planes were trying to bomb Kaula, just 19 miles from the island of Niihau in Hawaii, and they dropped eight 250-pound bombs on the island of Niihau. So, if the Navy navigators and Navy aviators can make a mistake 19 miles away from an inhabited island, they could certainly make a mistake and bomb the island of Maui, only 6 miles from Kahoolawe.

I have received a resolution from the county of Maui asking that the island be spared from bombing.

I ask unanimous consent that the resolution be printed in the RECORD.

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

RESOLUTION

Whereas, Sec. 1-2 of the Charter of the County of Maui states that the County of Maui includes the island of Kahoolawe; and

Whereas, the recent bombing practice held by the United States Navy on the island of Kahoolawe created concussions which affected residents in various areas of the island of Maui; and

Whereas, there is serious danger that stray bombs from these bombing practices could destroy life and property on the island of Maui; and

Whereas, there are other unpopulated islands in the Pacific Ocean which could be used for such bombing practices; now, therefore, Be it

Resolved, by the Council of the County of Maui that it does hereby respectfully request the United States Navy to seriously consider selecting an isolated island in the Pacific Ocean for bombing practices and to return Kahoolawe to productive use such as cattle raising and to provide fishing grounds for local fishermen; and Be it further

Resolved, that a certified copy of this resolution be transmitted to the United States Navy, Pearl Harbor, Hawaii.

Mr. FONG. Mr. President, I also ask unanimous consent that Executive Order 10346 be printed in the RECORD.

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

EXECUTIVE ORDER 10436

RESERVING KAHOOOLAWE ISLAND, TERRITORY OF HAWAII, FOR THE USE OF THE UNITED STATES FOR NAVAL PURPOSES AND PLACING IT UNDER THE JURISDICTION OF THE SECRETARY OF THE NAVY

Whereas it appears necessary and in the public interest that the Island of Kahoolawe, Territory of Hawaii, which comprises an area of approximately forty-five square miles, and which forms a part of the public lands ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation of July 7, 1898, 30 Stat. 750, be taken and reserved for the use of the United States for naval purposes, except that portion comprising an area of 23.3 acres, more or less, heretofore taken for lighthouse purposes by Proclamation No. 1827 of the President of the United States

dated February 3, 1928 (45 Stat. 2937); and

Whereas it is deemed desirable and in the public interest that provision be made for the conducting of a program of soil conservation on the island while the reservation made hereby is in force, and that the area within such reservation be restored to a condition reasonably safe for human habitation when it is no longer needed for naval purposes:

Now, Therefore, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, it is ordered as follows:

1. The Island of Kahoolawe, Territory of Hawaii, except that portion taken by the United States for lighthouse purposes by proclamation No. 1827 of February 3, 1928, is hereby taken and reserved for the use of the United States for naval purposes, and is placed under the jurisdiction of the Secretary of the Navy.

2. The Secretary of the Navy shall, within a reasonable period following the date of this order, eradicate from the island all eleven-hooved animals, or shall within such period and at all times thereafter while the area hereby reserved or any portion thereof is under his jurisdiction take such steps as may be necessary to assure that the number of such animals on the island at any given time shall not exceed two hundred.

3. The Territory of Hawaii shall have the right, at its expense and risk, at reasonable intervals to enter and inspect the island to ascertain the extent of forest cover, erosion, and animal life thereon, and to sow or plant suitable grasses and plants under a program of soil conservation: *Provided*, that such entrance and inspection shall not interfere unreasonably with activities of the Department of the Navy or of the United States Coast Guard.

4. When there is no longer a need for the use of the area hereby reserved, or any portion thereof, for naval purposes of the United States, the Department of the Navy shall so notify the Territory of Hawaii, and shall, upon reasonable request of the Territory, render such area, or such portion thereof, reasonably safe for human habitation, without cost to the Territory.

Mr. FONG. Mr. President, I ask that the island of Kahoolawe be given the same consideration as the island of Culebra. I do not think that I am asking too much. I am only asking that the committee take a look at what is happening out there in the Pacific and see whether there are alternate sites that could be used by the Navy to practice target bombing.

The island of Culebra has been given this exemption if the President should decide in the national interest that it is not necessary that we use the island of Culebra.

I am only asking that we be given the same consideration. Let us take a look at this matter.

I would hope that the distinguished Senator from Washington would accept the amendment and see what might be done.

Mr. JACKSON. Mr. President, I would like to accept the amendment. But I think I can say on behalf of the subcommittee that we do not have any evidence in regard to this matter. This is the first I have heard of it. I understand the concern of the Senator. I would be very happy, as part of this investigation, to ask the Navy to get right on this matter.

The difference between this situation and the one in subsection (c), page 104, is that in the case of the eastern end of Culebra, the language and the date that was set was worked out with the Navy. The Navy plans to get out of that area by that time. We simply set the time as it was given to us. That was one of their preliminary findings.

We do not have any information regarding the special problem adjacent to the island of Maui.

I can assure my good friend the Senator from Hawaii that we will ask the Navy to look into this matter forthwith. However, I hesitate to accept the amendment to set a cutoff date here when we have no word from the Navy as to their position on this matter.

I assure the Senator that we will go into this matter deliberately. I feel sure that I can speak for the members of the subcommittee in that regard.

Mr. FONG. Mr. President, since the distinguished Senator from Washington has assured me that he will look into this matter and will give it his utmost consideration, I am willing to withdraw my amendment. I hope that the committee really looks into the matter and asks the Navy to see whether it can find alternative sites and see what can be done in the matter.

Mr. JACKSON. Mr. President, this will be done. The Senator will be firmly advised of the action taken by the subcommittee with the appropriate responses from the Navy. We will look into it at the same time that we take a look at the report on Culebra, which comes from the Navy which must be submitted to Congress by April 1.

Mr. FONG. Mr. President, I thank the distinguished Senator from Washington.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn. The bill is open to further amendment.

Mr. JAVITS. Mr. President, I send to the desk an amendment on behalf of myself and Senators COOPER, BROOKE, and HATFIELD.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows: On page 57, after line 5 insert:

Provided, That this section may not be used as authority to initiate the deployment of any strategic weapons system at any site not otherwise specifically authorized by law.

Mr. JAVITS. Mr. President, I shall just be a moment. I have tried to present what the Senator himself says with respect to the ambit he wishes this amendment to touch.

Mr. JACKSON. Mr. President, I am happy to take the amendment to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 17604) was read the third time.

The PRESIDING OFFICER. 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 legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. McCARTHY), the Senator from Wyoming (Mr. McGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), the Senator from Alabama (Mr. SPARKMAN), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG) are absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Missouri (Mr. SYMINGTON), the Senator from Ohio (Mr. YOUNG) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Kentucky (Mr. COOK), the Senator from California (Mr. MURPHY), the Senator from Maine (Mrs. SMITH), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER), are necessarily absent.

The Senator from Oklahoma (Mr. BELLMON) is absent on official business.

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

The Senator from New York (Mr. GOODELL) is detained on official business.

If present and voting, the Senator from New York (Mr. GOODELL), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Maine (Mrs. SMITH), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 73, nays 0, as follows:

[No. 338 Leg.]

YEAS—73

Allen	Bayh	Brooke
Allott	Bennett	Burdick
Anderson	Bible	Byrd, Va.
Baker	Boggs	Byrd, W. Va.

Case	Holland	Pearson
Church	Hollings	Pell
Cooper	Hruska	Percy
Cotton	Hughes	Prouty
Curtis	Jackson	Proxmire
Dodd	Javits	Randolph
Dole	Jordan, Idaho	Ribicoff
Dominick	Long	Russell
Eagleton	Magnuson	Saxbe
Ellender	Mansfield	Schweiker
Ervin	Mathias	Scott
Fannin	McClellan	Spong
Fong	McGovern	Stennis
Fulbright	McIntyre	Stevens
Goldwater	Metcalf	Talmadge
Griffin	Miller	Thurmond
Gurney	Mondale	Williams, N.J.
Hansen	Moss	Williams, Del.
Harris	Nelson	Young, N. Dak.
Hart	Packwood	
Hatfield	Pastore	

NAYS—0

NOT VOTING—27

Aiken	Hartke	Muskie
Bellmon	Inouye	Smith, Maine
Cannon	Jordan, N.C.	Smith, Ill.
Cook	Kennedy	Sparkman
Cranston	McCarthy	Symington
Eastland	McGee	Tower
Goodell	Montoya	Tydings
Gore	Mundt	Yarborough
Gravel	Murphy	Young, Ohio

So the bill (H.R. 17604) was passed.

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

The motion was agreed to; and the Presiding Officer appointed Mr. JACKSON, Mr. STENNIS, Mr. ERVIN, Mr. CANNON, Mr. BYRD of Virginia, Mr. THURMOND, Mr. TOWER, and Mr. DOMINICK conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, once again the Senate owes a deep debt of gratitude to the distinguished Senator from Washington (Mr. JACKSON). His handling of this year's military construction authorization equalled the splendid task he has performed in steering this highly important measure through the Senate in years past.

Senator JACKSON is to be commended. He is to be commended for his articulate presentation, for his strong advocacy and for his deep understanding. To this measure, Senator JACKSON lent all of the many outstanding legislative skills he applies to every task he undertakes in this body. We are grateful.

The Senate is grateful as well to Senator THURMOND. He, too, played a vital role in assuring the overwhelming success of this vital authorization. As the ranking minority members of the subcommittee, he cooperated and assisted with characteristic willingness and great ability.

To the Senate also, goes my personal thanks. Each Member joined to assure the efficient disposition of the military construction proposal with full regard for the views of each Member.

IMPROVING THE PORTSMOUTH NAVAL SHIPYARD

Mr. MCINTYRE. Mr. President, I am pleased by the action being taken today to pass H.R. 17604, the military construction bill.

The distinguished Senator from Washington (Mr. JACKSON) the chairman of the Subcommittee on Military Construction of the Armed Services Committee, has given his expected capable leadership in bringing forth a realistic and mean-

ingful bill to provide for this important part of our defense structure.

I am particularly pleased that this important legislation contains \$5,685 million for improvements at the Portsmouth Naval Shipyard of Portsmouth, N.H.

The Portsmouth shipyard is in its 170th year of service to the Nation. It has been an integral part of the Nation's defense since 1815.

The shipyard provides the Navy with a competent, dedicated, well-staffed installation to give undergirding to our naval strength. The deterrent power of our Navy is one of the keystones of our Nation's safeguard against war. Without the kind of deterrent the Portsmouth facility is capable of efficiently and expeditiously servicing, our defense would suffer.

As we are all well aware, the shipyard has been threatened for many years with closure. It has been recently announced that the closure order has been rescinded. I am naturally pleased by this announcement. Those of us representing northern New England have worked long and hard to see that the shipyard stays open.

The action we are taking in H.R. 17604 does not directly relate to the closure of the shipyard. The funds we are authorizing here are devoted to providing needed improvements in the drydock facilities, the engineering management offices, and high pressure steam services outlets and pure water processing and distribution at the installations. This action is necessary to enable the shipyard to carry out presently assigned and vital projects irrespective of whether the shipyard does or does not close sometime in the future.

I have appreciated the chance to work with the Senator from Washington in assuring that these vital funds for the Portsmouth shipyard are included in this authorization.

I am sure that this legislation will have the wholehearted support of the Senate because of the extremely important provisions it covers in providing for the Nation's defense.

CONTINUANCE OF CIVIL GOVERNMENT FOR THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Mr. JACKSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3479.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3479) to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands which was to strike out all after the enacting clause, and insert:

That section 2 of the Act of June 30, 1954 (68 Stat. 330), as amended, is amended by deleting "for fiscal year 1969, \$5,000,000 in addition to the sums heretofore appropriated, for fiscal year 1970, \$50,000,000 and for fiscal year 1971, \$50,000,000" and inserting in lieu thereof the following: "for each of the fiscal years 1971, 1972, 1973, 1974, and 1975, \$60,000,000".

Mr. JACKSON. Mr. President, I move that the Senate concur in the amendment of the House with an amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment of the Senator from Washington will be stated.

The legislative clerk read the amendment, as follows:

On lines 6 and 7, strike "1973, 1974, and 1975," and insert "and 1973".

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 15073) 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; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PATMAN, Mr. BARNETT, Mrs. SULLIVAN, Mr. REUSS, Mr. WIDNALL, Mrs. DWYER, and Mr. WYLIE were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 14373) to authorize the Secretary of the Navy to convey to the city of Portsmouth, State of Virginia, certain lands situated within the Crawford urban renewal project (Va.-53) in the city of Portsmouth, in exchange for certain lands situated within the proposed southside neighborhood development project.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1153, S. 2453. I do this so that it will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read the bill by title, as follows: S. 2453, a bill to further promote equal employment opportunities for American workers.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Equal Employment Opportunities Enforcement Act of 1970".

SEC. 2. Section 701 of the Civil Rights Act of 1964 (78 Stat. 253; 42 U.S.C. 2000e) is amended as follows:

(1) In subsection (a) insert "governments, governmental agencies, political subdivisions," after the word "individuals".

(2) In subsection (b) strike out all before "Provided further", and insert in lieu thereof the following:

"(b) The term 'employer' means a person engaged in an industry affecting commerce who has eight or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but such term does not include (1) the United States, a corporation wholly owned by the Government of the United States, an Indian tribe or any department or agency of the District of Columbia subject by statute to procedures of the competitive service (as defined in section 2102 of title 5 of the United States Code), (2) a bona fide private membership club (other than a labor organization) which is exempt from taxation under section 501(c) of the Internal Revenue Code of 1954: *Provided*, That during the first year after the date of enactment of the Equal Employment Opportunities Enforcement Act of 1970, persons having fewer than twenty employees (and their agents) shall not be considered employers, and during the second year after such date, persons having fewer than fifteen employees (and their agents) shall not be considered employers."

(3) In subsection (c) beginning with the semicolon strike out through the word "as-sistance".

(4) In subsection (e) strike out between "(A)" and "and such labor organization", and insert in lieu thereof "twenty or more during the first year after the date of enactment of the Equal Employment Opportunities Enforcement Act of 1970, (B) fifteen or more during the second year after such date, or (C) eight or more thereafter."

(5) At the end of subsection (h) insert before the period a comma and the following: "and further includes any governmental industry, business, or activity".

SEC. 3. Section 702 of the Civil Rights Act of 1964 (78 Stat. 253, 42 U.S.C. 2000e-2) is amended to read as follows:

"EXEMPTION"

"SEC. 702. This title shall not apply to an employer with respect to the employment of aliens outside any State, or to a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its religious activities.

SEC. 4. (a) Subsections (a) through (e) of section 706 of the Civil Rights Act of 1964 (78 Stat. 259; 42 U.S.C. 2000e-5(a)-(d)) are amended to read as follows:

"(a) The Commission is empowered, as hereinafter provided, to prevent any person from engaging in any unlawful employment practice as set forth in section 703 or 704 of this title.

"(b) Whenever a charge is filed by or on behalf of a person claiming to be aggrieved, or by an officer or employee of the Commission upon the request of any person claiming to be aggrieved, alleging that an employer, employment agency, labor organization, or joint labor-management commit-

tee controlling apprenticeship or other training or retraining, including on-the-job training programs, has engaged in an unlawful employment practice, the Commission shall serve a copy of the charge on such employer, employment agency, labor organization, or joint labor-management committee (hereinafter referred to as the 'respondent') as soon as practicable thereafter and shall make an investigation thereof. Charges shall be in writing, signed under oath, and shall contain such information and be in such form as the Commission requires. Charges shall not be made public by the Commission. If the Commission determines after such investigation that there is not reasonable cause to believe that the charge is true, it shall dismiss the charge and promptly notify the person claiming to be aggrieved and the respondent of its action. If the Commission determines after such investigation that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such informal endeavors may be made public by the Commission, its officers or employees, or used as evidence in a subsequent proceeding without the written consent of the persons concerned. Any officer or employee of the Commission who makes public information in violation of this subsection shall be fined not more than \$1,000 or imprisoned for not more than one year, or both. The Commission shall make its determination on reasonable cause as promptly as possible and, so far as practicable, not later than one hundred and twenty days from the filing of the charge or, where applicable under subsection (c) or (d), from the date upon which the Commission is authorized to take action with respect to the charge.

"(c) In the case of a charge filed by or on behalf of a person claiming to be aggrieved alleging an unlawful employment practice occurring in a State, or political subdivision of a State, which has a State or local law prohibiting the unlawful employment practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, the Commission shall take no action with respect to the investigation of such charge before the expiration of sixty days after proceedings have been commenced under the State or local law, unless such proceedings have been earlier terminated: *Provided*, That such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective date of such State or local law. If any requirement for the commencement of such proceedings is imposed by a State or local authority other than a requirement of the filing of a written and signed statement of the facts upon which the proceeding is based, the proceeding shall be deemed to have been commenced for the purposes of this subsection at the time such statement is sent by registered or certified mail to the appropriate State or local authority.

"(d) In the case of any charge filed by an officer or employee of the Commission alleging an unlawful employment practice occurring in a State or political subdivision of a State which has a State or local law prohibiting the practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof the Commission shall, before taking any action with respect to such charge, notify the appropriate State or local officials and, upon request, afford them a reasonable time, but not less than sixty days: *Provided*, That such sixty-day period shall be extended to one

hundred and twenty days during the first year after the effective day of such State or local law, unless a shorter period is requested, to act under such State or local law to remedy the practice alleged.

"(e) A charge under this section shall be filed within one hundred and eighty days after the alleged unlawful employment practice occurred and a copy shall be served upon the person against whom such charge is made as soon as practicable thereafter, except that in a case of an unlawful employment practice with respect to which the person aggrieved has initially instituted proceedings with a State or local agency with authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, such charge shall be filed by or on behalf of the person aggrieved within three hundred days after the alleged unlawful employment practice occurred, or within thirty days after receiving notice that the State or local agency has terminated the proceedings under the State or local law, whichever is earlier, and a copy of such charge shall be filed by the Commission with the State or local agency.

"(f) If the Commission determines after attempting to secure voluntary compliance under subsection (b) that it is unable to secure from the respondent a conciliation agreement acceptable to the Commission, which determination shall not be reviewable in any court, the Commission shall issue and cause to be served upon the respondent a complaint stating the facts upon which the allegation of the unlawful employment practice is based, together with a notice of hearing before the Commission, or a member or agent thereof, at a place therein fixed not less than five days after the serving of such complaint. Related proceedings may be consolidated for hearing.

"(g) (1) A respondent shall have the right to file an answer to the complaint against him and with the leave of the Commission, which shall be granted whenever it is reasonable and fair to do so, may amend his answer at any time. Respondents and the person aggrieved shall be parties and may appear at any stage of the proceedings, with or without counsel. After the Commission issues a complaint it shall, upon application by the person aggrieved, appoint an attorney for such person in all cases in which it determines that the aggrieved party is unable to pay for an attorney without undue hardship. The Commission may grant such other person a right to intervene or to file briefs or make oral arguments as *amicus curiae* or for other purposes, as it considers appropriate. All testimony shall be taken under oath and shall be reduced to writing. Any such proceeding shall, so far as practicable, be conducted in accordance with the rules of evidence applicable in the district courts of the United States under the Rules of Civil Procedure for the district courts of the United States.

"(2) After the Commission issues a complaint, it may, upon application by the person aggrieved, compensate such person for reasonable expenses in connection with the preparation for the hearing and in connection with participation in the hearings, including the cost of expert witness fees, transcripts, and copying. Not more than \$1,000 will be allocated in any single proceeding to carry out the provisions of this paragraph. The Commission may perform the services for which the aggrieved party would otherwise seek reasonable expenses under this subsection.

"(h) If the Commission finds that the respondent has engaged in an unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on the respondent and the person or persons aggrieved by such unlawful employment practice an order requiring the

respondent to cease and desist from such unlawful employment practice and to take such affirmative action, including reinstatement or hiring of employees, with or without backpay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice), and including payment of attorney's fees pursuant to section 706(x), if the person aggrieved was represented by counsel in the proceedings before the Commission, as will effectuate the policies of this title: *Provided*, That interim earnings or amounts earnable with reasonable diligence by the aggrieved person or persons shall operate to reduce the backpay otherwise allowable. Such order may further require such respondent to make reports from time to time showing the extent to which he has complied with the order. If the Commission finds that the respondent has not engaged in any unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on the respondent and the person or persons alleged in the complaint to be aggrieved an order dismissing the complaint.

"(i) After a charge has been filed and until the record has been filed in court as herein-after provided, the proceeding may at any time be ended by agreement between the Commission and the respondent for the elimination of the alleged unlawful employment practice, approved by the Commission, and the Commission may at any time, upon reasonable notice, modify or set aside, in whole or in part, any finding or order made or issued by it. An agreement approved by the Commission shall be enforceable under subsections (l) through (n) and the provisions of those subsections shall be applicable to the extent appropriate to a proceeding to enforce an agreement.

"(j) Finding of fact and orders made or issued under subsections (h) or (i) of this section shall be determined on the record. Sections 554, 555, 556, and 557 of title 5 of the United States Code shall apply to such proceedings.

"(k) Any party aggrieved by a final order of the Commission granting or denying in whole or in part the relief sought may obtain a review of such order in any United States court of appeals for the circuit in which the unlawful employment practice in question is alleged to have occurred or in which such party resides or transacts business, or in the Court of Appeals for the District of Columbia Circuit, by filing in such court within sixty days after the service of such order, a written petition praying that the order of the Commission be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Commission and to any other party to the proceeding before the Commission, and thereupon the Commission shall file in the court the record in the proceeding as provided in section 2112 of title 28, United States Code. Upon the filing of the petition the court shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant to the petitioner or any other party, including the Commission, such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such record a decree affirming, modifying, or setting aside in whole or in part, the order of the Commission and enforcing the same to the extent that such order is affirmed or modified. Any party to the proceeding before the Commission shall be permitted to intervene in the court of appeals. No objection that has not been urged before the Commission, its members, or agent shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Commission with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, its member, or its agent, the court may order such additional evidence to be taken before the Commission its members, or its agent, and to be made a part of the record. The Commission may modify its finding as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which find-

be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Commission with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, its member, or its agent, the court may order such additional evidence to be taken before the Commission, its member, or its agent, and to be made a part of the record. The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with it, the jurisdiction of the court shall be exclusive and its judgment and decree shall be final except that the same shall be subject to review by the Supreme Court of the United States, as provided in section 1254 of title 28, United States Code. Petitions filed under this subsection shall be heard expeditiously.

"(l) The Commission may petition any United States court of appeals for the circuit in which the unlawful employment practice in question occurred or in which the respondent resides or transacts business, for the enforcement of its order and for appropriate temporary relief or restraining order, by filing in such court a written petition praying that its order be enforced and for appropriate temporary relief or restraining order. The Commission shall file in court with its petition the record in the proceeding as provided in section 2112 of title 28, United States Code. A copy of such petition shall be forthwith transmitted by the clerk of the court to the parties to the proceeding before the Commission. Upon the filing of such petition, the court shall have jurisdiction of the proceeding and of the question determined therein and shall have power to grant to the Commission, or any other party, such temporary relief, restraining order, or other order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such record a decree affirming, modifying, or setting aside in whole or in part, the order of the Commission and enforcing the same to the extent that such order is affirmed or modified. Any party to the proceeding before the Commission shall be permitted to intervene in the court of appeals. No objection that has not been urged before the Commission, its members, or agent shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Commission with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, its member, or its agent, the court may order such additional evidence to be taken before the Commission its members, or its agent, and to be made a part of the record. The Commission may modify its finding as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which find-

ings with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with it the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States as provided in section 1254 of title 28, United States Code. Petitions filed under this subsection shall be heard expeditiously.

"(m) If no petition for review, as provided in subsection (k), is filed within sixty days after service of the Commission's order, the Commission's findings of fact and order shall be conclusive in connection with any petition for enforcement which is filed by the Commission under subsection (l) after the expiration of such sixty-day period. The clerk of the court of appeals in which such petition for enforcement is filed shall forthwith enter a decree enforcing the order of the Commission and shall submit a copy of such decree to the Commission, the respondent named in the petition, and to any other parties to the proceeding before the Commission.

"(n) If within ninety days after service of the Commission's order, no petition for review has been filed as provided in subsection (k), and the Commission has not sought enforcement of its order as provided in subsection (l), any person entitled to relief under the Commission's order may petition for a decree enforcing the order in the United States court of appeals for the circuit in which the unlawful employment practice in question occurred, or in which a respondent named in the order resides or transacts business. The provisions of subsection (m) shall apply to such petitions for enforcement.

"(o) The Attorney General shall conduct all litigation to which the Commission is a party in the Supreme Court of the United States pursuant to this title. All other litigation affecting the Commission, or to which it is a party, shall be conducted by attorneys appointed by the Commission.

"(p) Whenever a charge is filed with the Commission pursuant to subsection (b) and the Commission concludes on the basis of a preliminary investigation that prompt judicial action is necessary to preserve the power of the Commission to grant effective relief in the proceeding, the Commission shall, after it issues a complaint, bring an action for appropriate temporary or preliminary relief pending its final disposition of such charge, or until the filing of a petition under subsections (k), (l), (m), or (n) of this section, as the case may be, in the United States district court for any judicial district in the State in which the unlawful employment practice concerned is alleged to have been committed, or the judicial district in which the aggrieved person would have been employed but for the alleged unlawful employment practice, but, if the respondent is not found within any such judicial district, such an action may be brought in the judicial district in which the respondent has his principal office. For purposes of sections 1404 and 1406 of title 28, United States Code, the judicial district in which the respondent has his principal office shall in all cases be considered a judicial district in which such an action might have been brought. Upon the bringing of any such action, the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper, notwithstanding any other provision of law. Rule 65 of the Federal Rules of Civil Procedure, except paragraph (a) (2) thereof, shall govern proceedings under this subsection.

"(q) (1) If a charge filed with the Commission pursuant to subsection (b) is dismissed by the Commission, or if within sixty days

from the filing of such charge or the expiration of any period of reference under subsection (c) or (d), whichever is later, the Commission has neither issued a complaint under subsection (f) nor entered into an agreement under subsection (f) or (i) which is acceptable to the Commission and to which the person aggrieved is a party, the Commission shall so notify the person aggrieved and such person may, within thirty days thereafter, bring a civil action against the respondent named in the charge. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security. Upon the commencement of such civil action, the Commission shall be divested of jurisdiction over the proceeding and shall take no further action with respect thereto; except that, upon timely application, the court in its discretion may permit the Commission to intervene in such civil action if the Commission certifies that the case is of general public importance.

"(2) The right of an aggrieved person to bring a civil action under paragraph (1) of this subsection shall terminate once the Commission has issued a complaint under subsection (f), or has entered into an agreement under subsection (f) or (i) which is acceptable to the Commission and to which the person aggrieved is a party: *Provided*, That if after issuing a complaint the Commission enters into an agreement under subsection (i) without the agreement of the person aggrieved, or has not issued an order under subsection (h) within a period of one hundred and eighty days of the issuance of the complaint, the Commission shall so notify the person aggrieved and a civil action may be brought against the respondent named in the charge at any time prior to the Commission's issuance of an order under subsection (h) or, in the case of an agreement under subsection (i) to which the person aggrieved is not a party, within thirty days after receiving notice thereof from the Commission: *Provided further*, That where there has been no agreement under subsection (i), if the person aggrieved files a civil action against the respondent during the period from one hundred and eighty days to one year after the issuance of the complaint such person shall notify the Commission of such action and the Commission may petition the court not to proceed with the suit. The court may dismiss or stay any such action upon a showing that the Commission has been acting with due diligence on the complaint, that the Commission anticipates the issuance of an order under subsection

(h) within a reasonable period of time, that the case is exceptional, and that extension of the Commission's jurisdiction is warranted.

"(3) With respect to any charge filed prior to the effective date of the Equal Employment Opportunities Enforcement Act of 1970, the Commission, if unable to secure a conciliation agreement from the respondent after determining that there is reasonable cause to believe that the charge is true, may bring a civil action against the respondent named in the charge."

"(b) Subsection (f) through (k) of section 706 of such Act and references thereto are redesignated as subsections (r) through (w), respectively.

"(c) Section 706(u) and (v) of such Act, as redesignated by this section, are amended (1) by striking out "(e)" and inserting in lieu thereof "(q)", and (2) by striking out "(1)" and inserting in lieu thereof "(u)".

"(d) Section 706(w) of such Act, as redesignated by this section, is amended by inserting after the word "discretion," the words "and, in the case of any action or proceeding before the Commission, the Commission, in its discretion", and by adding at the end

thereof the following new sentence: "Whenever the person aggrieved has an attorney appointed by the Commission and the Commission finds that the respondent has not engaged in an unlawful employment practice the Commission shall pay a reasonable attorney's fee to the person aggrieved."

Sec. 5. Section 707 of the Civil Rights Act of 1964 is amended by adding at the end thereof the following new subsection:

"(c) (1) Effective three years after the date of enactment of the Equal Employment Opportunities Enforcement Act of 1970, the functions of the Attorney General under this section shall be transferred to the Commission if the Attorney General and at least three of the members of the Commission certify to the Congress that the Commission has the capability and the intention to carry out the functions set forth in this section and that a transfer under this subsection would contribute to carrying out the objectives of title VII of this Act.

"(2) In all suits commenced prior to the date any transfer occurs, proceedings shall continue without abatement, all court orders and decrees shall remain in effect, and the Commission shall be substituted as a party for the United States of America or the Attorney General, as appropriate."

Sec. 6. (a) Subsection (b), (c), and (d) of section 708 of the Civil Rights Act of 1964 (78 Stat. 263; 42 U.S.C. 2000e-8(b)-(d)) are amended to read as follows:

"(b) The Commission may cooperate with State and local agencies charged with the administration of State fair employment practices laws and, with the consent of such agencies, may, for the purpose of carrying out its functions and duties under this title and within the limitation of funds appropriated specifically for such purpose, engage in and contribute to the cost of research and other projects of mutual interest undertaken by such agencies, and utilize the services of such agencies and their employees, and, notwithstanding any other provision of law, may pay by advance or reimbursement such agencies and their employees for services rendered to assist the Commission in carrying out this title. In furtherance of such cooperative efforts, the Commission may enter into written agreements with such State or local agencies and such agreements may include provisions under which the Commission shall refrain from processing a charge in any cases or class of cases specified in such agreements or under which the Commission shall relieve any person or class or persons in such State or locality from requirements imposed under this section. The Commission shall rescind any such agreement whenever it determines that the agreement no longer serves the interest of effective enforcement of this title.

"(c) Every employer, employment agency, and labor organization subject to this title shall (1) make and keep such records relevant to the determinations for whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom as the Commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this title or the regulations or orders thereunder. The Commission shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to this title which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purpose of this title, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which such applicants were received, and to furnish to the Commission upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other

training program. Any employer, employment agency, labor organization, or joint labor-management committee which believes that the application to it of any regulation or order issued under this section would result in undue hardship may apply to the Commission for an exemption from the application of such regulation or order, and, if such application for an exemption is denied, bring a civil action in the United States district court for the district where such records are kept. If the Commission or the court, as the case may be, finds that the application of the regulation or order to the employer, employment agency, or labor organization in question would impose an undue hardship, the Commission or the court, as the case may be, may grant appropriate relief: If any person required to comply with the provisions of this subsection fails or refuses to do so, the United States district court for the district in which such person is found, resides, or transacts business, shall, upon application of the Commission, have jurisdiction to issue to such person an order requiring him to comply.

(d) In prescribing requirements pursuant to subsection (c) of this section, the Commission shall consult with other interested State and Federal agencies and shall endeavor to coordinate its requirements with those adopted by such agencies. The Commission shall furnish upon request and without cost to any State or local agency charged with the administration of a fair employment practice law information obtained pursuant to subsection (c) of this section from any employer, employment agency, labor organization, or joint labor-management committee subject to the jurisdiction of such agency. Such information shall be furnished on condition that it not be made public by the recipient agency prior to the institution of a proceeding under State or local law involving such information. If this condition is violated by a recipient agency, the Commission may decline to honor subsequent requests pursuant to this subsection."

(b) Section 709 of the Civil Rights Act of 1964 is amended by: (1) redesignating section 709(e) as 709(f) and (2) by adding immediately after section 709(d) as amended, the following subsection (e):

(e) Any record or paper required by section 709(c) of this title to be preserved or maintained shall be made available for inspection, reproduction, and copying by the Commission or its representative, or to the Attorney General or his representative in connection with his authority under section 707, upon demand in writing directed to the person having custody, possession, or control of such record or paper. Unless otherwise ordered by a court of the United States, neither the members of the Commission nor its representative shall disclose any record or paper produced pursuant to this title, or any reproduction or copy, except to Congress or any committee thereof, or to a governmental agency, or in the presentation of any case or proceeding before any court or grand jury. The United States district court for the district in which a demand is made or in which a record or paper so demanded is located, shall have jurisdiction to compel by appropriate process the production of such record or paper."

Sec. 7. Section 710 of the Civil Rights Act of 1964 (78 Stat. 264; 42 U.S.C. 2000e-9) is amended to read as follows:

"INVESTIGATORY POWERS

"Sec. 710. For the purpose of all hearings and investigations conducted by the Commission or its duly authorized agents or agencies, section 11 of the National Labor Relations Act (49 Stat. 455; 29 U.S.C. 161) shall apply: *Provided*, That no subpena shall be issued on the application of any party to proceedings before the Commission until after the Commission has issued and caused

to be served upon the respondent a complaint and notice of hearing under subsection (f) of section 706."

Sec. 8. (a) Section 703(a)(2) of the Civil Rights Act of 1964 (78 Stat. 255; 42 U.S.C. 2000e-2(a)(2)) is amended by inserting the words "or applicants for employment" after the words "his employees".

(b) Section 703(c)(2) of such Act is amended by inserting the words "or applicants for membership" after the word "membership".

(c) (1) Section 704(a) of such Act is amended by inserting "or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs," after "employment agency" in section 704(a).

(2) Section 704(b) of such Act is amended by (A) striking out "or employment agency" and inserting in lieu thereof "employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs," and (B) inserting a comma and the words "or relating to admission to, or employment in, any program established to provide apprenticeship or other training by such a joint labor-management committee" before the word "indicating".

(d) (1) The second sentence of section 705(a) is amended by inserting before the period at the end thereof a comma and the following: "and all members of the Commission shall continue to serve until their successors are appointed and qualified: Provided, That no such member of the Commission shall continue to serve (1) for more than sixty days when the Congress is in session unless a nomination to fill such vacancy shall have been submitted to the Senate or (2) after the adjournment sine die of the session of the Senate in which such nomination was submitted".

(2) The fourth sentence of section 705(a) of such Act is amended to read as follows: "The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission, and shall appoint, in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, such officers, agents, attorneys, hearings examiners, and employees as he deems necessary to assist it in the performance of its functions and fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates: Provided, That assignment, removal, and compensation of hearing examiners shall be in accordance with sections 3105, 3344, 5362, and 7521 of title 5, United States Code."

(e) Section 705(g)(1) of such Act is amended by inserting at the end thereof the following: "and to accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b))."

(f) Section 705(g)(6) of such Act is amended to read as follows:

"(6) to intervene in a civil action brought by an aggrieved party under section 706."

(g) Section 713 of such Act is amended by adding at the end thereof the following new subsections:

(c) Except for the powers granted to the Commission under subsection (h) of section 706, the power to modify or set aside its findings, or make new findings, under subsections (1), (k), and (l) of section 706, the rulemaking power as defined in subchapter II of chapter 5 of title 5, United States Code, with reference to general rules as distinguished from rules of specific applicability, and the power to enter into or rescind agreements with State and local agencies, as provided in subsection (b) of section 709, under which the Commission agrees to refrain from processing a charge in any cases or class of

cases or under which the Commission agrees to relieve any person or class of persons in such State or locality from requirements imposed by section 709, the Commission may delegate any of its functions, duties, and powers to such person or persons as the Commission may designate by regulation, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter: *Provided*, That nothing in this subsection authorizes the Commission to provide for persons other than those referred to in clauses (2) and (3) of subsection (b) of section 556 of title 5 of the United States Code to conduct any hearing to which that section applies.

(d) The Commission is authorized to delegate to any group of three or more members of the Commission any or all of the powers which it may itself exercise."

(h) Section 714 of such Act is amended by striking out "section 111" and inserting in lieu thereof "sections 111 and 114".

Sec. 9. (a) Section 5314 of title 5 of the United States Code is amended by adding at the end thereof the following new clause:

"(55) Chairman, Equal Employment Opportunity Commission."

(b) Clause (72) of section 5315 of such title is amended to read as follows:

"(72) Members, Equal Employment Opportunity Commission (4)."

(c) Clause (111) of section 5316 of such title is repealed.

Sec. 10. Section 715 of the Civil Rights Act of 1964 (78 Stat. 253; 42 U.S.C. 2000e et seq.) is amended to read as follows:

NONDISCRIMINATION IN FEDERAL GOVERNMENT EMPLOYMENT

"Sec. 715. (a) All personnel actions affecting employees or applicants for employment (except with regard to aliens employed outside the limits of the United States) in military departments as defined in section 102 of title 5, United States Code, in executive agencies (other than the General Accounting Office) as defined in section 105 of title 5, United States Code (including employees and applicants for employment who are paid from nonappropriated funds), and in those portions of the government of the District of Columbia, and the legislative and judicial branches of the Federal Government having positions in the competitive service, shall be made free from any discrimination based on race, color, religion, sex, or national origin.

"(b) The Equal Employment Opportunity Commission shall have authority to enforce the provision of subsection (a) and shall issue such rules, regulations, orders, and instructions as it deems necessary and appropriate to carry out its responsibilities hereunder, and the head of each executive department and agency and the appropriate officers of the District of Columbia shall comply with such rules, regulations, orders, and instructions: *Provided*, That such rules and regulations shall provide that an employee or applicant for employment shall be notified of any final action taken on any complaint filed by him thereunder.

"(c) Within thirty days of receipt of notice, given pursuant to subsection (b) or a previously issued Executive order, of final action taken on a complaint of discrimination based on race, color, religion, sex, or national origin, or after ninety days from the filing of the initial charge until such time as final action may be taken, an employee or applicant for employment, if aggrieved by the final disposition of his complaint, or by the failure to take final action on his complaint, may file a civil action as provided in section 706(q), in which civil action the head of the executive department or agency, or the District of Columbia, as appropriate, shall be the respondent.

"(d) The provisions of section 706(q) through (w), as applicable, shall govern civil actions brought hereunder.

"(e) All functions of the Civil Service Commission which the Director of the Office of Management and Budget determines relate to nondiscrimination in Government employment are transferred to the Equal Employment Opportunity Commission.

"(f) This section shall become effective one year after the date of enactment of this Act.

"(g) Nothing contained in this Act shall relieve any Government agency or official of its or his primary responsibility to assure nondiscrimination in employment as required by the Constitution, statutes, and Executive orders."

Sec. 11. The amendments made by this Act to section 706 of the Civil Rights Act of 1964 (except those subsections designated by this Act as (o) and (q)(3) thereof) shall not be applicable to charges filed with the Commission prior to the enactment of this Act.

PROGRAM

Mr. GRIFFIN. Mr. President, I should like to inquire of the distinguished majority leader if he can give us some idea as to what the schedule might be for the rest of the day and tomorrow.

Mr. MANSFIELD. Mr. President, I shall be happy to respond to the distinguished acting minority leader.

There will be no further votes tonight. I do not know what, if anything, will be done on the pending business. The Senate convenes at 10 o'clock tomorrow morning. Hopefully—and I think this can be stated unequivocally; at least I hope it can—we will be back on the two-shift schedule.

It is anticipated that around the hour of 11 o'clock we will be able to turn to the pending business and dispose of it by 3 o'clock in the afternoon, at which time I shall discuss the situation further with the acting minority leader.

EXTRAORDINARY RECORD OF SENATOR SCOTT

Mr. JAVITS. Mr. President, I wish to call to the attention of the Senate the extraordinary record compiled by the distinguished minority leader (Mr. Scott) in many areas: the fields of human needs and race relations, his understanding of the real missions of the private enterprise system in terms of the welfare of the people, and his perceptive understanding of the situation in the Middle East and the need for good U.S.-Israel relations.

I ask unanimous consent that a statement describing Senator Scott's record be printed in the RECORD.

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

SENATOR HUGH SCOTT'S RECORD ON LEGISLATION TO MEET HUMAN NEEDS

Pennsylvania's Senator Hugh Scott has championed the cause of the poor and the underprivileged during his service in Congress. Believing that no person should be denied the opportunity to work, to attend good schools, to live in a decent home and to eat properly, Senator Scott has dedicated himself to seeking appropriate solutions to these pressing problems.

Consumer protection is not a new issue for Senator Scott. Nearly ten years ago he sponsored a bill to establish a Select Senate Committee on Consumer Affairs. Senator Scott sees the danger of big business and big government leaving the interests of the consumer too far behind. To amplify the Federal government's interest in consumers, Senator Scott recommended Pennsylvania's Virginia Knauer as the President's Special Assistant for Consumer Affairs. Since she took office, Senator Scott has worked closely with her on several important matters such as the Wholesome Fish Act, deceptive advertising and consumer "class action" legislation.

Education matters occupy a great deal of Senator Scott's time in Washington. Federal aid to education has expanded enormously the last ten years, and Senator Scott works closely with the U.S. Office of Education to ensure that it provides the necessary innovations to enable our youngsters to achieve a quality education. Increased Federal aid is needed to supplement state and local funds, and Senator Scott has recognized that need by supporting additional funds for education.

Health care in the United States has been beset by monumental problems. High cost of medical supplies, high physician fees and a general lack of community health care facilities are just a few of these problems. With an ever-increasing population, the Federal government must take up the slack and ensure that no person suffers from a lack of good medical care. Senator Scott's interest in comprehensive health insurance plans goes back to his days in the House of Representatives. He believes that we are all entitled to federally sponsored health insurance and will push for enactment of such a program. Senator Scott helped to shape the current Medicare and Medicaid programs but knows that they are now inadequate and in great need of an overhaul. Another area in need of greater attention is mental health, and Senator Scott is working closely with Federal officials in order to increase the Government's role in solving this critical problem.

Housing is one of our greatest visible problems. Lack of adequate mortgage money and a general lack of Federal assistance has caused a critical shortage of needed housing. Senator Scott has taken positive action to reverse the trend. One of his first votes as a senator was to retain a certain number of public housing units and to keep a higher level of Federal funds for slum clearance. With three out of every four Pennsylvanians now living in an urban area, Senator Scott is devoting even more time to assuring decent housing for all residents of the Commonwealth.

Job opportunities for unskilled and semi-skilled workers have increased in recent years, and Senator Scott is working hard to similarly increase Federal participation in the training of persons to fill these jobs. The unemployment rate among low-income groups is alarming, and Senator Scott has long urged job training and re-training to place unskilled or semi-skilled workers in positions of suitable employment. Senator Scott also introduced the Family Assistance Plan to overhaul the welfare system and provide job incentives.

Senior citizens are all too often the forgotten citizens of our time. But Senator Scott has not forgotten them. Time and again he has demonstrated his concern for the special needs and requirements of retirees and elder Americans. Senator Scott's efforts to improve the Social Security system have had a tremendous impact on Pennsylvanians receiving old age, survivors and disability insurance payments. The so-called Scott "expedited payments" plan, now a part of the Social Security law, ensures that Social Security recipients will get their checks on

time. In addition, Senator Scott supports automatic cost-of-living increases in Social Security payments.

Senator Hugh Scott has dedicated his career to helping people help themselves. He has consistently demonstrated his concern for human needs. He truly represents all Pennsylvanians.

The following summary outlines Senator Scott's record on legislation to meet human needs:

THE 91ST CONGRESS

Legislation

S. 15—Rural Job Development Act—to provide income tax incentives and other benefits for employers operating certain industrial or commercial enterprises in rural job development areas.

S. 861—to provide Federal assistance to States for establishing and strengthening consumer protection programs.

S. 1072—to authorize funds to carry out purposes of Appalachian Regional Development Act of 1965.

S. 1800—to improve the health and safety conditions of persons working in U.S. coal mining industry.

S. 1362—to provide Federal financial assistance to Opportunities Industrialization Centers to assist in job training in low-income areas.

S. 1689—to protect children against dangerous toys.

S. 1788—to assist in removing financial barriers to the acquisition of a post-secondary education by all those capable of benefiting.

S. 1865—to establish programs to find causes and effects of malnutrition and to facilitate detection and treatment.

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

S. 1997—to provide for more effective prevention and treatment of alcoholism by providing grants for education and training programs and by establishing regional centers for research in alcoholism and alcohol-related problems.

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

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

S. 2259—Credit Union Act amendment to assist in meeting the savings and credit needs of low-income persons.

S. 2470—to allow the elderly to trade food stamps for prepared meals.

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

S. 2579—to authorize Commissioners of Education to make Vocational Education Opportunity Grants.

S. 3025—Urban Land Improvement and Housing Assistance Act of 1969.

S. 3204—to require safety devices on household refrigerators.

S. Con. Res. 41—Con. Res. urging adoption of policies to offset adverse effects of governmental monetary restrictions upon the housing industry (ceramic tile industry).

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

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

S. Res. 68—to authorize funding of the Senate Select Committee on Nutrition and Human Needs.

Votes

Voted to prohibit issuance of credit cards, except on request, and to limit holder's liability for loss.

Supported the Consumer Products Warranty and Guaranty Act.

Voted to increase school aid for federally impacted areas by \$60 million.

Voted for the Hospital and Medical Facilities Construction and Modernization Amendments of 1968 (Hill-Burton).

Voted to create the National Insurance Development Corporation to provide reinsurance for insurance companies for losses resulting from riots and civil disorders.

Voted for the Housing and Urban Development Act of 1968.

Voted to increase appropriations for the Office of Economic Opportunity from \$1,624 billion to \$2,048 billion.

Voted to express the sense of the Senate that the aggregate of opportunities for job training for disadvantaged youth shall in no event be less than that for fiscal year 1969.

Voted to increase funds for the Neighborhood Youth Corps summer program under the Manpower Training and Development Act.

Voted to authorize funds to extend programs under the Economic Opportunity Act.

Voted for a 15% increase in Railroad Retirement benefits.

THE 90TH CONGRESS

Legislation

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

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

S. 1003—To increase protection afforded consumers against injurious flammable fabrics.

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

S. 2089—To provide incentives for creation by private industry of additional employment opportunities for residents of urban poverty areas.

S. 2184—To provide incentives for establishment of new or expanded job producing industrial and commercial establishments in rural areas.

S. 2219—To provide Federal financial assistance to help cities and communities of U.S. develop and carry out intensive local programs of rat control and extermination.

S. 2268—Requiring meaningful disclosure of the cost of credit in advertising promoting retail installment sales, loans, or open-end credit plans.

S. 2572—To establish a Domestic Development Bank for development of employment and business opportunities in certain urban and rural areas.

S. 2573—To charter an Economic Opportunity Corporation to encourage private enterprise participation in the effort to rebuild urban slums and eliminate poverty in the U.S.

S. 2871—To broaden and expand food service programs for children under the National School Lunch Act.

S. 3649—To provide private enterprise with incentives to employ and train unemployed and low-income unskilled persons residing in both urban and rural areas, and to provide community employment and training by Federal and local governments as the employer of last resort.

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

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

S. 3876—To establish a community self-determination program to aid people of urban and rural communities in securing employment.

Votes

Voted for the Truth in Lending Act.

Voted to increase by \$14.9 million funds for the Teacher Corps.

Voted to authorize \$50 million for Fiscal

Year 1969 and 1970 for school lunch programs.

Voted for the Vocational Educational Amendments of 1968.

Voted to increase by \$10 million funds for the school dropout prevention program under the Elementary and Secondary Education Act.

Voted to increase funds for grants to neighborhood facilities by \$15 million.

Voted to increase funds for the model cities program by \$300 million.

Voted not to limit contract authorization for rent supplement program to \$20 million.

Voted to restore \$40 million in 1968 contract authorization for the rent supplement program.

Voted not to limit eligibility for the homeownership program to families whose income was 70 percent or less of the prescribed limits for low- and moderate-income programs.

Voted to give those whose homes were destroyed in riots and civil disorders priority in relocating in urban renewal areas.

Voted to establish a Department of Housing and Community Development.

Voted not to eliminate funds for the rent supplement program for FY 1966.

Voted not to reduce from 90 to 50 percent the Federal contribution of funds to pay the salary of any teacher in the National Teacher Corps.

Voted to establish a \$200 million program of grants to employers of up to 15 percent of the cost of training the unemployed.

Voted not to abolish the Job Corps.

Voted to transfer the Headstart program for disadvantaged pre-school children from the Office of Economic Opportunity to the Office of Education so that it would be better administered.

Voted not to reduce the authorizations for the Economic Opportunity Amendments of 1967 by \$198 million.

Voted to add \$25 million to the Headstart program under the Office of Economic Opportunity.

Voted to increase by \$215 million funds for the Office of Economic Opportunity.

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

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

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

THE 89TH CONGRESS

Legislation

S. 2067—To increase educational assistance allowances to war orphans.

S. 2778—To provide financial assistance for the education of orphans and other children lacking parental support.

S. 2921—To provide a special school milk program for children.

S. 3451—To assist in provision of adequate housing in areas in which there is a shortage of housing credit as a result of the occurrence of riots and other civil disorders.

Votes

Voted for the Fair Packaging and Labeling Act.

Voted to liberalize the formula providing financial assistance to local school agencies for children of low-income families.

Voted for the Elementary and Secondary Education Act of 1965.

Voted to provide \$5.2 million for matching grants to the States for community development training programs.

Voted to retain the rent supplement program for disadvantaged persons.

Voted for the Housing and Urban Development Act of 1965.

Voted to provide an additional \$587.5 million for the urban renewal program.

Voted for the Appalachian Regional Development Act of 1965.

Voted for the Manpower Act of 1965.

Voted for the Public Works and Economic Development Act of 1965.

Voted to retain the voluntary assistance program for needy children under the Economic Opportunity Act of 1965.

Voted for the Demonstration Cities and Metropolitan Development Act of 1966.

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

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

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

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

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

THE 88TH CONGRESS

Legislation

S. 259—To allow income tax deduction for certain amounts spent in providing a higher education for self, wife, dependents.

S. 1249—To protect consumers against misbranding, false invoicing and false advertising of certain wood products.

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

S. 1274—To provide preference in awarding certain government contracts to contractors in areas of substantial and persistent unemployment.

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

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

S. 2751—To provide additional funds for special milk program for children.

Votes

Voted not to reduce vocational education authorizations and not to eliminate programs for residential vocational schools and work-study grants.

Voted against reducing by \$100 million the authorization of appropriations to finance youth programs under the Economic Opportunity Act of 1964.

Voted for the Economic Opportunity Act of 1964.

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

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

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

THE 87TH CONGRESS

Legislation

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

S. 2982—To assure decent, safe and sanitary housing to families displaced by construction of highways forming a part of the Interstate System.

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

S. Res. 119—To establish a Select Committee on Consumers.

Votes

Voted to withhold authorized funds from any State or school because of segregation.

Voting not to reduce to 37,000 the number

of public housing units authorized under the proposed Housing Act of 1961.

Voted not to reduce by \$700 million authorized grants for urban renewal.

Voted for Humphrey-Scott amendment providing three-fourths Federal contribution rather than two-thirds on urban renewal housing in small communities in distressed areas.

Voted for the Housing Act of 1961.

Voted not to limit the length of time or the authorization for the retraining program of the Manpower Development and Training Act of 1961.

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

THE 86TH CONGRESS

Legislation

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

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

S. 942—To establish a Commission on Equal Job Opportunity Under Government Contracts.

S. 1016—To provide for a 5-year program of assistance to school districts in meeting debt service on loans for construction of urgently needed elementary or secondary public facilities.

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

S. 3350—To provide program of Federal matching grants to States for over-65 health insurance.

S. 3558—To establish program of financial and technical assistance to alleviate conditions of substantial and persistent unemployment in economically depressed areas.

Votes

Voted to authorize allocation of up to \$600 million for school construction in each of the next 5 fiscal years.

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

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

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

THE 85TH CONGRESS

Votes

Voted not to eliminate \$300 million in funds for direct loans to veterans, not to eliminate 35,000 additional public housing units, and not to cut back from two-thirds to one-half Federal share of capital grants for slum clearance.

Voted to override the President's (Eisenhower) veto of the Housing Act of 1959.

Voted not to reduce from 37,000 to 25,000 the units of public housing authorized.

Voted to provide for 37,000 additional low-cost dwelling units.

Voted for the Housing Act of 1960.

GAMAL ABDEL NASSER

Mr. HATFIELD. Mr. President, the death of Gamal Abdel Nasser has brought in its wake great speculation

about the possible political and military consequences. However, aside from his well-known role as the Arabs' most prominent and charismatic leader, he was a husband, father, and grandfather. It is his widow, Thaia, his three sons, Kahlid, Hakim Amir, and Abd-al-Hamid, and his two daughters, Muna and Houda, who will suffer most from his absence; for President Nasser was a devoted husband and parent.

The man who has been called by his people the greatest leader since Saladin, accomplished what no other Arab leader had done in 2,500 years: end the rule of Egypt by foreign nationalities. The son of a postal clerk, Gamal Abdel Nasser understood his people and their problems. He was devoted to, to use his own words, the establishment of "freedom, pride, and dignity in Egypt." Next to his family, it is the Arab people who will most greatly miss him. Serving as President since 1956, he assumed almost religious stature among many of his countrymen as well as among Arabs throughout the Middle East. And because President Nasser was the only man who commanded the respect, loyalty, and following of so many people in the Middle East, that troubled land and the world has lost one of the few who had the ability to unify the Arab world.

Whether or not one agreed with his politics, President Nasser accomplished a great deal for his people and did support the U.S. peace initiative.

He was a religious man, a Moslem, and viewed himself as a "fatalist," meaning that God determined his life and the crises he faced. He was a forward-looking man concerned for the future of his land.

He once stated:

There is little time for reflection in my job. It must go forward. This is my destiny. I believe in God and destiny, and that one should not look back.

His countrymen have begun a 40-day period of mourning, during which time I hope that we and the people throughout the world can find an affirmation of life and hope for all of the peoples of the Middle East. The Arabic word "nahdha" has, I believe, particular significance for us all with the passing of Gamal Abdel Nasser: "sit up and take notice of the world around you." For possibly through this man's tragic and untimely death we of all nations can grow closer through our common humanity and through our common effort bring to ourselves a greater dignity and peace.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, except that as to the able Senator from Wisconsin (Mr. PROXMIRE), who has been very patiently waiting, I ask unanimous consent that he be permitted to proceed for 10 minutes.

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

MILITARY AUTHORIZATION BILL A DEFEAT FOR THE SENATE

Mr. PROXMIRE. Mr. President, when the military authorization bill passed the Senate in early September, a number of us had serious doubts about it. That was true even though the Senate bill was much better than the House bill. But a whole series of amendments to improve the bill were beaten back by the managers. Because I believe that this country must have a strong defense, I voted for the bill while disagreeing with a number of its provisions. The President requested some \$20.6 billion. The House authorized almost the entire amount, cutting the total by only \$34 million. The Senate, however, authorized only \$19.2 billion, which was \$1.36 billion below the President's request. That was a 6.7-percent cut in the President's request.

SENATE CUT \$1.3 BILLION FROM PRESIDENT'S REQUEST

Along with many others, I felt that the committee had done a good job in the total dollar amounts cut from the authorization. If that cut could be carried through to the appropriations bill and to a cut in actual spending by the President, we could make a significant start on reordering our priorities. My view is that this could both strengthen the United States militarily and strengthen us economically. I say that even though I differed with the committee on a number of specific aspects of the bill; namely, their authorization of the ABM, the contingency fund for the C-5A, funds for the B-1 bomber, and other items.

SENATE GOT WORST OF BARGAIN

Now the bill has returned from conference. I am disappointed in its provisions and I believe that the Senate, on the whole, got the worst of the bargain. If the Senate committee had not been so determined in the Senate floor debate to beat back, with the help of the Pentagon, virtually every amendment proposed to the bill here on the floor, they would have had far greater bargaining power in the conference committee and might well have arrived at a final bill which would be more nearly like the Senate bill we passed.

On the money provisions, the House and Senate conferees essentially split it down the middle. That is the ordinary course of events, but it certainly means that the overall cut is small—a 3.4-percent cut.

The Senate won its position on the ABM by a final agreement that the ABM system would be restricted to protection of the Minuteman bases. It refused to go along with a start on the anti-Chinese ABM system. For that, the Senate should get full marks. The only problem is that in the view of many of us, the ABM system is not needed at all, may never work, is highly vulnerable, and will be outdated before it is ever completed.

The Senate also sustained its position on the building of a third nuclear carrier, which will be postponed if not stopped. In addition, the Senate was sustained on the amendment by the Senator from Arkansas (Mr. FULBRIGHT) concerning payment to troops in Southeast Asia, and in its position on Israel credits.

But for these the Senate paid a very heavy price. Among them were these:

CHEYENNE HELICOPTER

The \$17.6 million in the House bill for continuing the development of the Cheyenne helicopter was retained. This helicopter is a lemon. As the Senate report stated, it also is a competitive system with the AX, and means that we are proceeding with a costly, duplicative system. Furthermore, it indicates how temporary alleged cuts in defense spending by the Pentagon really are. A year ago, amidst a great flurry of activity, the Pentagon announced that the Cheyenne was cancelled. But it was not cancelled. Like Old Man River it just keeps rollin' along. And it is symptomatic of everything that has been wrong with Defense procurement. Here is a weapon which is far more costly than anticipated, which if it is ever delivered will be delivered very late, and which does not work. That is what we mean about waste in the Pentagon.

FREEDOM FIGHTER

The conference also kept in \$30 million for the so-called Freedom Fighter, which every unbiased source admits is a "boondoggle." None of the \$28 million authorized last year has even been obligated. Yet, we are going ahead with \$30 million more. This is done at the whim and at the insistence of the chairman of the House Committee, Mr. RIVERS. It is his personal and private project. When critics talk about waste in defense, unneeded weapons systems, and the fact that procurement is a mess, the Freedom Fighter is example No. 1.

This is an aircraft which even the Air Force has had thrust upon it. This authorization makes a mockery of intelligent procurement. But it is in the final bill.

THE M60A1E2 TANK

The Army's tank program has been in great trouble. The workhorse tank is the M60A1 tank. It is being produced at the rate of about 30 a month. The Army asked for \$67.6 million for it.

The M60A1E2 tank, a later version, has been plagued with troubles. This tank would carry a new turret and the 152-millimeter gun Shillelagh main armament system. But the tanks were never assembled.

Because of this, the Senate committee recommended that \$10.9 million of the \$67.6 million asked for the M60A1 this year come from the recoverable funds and equipment of the M60A1E2 tank. That was a very sensible decision. The Senate committee refused to fund the M60A1E2 tank this year. It cut \$12.1 million here.

But that very intelligent decision ran into opposition in the House committee. So, the full funding for both tanks is included in the conference report.

INDEPENDENT RESEARCH AND DEVELOPMENT

Let me turn to the issue of independent research and development, or I.R. & D. as it is known. This is research done at the discretion of the contractor which is in turn charged off against overhead on the contract. There have been numerous abuses in the past.

Last year I proposed an amendment to limit the funds for this work. As a result,

the amounts were limited to 93 percent of the funds spent in the previous year. In addition, the committee held hearings on a bill I introduced and came up with a series of reforms and recommendations which appeared in this year's Senate bill.

Essentially, what the committee did was this. First, it established a ceiling of \$625 million for the work done by the 50 largest contractors. This represents about 95 percent of the funds, and compares with the \$759 million reported as spent for all I.R. & D. in 1969. It represents an overall cut of \$114 to \$117 million.

Second, the Defense Department was required to negotiate advance agreements with the major contractors.

Third, it attempted to close a loophole whereby funds disallowed for one category could be charged off against another category.

Finally, it required that no payments could be made for work which was not relevant to the functions and operations of the Department of Defense. In the past firms had charged huge amounts to the Government for research into commercial activities.

The truth is that I.R. & D. has been used in the past as a means of financing a stable of engineers, free to be used for strictly commercial purposes. The companies then charged much of this off to the Government as it charged heat, light, rent, and other items.

It was a mess, and it was done without any critical examination on the part of the Congress, the President, or the Bureau of the Budget largely because it was an unknown practice and was never a line item.

The committee's action, thanks largely to Senator McINTYRE, chairman of the Research and Development Subcommittee, went a considerable way to reform I.R. & D. practices.

But the conference committee has emasculated the Senate committee's work. The ceiling has been removed. The restriction on relevancy to the DOD's mission and function has been changed. As the conference report states:

The conferees agreed to delete the reference to relevancy and substitute the words, "in the opinion of the Secretary of Defense, a potential relationship to a military function or operation" to assure a broad interpretation of the relationship of basic research to military requirements.

That language, in my opinion, in spite of the talk about "basic research," gives the Secretary a blank check instead of the tight control needed.

Once again, we face a situation in which some of the activities under I. R. & D. may become scandalous.

GENERAL RESEARCH RESTRICTION NULLIFIED

Last year the Senate adopted the Mansfield amendment which prohibited the use of research funds for those projects which did not have a direct and apparent relationship to a specific military function or operation. That amendment, the Mansfield amendment, was a great public service and long overdue.

It was continued by the Senate this year. But, it too, has been emasculated in the same language that the I. R. & D. research limitations have been emasculated. It gives the Secretary of Defense

a blank check. I hope very much that the majority leader, the Senator from Montana (Mr. MANSFIELD), will act to restore the original language of his bill in whatever legislative or parliamentary way he deems necessary to achieve that end. This Senator would stand behind him in such an effort.

THE C-5A AMENDMENT

As we all know, the Senate bill provided a \$200 million "contingency" fund for payments to Lockheed aircraft over and above its contract for C-5A aircraft. This amount was also in the House bill. But because of the scandal over this contract the Senate Committee added language designed to make certain that it kept some jurisdiction over any plan that the Air Force and the Pentagon proposed to "bail out" Lockheed.

The Senate bill provided that the \$200 million could not be obligated until the Secretary of Defense has presented a plan that has been approved by the House and Senate Committees on Armed Services.

As the Senate report states:

In effect this means that the proposed contractual arrangement both for the use of the \$200 million and the completion of the entire C-5A program will require approval of the two Committees. Through this method there will be the opportunity of a complete review by the Committees on this problem.

But the House refused to agree to even this genteel language. It merely said that the Pentagon should present its plan and wait 30 days before final action. The committees are not required to approve the plan.

This is most ironic, in view of the fact that both the Armed Services Committee of the Senate and the House are very sympathetic and understanding with regard to both Lockheed and Pentagon problems; but even that kind of exposure to criticism by sympathetic Members of Congress was deleted in the conference report.

Those of us who have followed the saga of the C-5A have no confidence whatsoever that the Air Force or the Pentagon will act responsibly in this situation. We know, already, of the proposed contract which would substitute a cost-plus arrangement for a fixed price contract, thus enabling Lockheed to recoup tens and perhaps hundreds of millions of dollars which the Air Force itself has said it does not owe the company.

This program started with a buy-in. It is ending with a bailout.

One need merely trace the highlights of the Air Force's continuing surrender to the Lockheed Corp. on the C-5A program to understand why, as a minimum and as a last resort, the appropriate congressional committees should have to approve any plan worked out for Lockheed by the Air Force.

Let me review those highlights.

BUY-IN

First, the Air Force now admits that Lockheed's proposal was a buy-in, that the contractor underbid his two rivals with the knowledge that the eventual costs would far exceed the original contract price. This fact was evident from the admission that the Air Force's own cost estimates for the program were sub-

stantially higher than Lockheed's bid. Yet, the Air Force simply ignored the obvious buy-in, and went ahead to award the contract to Lockheed.

GOLDEN HANDSHAKE

Second, the Air Force agreed to insert into the contract the now notorious re-pricing formula, often referred to as the golden handshake, and it kept the existence of this provision a well-guarded secret from the Congress and the general public for more than 2 years. Throughout this time, the Air Force boasted that the C-5A contract contained firm price commitments from the contractor. The contract was supposed to contain a fixed price, to which Lockheed had committed itself. But the golden handshake unhinged the fixed price and transformed the firm price commitment into jelly. What is left of the firm price commitment? It has long been forgotten and has been buried under the weight of fantastic cost overruns.

HUGE OVERRUNS CONCEALED

Third, the Air Force knew as early as 1966 that serious cost overruns were piling up on this program. Air Force teams had reported from the plant in Marietta, Ga., in 1966 and 1967 that the costs were exceeding by a wide margin the original estimates. The Air Force refused to audit the contractor's books to determine the full extent of the cost problems. The Air Force refused to take any steps to retard the cost overruns. And what is worse, the Air Force ordered all written evidence of the cost overruns to be suppressed in its own internal reports and concealed them from the Congress and the public.

As late as 1968, the Air Force was asserting in congressional hearings that there were no cost problems with the C-5A, that the costs were on target, and that the program was on time. Now, of course, we know not only that the costs were overrunning, but that the program was suffering schedule slippages as serious delays have since been announced.

DEGRADING PERFORMANCE

Fourth, throughout the development and production of the C-5A, Lockheed has encountered severe technical and engineering problems. A responsible agency would have insisted on the solution of these problems. The Air Force has taken another course of action. The Air Force's solution to technical problems has been not to solve the problems, but rather to modify and generally to degrade the technical requirements. As with the question of price, the Air Force in the past has claimed that the contractor had entered into "firm" performance commitments. Here, too, the Air Force has made a mockery out of the so-called contractual commitments by changing them to suit the contractor's needs.

QUICK DRAW ON RUN B OPTION

Fifth, over a year ago the Air Force conceded that the C-5A contract, with its re-pricing formula and other questionable provisions, was a bad deal for the Air Force, and it proceeded to negotiate for a new contract with Lockheed. One of the issues now in contention is whether the Air Force violated its contract by reduc-

ing the number of planes it intends to buy. This issue arose out of the decision of the Air Force in January of 1969, to exercise its option to buy the so-called run B increment of planes. Under the original contract, the Air Force was obligated to buy only 58 C-5A's, with an option to order an additional 62, called run B. In November of 1968, after discovering the huge \$2 billion cost overrun, I formally requested an investigation by the General Accounting Office and by the Department of Defense into the costs of this program, and asked the Air Force and the Secretary of Defense to withhold its decision on the option, to not order the additional aircraft, until the investigations were complete.

But the Air Force refused to exercise such caution and, in an act of high irresponsibility, it decided in January 1969, to exercise the option. It has not investigated into the causes or even the nature of the cost overruns, as I had requested, when it made this decision.

In this instance, as in many others, the Air Force succumbed to the interests of Lockheed. Throughout the history of this program, dating from 1964, the Air Force has demonstrated an almost complete unawareness of the Government's interests and the taxpayers' interest.

NEW BAILOUT

At times it appears as if the Air Force were acting as an advocate not of national security, or of a strong Air Force, but of the Lockheed Aircraft Corp. How else can we interpret the Air Force's recent proposals to restructure the C-5A contract? This restructuring turns out to be the most shameless capitulation by the Air Force so far. It is an almost total admission of defeat, and it would take the Air Force out of business of cost control altogether. The Air Force wants to transform the original contract into a cost-plus type arrangement. Five long years after entering into the original agreement with a fixed price, the Air Force is willing, if not eager, to completely lift the lid to take the ceiling wholly off the contract.

Mr. President, the Air Force ought to be ashamed. And I dare say if we permit this situation to continue, the Senate will have reason to share in the shame.

PRIVATE RELIEF BILL

The \$200 million contingency fund provision in this bill amounts to special legislation. This provision is, in effect, a private bill for the private relief of a private corporation.

SENATE BIG LOSER

For all of these reasons, the Senate lost out in the conference committee. While it split the difference on funds, it lost about two thirds of the substance of its important amendments.

I believe this episode justifies bigger and larger cuts when the military appropriation bill comes before us. That will be our last chance to make a significant cut this year in some of the excessive items in the military budget.

The experience of the military authorizations conference report should lead the Senate to cut deeper and harder in the military appropriations. Then, when the Senate goes to conference, it

can retain in the final bill a large proportion of the work it has done.

I believe that is the constructive course which lies before us. In view of the disappointment in losing many of the reforms the Senate made in procurement that it is the one way in which the Senate can redeem itself and by which the taxpayers of the country may be protected.

COMMUNICATION FROM EXECUTIVE DEPARTMENTS

The PRESIDENT pro tempore laid before the Senate the following letter, which was referred as indicated:

REPORT ON EXTORTIONATE CREDIT TRANSACTIONS

A letter from the Attorney General of the United States, transmitting, pursuant to law, a report on extortionate credit transactions covered by the Consumer Credit Protection Act of 1968, dated September 1970 (with an accompanying report); to the Committee on Banking & Currency.

PETITION

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

By the PRESIDENT pro tempore; A resolution adopted by the City Council of Philadelphia, praying for the declaration of a boycott of the Arab States; to the Committee on Foreign Relations.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The PRESIDENT pro tempore announced that on today, September 29, 1970, he signed the following enrolled bills, and joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

S. 3637. An act to revise the provisions of the Communications Act of 1934 which relate to political broadcasting;

H.R. 11953. An act to amend section 205 of the act of September 21, 1944 (58 Stat. 736), as amended;

H.R. 18127. An act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes.

S.J. Res. 218. Joint resolution providing for the designation of a "Day of Bread" and "Harvest Festival Week";

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

H.J. Res. 589. Joint resolution expressing the support of the Congress, and urging the support of Federal departments and agencies as well as other persons and organizations, both public and private, for the international biological program;

H.J. Res. 1178. Joint resolution authorizing the President to proclaim the month of October 1970 as "Project Concern Month"; and

H.J. Res. 1366. Joint resolution to provide for the temporary extension of the Federal Housing Administration's insurance authority.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ALLEN, from the Committee on Government Operations, with amendments: S. 2867. A bill to amend section 202(a) of the Federal Property and Administrative Services Act of 1949 to remove a preference accorded to the District of Columbia over State governments in the disposition of excess real property (Rept. No. 91-1245).

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

S. 3070. A bill to encourage the development of novel varieties of sexually reproduced plants and 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 (Rept. No. 91-1246).

By Mr. PASTORE, from the Joint Committee on Atomic Energy, without amendment:

S. 4141. A bill to amend the Atomic Energy Act of 1954, as amended, to eliminate the requirement for a finding of practical value, and for other purposes (Rept. No. 91-1247).

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

H.R. 12943. An act to amend section 3 of the Act of November 2, 1966, to extend for 3 years the authority to make appropriations to carry out such Act (Rept. No. 91-1248).

By Mr. BYRD of West Virginia, from the Committee on the Judiciary, with amendments:

S. 642. A bill to make it a Federal offense to assassinate, kidnap, or assault a Member of Congress or a Member-of-Congress-elect (Rept. No. 91-1249).

By Mr. RANDOLPH, from the Committee on Public Works, without amendment:

H.R. 18104. An act to amend section 15d of the Tennessee Valley Authority Act of 1933 to increase the amount of bonds which may be issued by the Tennessee Valley Authority (Rept. No. 91-1251).

SPECIAL REPORT ON REORGANIZATION PLAN NO. 3 OF 1970, PROVIDING FOR THE ESTABLISHMENT OF THE ENVIRONMENTAL PROTECTION AGENCY—REPORT OF A COMMITTEE (S. REPT. NO. 91-1240)

Mr. RIBICOFF, from the Committee on Government Operations, submitted a report entitled "Reorganization Plan No. 3 of 1970, providing for the establishment of the Environmental Protection Agency," which was ordered to be printed.

PROHIBITION OF UNAUTHORIZED ENTRY INTO CERTAIN BUILDINGS—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 91-1252)

Mr. McCLELLAN. Mr. President, from the Committee on the Judiciary, I report favorably with an amendment S. 2896, to prohibit unauthorized entry into any building or the grounds thereof where the President is or may be temporarily residing, and for other purposes.

I submit a report thereon and I ask unanimous consent that the report be printed, together with the individual views of the Senator from North Carolina (Mr. ERVIN).

The PRESIDING OFFICER (Mr. EAGLETON). The report will be received

and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Arkansas.

OMNIBUS CRIME CONTROL ACT OF 1970—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 91-1253)

Mr. McCLELLAN. Mr. President, from the Committee on the Judiciary, I report favorably with an amendment H.R. 17825, to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes.

I submit a report thereon. I ask unanimous consent that the report be printed, together with the individual views of Senators BAYH, HART, and KENNEDY.

The PRESIDING OFFICER (Mr. EAGLETON). The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Arkansas.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. LONG, from the Committee on Finance:

Wilmot R. Hastings, of Massachusetts, to be General Counsel of the Department of Health, Education, and Welfare.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DODD:

S. 4403. A bill to provide criminal penalties for acts committed in furtherance of urban terrorism, to provide licensing provisions and criminal penalties designed to control the unlawful use of explosives, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. Dodd when he introduced the bill appear below under the appropriate heading.)

By Mr. DOMINICK:

S. 4404. A bill to assure safe and healthful working conditions for working men and women; by providing the means and procedures for establishing and enforcing mandatory safety and health standards; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. DOMINICK when he introduced the bill appear below under the appropriate heading.)

By Mr. MONTOYA:

S. 4405. A bill to provide that the United States make payments on claims of nationals of the United States against the government of Czechoslovakia based on awards made by the Foreign Claims Settlement Commission, and for other purposes; to the Committee on Foreign Relations.

By Mr. MONDALE:

S. 4406. A bill for the relief of Eleftherios Papageorgiou.

By Mr. MONDALE (for Mr. KENNEDY):

S. 4407. A bill for the relief of Rocco D'Alessio, Lucia Di Biase D'Alessio and Angelo D'Alessio; to the Committee on the Judiciary.

By Mr. GOODELL (for himself and Mr. JAVITS):

S. 4408. A bill to amend section 403 of the Appalachian Regional Development Act of 1965; to the Committee on Public Works.

(The remarks of Mr. GoODELL when he introduced the bill appear below under the appropriate heading.)

By Mr. FANNIN:

S. 4409. A bill to amend title XVIII of the Social Security Act to provide coverage under the supplementary medical insurance program for surgical services furnished in certain facilities which are established to perform surgery without inpatient hospitalization; to the Committee on Finance.

By Mr. BIBLE:

S. 4410. A bill to amend section 1 of the act of August 9, 1955, relating to the leasing of Indian lands; to the Committee on Interior and Insular Affairs.

S. 4411. A bill for the relief of Kathy Cox (Kyong Suk Han); to the Committee on the Judiciary.

By Mr. GOODELL:

S. 4412. A bill to require the Secretary of Transportation to prescribe regulations governing the humane treatment of animals transported in air commerce; to the Committee on Commerce.

(The remarks of Mr. GoODELL when he introduced the bill appear below under the appropriate heading.)

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

S. 4413. A bill to amend the act of June 6, 1902, to remove the restriction on use with respect to certain lands and improvements heretofore conveyed to the city of Lincoln, Nebr., and for other purposes; to the Committee on Public Works.

By Mr. BURDICK (for himself and Mr. BYRD of West Virginia):

S. J. Res. 238. Joint resolution authorizing the President to declare November 11 (also known as Veterans Day) as a National Day in Support of U.S. Prisoners of War in Southeast Asia; to the Committee on the Judiciary.

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

S. 4403—INTRODUCTION OF THE URBAN TERRORISM PREVENTION ACT

Mr. DODD. Mr. President, this morning someone brought to my attention the September 26 issue of the Quicksilver Times, which is perhaps the most prominent of our local underground newspapers.

Ordinarily I would not recommend to anyone that they read the Quicksilver Times, which is a sick melange of pornography and profanity and other manifestations of psychological disorientation.

But in this case, I hope that my colleagues will take the time to read this squalid publication, because it bears in the most direct way on the legislation which I shall introduce today.

The opening editorial of the Quicksilver Times says:

With this issue and the printing in it of Underground Manual No. 3 we have crossed a bridge from the old style of underground papers . . . to the dissemination of revolutionary how-to information . . . we feel it

is vitally . . . important to make public knowledge revolutionary information that is hard to come by as well as of immense practical value.

Eight pages of this tabloid newspaper are devoted to the republication of what is described as "Underground Manual No. 3."

In this manual there are instructions, complete with diagrams, on how to make improvised grenades, platter charges, claymore mines, telephone boobytraps, a door knob boobytrap, improvised igniters, detonators and burning fuses, time bombs, Molotov cocktails, explosives of various kinds, and numerous other terrorist devices.

At another time and in another atmosphere, such a publication might have been regarded as a curio. But in the terrible time in which we live, it can be taken for granted that the exhortation to terrorism contained in this pathetic publication, and the explicit instructions on "how to do it," will produce a certain quota of terrorist activities by some of the emotionally unbalanced young people who are exposed to the Quicksilver Times.

THE TERROR MUST STOP

Mr. President, I introduce, for reference to the appropriate committee a bill called the "Urban Terrorism Prevention Act."

This bill has been motivated by the terrifying growth of urban terrorism over the past several years. I think it no exaggeration to say that this terrorism has grown to proportions which pose a serious threat to the lives of our citizens, to the economic life of our urban community, to the continued functioning of our academic institutions, and to organized government in general.

According to the Treasury Department, between January 1969 and April of this year, there were 4,330 bombings in the United States, 1,174 attempted bombings, and over 35,000 threats of bombing. The cases of arson were even more numerous. And attacks on policemen in our major cities reached levels which caused several metropolitan police chiefs to say that they were confronted with open guerrilla warfare or open insurrection.

These terror attacks are for the most part the work of the followers of a handful of extremist organizations, some of them far right, most of them far left.

On the right, the two most notorious terrorist groups have been the KKK and the Minutemen of America. Their operations have generally taken the form of bombing or arson attacks on churches and synagogues and the homes of civil rights leaders.

On the far left, there are the Black Panthers and the White Panthers, the Weathermen, the Maoist Communists who call themselves the Progressive Labor Party, and a variety of groups and grouplets, all of them committed to revolution and acts of violence.

Our terrorists justify their acts of violence on political grounds, and they frequently point to the role played by revolutionary terrorists in bringing about the downfall of the czarist regime in Russia. But the terrorists in czarist Rus-

sia were models of rationality compared to the lunatic breed of terrorists that has sprung up in our country over the past several years.

According to Russian scholars with whom I have discussed the matter, the Russian terrorists targeted their action for the most part against czarist officials whom they regarded as guilty of oppressing the people or of specific repressive measures. And when they assassinated these officials, they would take public credit for what they called the "execution."

They did not go in for the bombing of public buildings or libraries, or research institutions, or for arson, because this is the kind of terrorism that cannot be practiced without endangering innocent lives.

And they did not go in for the random assassination of policemen and firemen. The firemen they were disposed to regard as useful public servants. The policemen they may not have liked because they looked upon them as upholders of an oppressive regime. But they did not hold them responsible for the basic social evils against which they were fighting, and they therefore did not carry out "executions" against ordinary policemen.

The breed of terrorists we are confronting today in the United States may very well be the most ruthless and irrational in the entire history of political terror.

They are obsessed people who derive an almost obscene satisfaction from the most gruesome sort of violence.

What can one say about a terrorist like Weatherman leader Bernadine Dohrn, who said about the murder of actress Sharon Tate and her friends:

Dig it, first they killed those pigs, then they ate dinner in the same room with them, then they even shoved a fork into a victim's stomach! Wild!

Or what can one say about the mind of a man like Rap Brown, who on the night of the Cambridge, Md., riot, addressed a Negro audience in these terms:

Look what the brothers did in Plainfield (New Jersey). They stomped a cop to death. Good. He's dead. They stomped him to death. They threw a shopping basket on his head and took his pistol and shot him and then cut him.

Detroit exploded. Newark exploded. Harlem exploded. It's time for Cambridge to explode, baby.

We are dealing here with a special kind of political lunacy, but it is the kind of lunacy that can tear our society apart unless we move rapidly, because present conditions make this special brand of lunacy highly contagious.

Today it is questionable whether there are more than 4,000 or 5,000 active terrorists, of the right and of the left. But if we fail to bring the epidemic under control, several years from now we may find ourselves faced by three or four times this number.

I say that we must crack down, and crack down immediately, and crack down hard on the terrorists, both of the extreme left and of the extreme right.

We must crack down not only on those who are caught in the act of bombing or

arson or shooting policemen, but on the handful of extremist organizations which advocate acts of terrorism and instruct their members and followers in the techniques of terrorism.

Advocacy, incitation, and instruction bear a direct relationship to the act. Clearly the hundreds of thousands of terrorist flyers and pamphlets that have been distributed in recent years have had more than a little to do with the thousands of terrorist incidents that have taken place. No reasonable person could argue otherwise.

The bill I am introducing today places a ban on the advocacy of urban terrorism and provides criminal penalties for such advocacy.

I know there are those who argue that any ban on the advocacy of terrorism would constitute an infringement of the right of free speech, and they will invoke certain recent Supreme Court decisions to uphold their argument.

In particular, they will refer to the Supreme Court decisions in the Dennis case and the Yates case.

I do not think that these critics have really read the decisions to which they refer.

It is true that the Supreme Court has ruled that one cannot ban the simple advocacy of revolution, when the need for revolution is presented as an abstract doctrine. However, in decision after decision, the Supreme Court has upheld the right of Government to ban the advocacy of illegal actions.

The Supreme Court said:

The essential distinction in *Yates v. the United States* (354 U.S. 298, 324-25 (1957)) is that those to whom the advocacy is addressed must be urged to do something now or in the future, rather than merely to believe in something.

In its earlier decision on the Dennis case, the Supreme Court held that—

Overthrow of the government by force and violence is certainly a substantial enough interest for the government to limit speech. Indeed, this is the ultimate value of any society, for if a society cannot protect its very structure from armed internal attack, it must follow that no subordinate value can be protected.

But in terms of the legislation I here propose, I believe that the most pertinent citation is the following paragraph from the Supreme Court decision in the Yates case:

The essence of the *Dennis* holding was that indoctrination of a group in preparation for future violent action, as well as exhortation to immediate action, by advocacy found to be directed to "action for the accomplishment" of forcible overthrow, to violence as a "rule or principle of action," and employing "language of incitement" . . . is not constitutionally protected when the group is of sufficient size and cohesiveness, is sufficiently oriented towards action, and other circumstances are such as reasonably to justify apprehension that action will occur.

Before proceeding to draft this legislation, I asked the American Law Division of the Library of Congress to research the question of the constitutionality of a law banning the advocacy of terrorism. The research paper which they sent me expressed the belief that the measure I planned to introduce

would be upheld on constitutional grounds.

In addition to banning the advocacy of urban terrorism, the bill which I have introduced today does the following things:

First. It calls for the licensing of all manufacturers and distributors of explosives. The licensing language, I might point out, is closely modeled after the licensing language of the gun bill, which has already been approved by Congress.

Second. It provides greatly increased penalties for terrorist activities and very heavy penalties for any violation of the licensing laws.

Third. It calls for the appointment of an additional Assistant Attorney General to administer the act.

Fourth. It authorizes an appropriation not to exceed \$20 million, to carry out the provision of the act, including the provision of adequate supporting staff for the Assistant Attorney General and of additional investigative personnel for the Federal Bureau of Investigation.

One of the principal statements of findings incorporated in my bill says that the growing climate of violence in our society and the increasingly numerous incidents of bombing, arson, and attacks on law enforcement officers in themselves constitute circumstances under which there is substantial likelihood that incitation to specific acts of terrorism will imminently result in such acts.

I do not believe that anyone could take issue with the validity of this finding.

The penalties prescribed in my bill are far more severe than those now in the books. I believe this is warranted by the magnitude of the crime.

Bombs or Molotov cocktails are potentially weapons of mass murder, and it should therefore be a much more serious matter to manufacture or transport or be found in the possession of an explosive or incendiary device than it is to be found in the possession of a sawed-off shotgun or other concealed firearms.

Here are some samples of the very heavy penalties which my bill prescribes for terrorist activity:

The penalty for leadership or active membership in terrorist organizations is \$5,000 to \$10,000 fine or 5 to 10 years in prison, or if personal injury or death results directly from such advocacy or incitation or instruction, \$10,000 to \$25,000 fine or 10 to 20 years in prison, or both.

The penalty for manufacturing or distributing explosives without a license is \$5,000 to \$10,000 or 5 to 10 years in prison or both; or if personal injury or death results, \$10,000 to \$25,000 and 10 years to life imprisonment.

The penalty for improper possession of commercially produced explosives is \$2,000 to \$5,000 fine or 2 to 5 years in prison, or both.

The penalty for possession of any explosive not produced by a licensed manufacturer is \$5,000 to \$10,000 fine or 5 to 10 years in prison, or both.

The penalty for receiving, transporting or possessing a Molotov cocktail or other incendiary device or any explosive attached to a boobytrap mechanism or timing mechanism, is not less than \$5,000

fine or not less than 5 years in prison, or both.

The penalty for threats of bombing is \$5,000 to \$10,000 fine, or 5 to 10 years in prison, or both.

There are some who will say that such penalties are Draconian. My argument in reply to them is that we are dealing with madmen each one of whom is a potential mass murderer, that we are confronting a national emergency, and that the most severe penalties are in order if we are to save our society from the onslaught of the bombers and the arsonists and all the other practitioners of urban guerrilla warfare.

At this juncture, the epidemic of terrorism is limited to a few thousand diseased minds. It is the purpose of this bill to terminate the epidemic by isolating the bearers of the disease of violence.

In closing my remarks, I think it pertinent to recount a true story which I heard from a veteran Russian scholar.

Many years ago this scholar had a conversation with a man who was chief of police of Petrograd under the Kerensky regime. The chief of police told him that in the summer of 1917 he had approached Kerensky and asked for permission to arrest Lenin and the Bolshevik Central Committee because he believed that this would prevent a lot of trouble in the future.

Kerensky refused to give him this permission, in part because he was an idealist, in part because he felt that the Bolshevik movement was too weak to constitute a menace.

A short while later, Lenin went into hiding in Finland, and it was too late to do anything about the proposal of the chief of police.

One cannot help but admire Kerensky for the idealism and goodness of heart which inspired his refusal to the chief of police.

However, one can also not help but reflect that had Kerensky given the chief of police the green light to arrest Lenin and his coconspirators, the Bolshevik revolution might have been avoided, and mankind might have been spared the countless millions of lost lives and untold human suffering for which the spread of communism has been responsible.

In this situation, as in so many other situations in history, there is no surer guide than the ancient adage that "a stitch in time saves nine."

The PRESIDING OFFICER (Mr. HUGHES). The bill will be received and appropriately referred.

The bill (S. 4403) to provide criminal penalties for acts committed in furtherance of urban terrorism, to provide licensing provisions and criminal penalties designed to control the unlawful use of explosives, and for other purposes, introduced by Mr. DODD, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 4404—INTRODUCTION OF THE OCCUPATIONAL SAFETY AND HEALTH ACT

Mr. DOMINICK. Mr. President, I introduce, for appropriate reference, a bill

relating to the occupational safety and health of American employees. This bill is identical to the Steiger bill (H.R. 19200) now pending in the House. I am offering this bill for the purpose of permitting the Members of the Senate to give it consideration prior to the consideration on the floor of S. 2193, the occupational safety and health bill which has been reported by the Labor and Public Welfare Committee.

At the time S. 2193 is considered, the bill which I am introducing today will be offered as a substitute amendment for S. 2193.

The PRESIDING OFFICER (Mr. DOLE). The bill will be received and appropriately referred.

The bill (S. 4404) to assure safe and healthful working conditions for working men and women; by providing the means and procedures for establishing and enforcing mandatory safety and health standards; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes; introduced by Mr. DOMINICK, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

S. 4408—INTRODUCTION OF A BILL AMENDING THE APPALACHIAN REGIONAL DEVELOPMENT ACT

Mr. GOODELL. Mr. President, the Appalachian Regional Development Act was passed in March 1965—and I supported this legislation—in an attempt to alleviate the severe conditions of substandard housing, poor health, inadequate education, and heavy outward migration that existed in Appalachia. Since its inception, the Appalachian program has had an impact in such diverse areas as health, sewage treatment, education and transportation.

Through the accelerative action of the public investments provided for by the Appalachian Regional Development Act, significant strides have been made toward the development of a regional infrastructure that will prove attractive to private capital investment. Experience has demonstrated that public investment alone can achieve no more than a temporary economic uplift, which ultimately will falter and fail. But to the extent that public investments can be made to stimulate the flow of private investment, they will make a significant contribution to sound and lasting economic development.

A massive Federal revenue-sharing program such as the one recommended by the President will provide the best solution to the problems of economic development which beset all States. Clearly, no Federal agency or authority has greater knowledge of the needs and problems of an individual State than the State itself. Lacking this, however, I am convinced that the concept behind the Appalachian Regional Development Act provides the most effective and workable approach to regional development.

Currently, 14 counties of New York State's southern tier are participating

in the Appalachian regional development program. These counties constitute a region of New York State which, in large measure, had been excluded from the mainstream of economic development and quality of life associated with this.

New York's Appalachian region is progressing with the construction of a regionwide network of 16 area occupational education centers which, upon completion, will give every student and adult the opportunity to acquire job relevant occupational education or re-education. This is a considerable accomplishment in light of the fact that, during the 1950's, Appalachia lost over half its jobs in agriculture, nearly 59 percent of its jobs in mining, and 40 percent of its railroad employment.

There are other regions of New York State contiguous to the present Appalachian region which are beset with the same—and in some instances more severe—problems which the current Appalachian region has struggled so long to overcome. People in these areas are no different in their aspirations for a sound economic base, for better employment opportunities, and for a more rewarding life. The communities, towns, and counties are attempting to help themselves often through the imposition of unusually high debt burdens. The State is extending every assistance possible. But a State such as New York, with major urban centers and a magnitude of problems facing them, finds its dollars spread thin. The application of the Appalachian development concept to these areas can mean a major step toward solution of the problems.

The President has recognized the great need that exists for expansion of the Appalachian regional development area, and a study he transmitted to Congress concludes:

There is sufficient economic justification to warrant the inclusion of portions of upper New York State in an economic development region. Further, the socio-economic orientation of the area in question appears to favor inclusion within the Appalachian region.

The study also points out that the counties in the northern portion of New York State experience generally greater distress than the counties currently included in the Appalachian program.

Accordingly, the bill I introduce today would implement the first alternative proposed in the President's study by including 34 additional counties in New York State in the Appalachian regional development area.

The time for action is now. The concept involved has been proven to be sound; the need has been established. To wait any longer simply delays the process of development. We stand to lose much more by waiting than we could ever gain by failing to enlarge this vital and fruitful program.

The PRESIDING OFFICER (Mr. SAXBE). The bill will be received and appropriately referred.

The bill (S. 4408) to amend section 403 of the Appalachian Regional Development Act of 1965, introduced by Mr. GOODELL (for himself and Mr. JAVITS),

was received, read twice by its title, and referred to the Committee on Public Works.

S. 4412—INTRODUCTION OF A BILL TO PROVIDE HUMANE TREATMENT OF ANIMALS SHIPPED BY AIR

Mr. GOODELL. Mr. President, I am today introducing a bill to assure the humane treatment of animals transported by airlines. This bill is identical to the legislation introduced in the House on September 17, 1970, by Representative LOWELL WEICKER, JR. of Connecticut.

The purpose of this bill is to require the Secretary of Transportation to establish regulations for the care and humane treatment of animals that are transported by air commerce, and authorizes fines of \$1,000 for violation of these rules.

At present, there are no regulations established by the Civil Aeronautics Board or the Federal Aviation Administration or the Department of Agriculture or any Federal agency for the care and humane treatment of animals shipped by air. This bill will require that more regulations be established.

Mr. President, I have received a number of complaints about the lack of Federal regulation from my constituents in New York State, and I am sure that other Senators have also heard from their constituents in this regard. Valuable animals and personal pets are regularly shipped by air, and it is important that they be given care and humane treatment in transit.

Mr. President, I ask unanimous consent that the text of my bill be printed at this point in the RECORD.

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

The bill (S. 4412) to require the Secretary of Transportation to prescribe regulations governing the humane treatment of animals transported in air commerce, introduced by Mr. GOODELL, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 4412

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 307 of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new subsection:

"REGULATIONS GOVERNING HUMANE TREATMENT OF ANIMALS

"(g) The Secretary of Transportation shall, as soon as practicable after the date of enactment of this subsection, prescribe regulations governing the humane treatment of animals transported in air commerce."

SEC. 2. That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading: "SEC. 307. Airspace control and facilities." is amended by adding at the end thereof the following:

"(g) Regulations governing humane treatment of animals."

SENATE JOINT RESOLUTION 238—INTRODUCTION OF JOINT RESOLUTION DESIGNATING VETERANS DAY AS A NATIONAL DAY IN SUPPORT OF UNITED STATES PRISONERS OF WAR IN SOUTHEAST ASIA

Mr. BURDICK. Mr. President, on behalf of myself and the Senator from Virginia (Mr. BYRD), I introduce for appropriate reference, Senate Joint Resolution 238, authorizing and requesting the President to declare November 11 as a National Day in Support of United States Prisoners of War in Southeast Asia.

Last week we were privileged to hear, in joint session of the Congress, Colonel Frank Borman discuss his 14-nation journey made on behalf of our American servicemen held prisoner of war and missing in action in Vietnam.

Colonel Borman painted a vivid picture of the thoughts that must be running through the minds of these men. As I listened to Colonel Borman, I realized that of the many tragedies arising from this war, none is more painful than the plight of the prisoner. Some of these men have been held longer than any other prisoners in the history of the United States.

The tragedy is not confined to the captured men, but strikes at their families, friends, and communities. In a recent issue of the Grand Forks, North Dakota, Herald, Marilyn Hagerty explained how the lives of North Dakota natives have been affected by the persistent refusal of the North Vietnamese to abide by the Geneva Conventions on Prisoners of War. I ask unanimous consent to have this article printed in the RECORD at the conclusion of my remarks.

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

Mr. BURDICK. Mr. President, I doubt there is a Member of this body who has not joined an effort to publicize the attitude of the North Vietnam government. Citizens across the country are adding their names to petitions which will let the North Vietnamese government know our Nation is united in wanting the secure humane treatment and release of these servicemen. One such effort is "Freedom Signature Week" sponsored by the Veterans of Foreign Wars. During the week of September 20-26, VFW members throughout the Nation circulated petitions calling attention to the inhuman treatment of American prisoners and appealing for their release. In North Dakota, it was hoped to obtain 75,000 signatures.

Efforts such as these accord with Colonel Borman's principal suggestion he offered the Joint Session: "that every American continue maximum effort to mobilize world opinion and world awareness of this problem."

Today the Senator from West Virginia (Mr. BYRD) and I offer another means of focusing world opinion on this problem by the introduction of the resolution authorizing the President to designate November 11—Veterans Day—a National Day in Support of United States Prisoners of War in Southeast Asia. I cannot think of a more appropri-

ate observance of Veterans Day than by the public voicing that these are not forgotten men.

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

The joint resolution (S.J. Res. 238) authorizing the President to declare November 11—also known as Veterans Day—as a National Day in Support of United States Prisoners of War in Southeast Asia, introduced by Mr. BURDICK (for himself and Mr. BYRD of West Virginia), was received, read twice by its title, and referred to the Committee on the Judiciary.

The article presented by Mr. BURDICK is as follows:

[From Grand Forks Herald, Sept. 20, 1970, Grand Forks, N. Dak.]

FAMILIES OF POWS, MIAs WAIT, PRAY,
WRITE LETTERS
(By Marilyn Haggerty)

At night, when they go to bed, there's that gnawing, empty feeling. When they awake in the morning, it's still there.

It goes on and on—unresolved.

Families of men who are Prisoners of War (POWs) or Missing In Action in Southeast Asia (MIAs) know no peace of mind. In Grand Forks, there are five of those families. They are associated with a new national League of Families which headquarters in Washington.

While their efforts have been mainly individual from the kitchen table, they now hope to work with families in the 50 United States. Families who are joined in the common bond of waiting, praying and writing letters.

They hope to keep America aware of the more than 1,500 servicemen who should not be forgotten. They hope to encourage a mountain of mail to Hanoi.

They want to protest the secrecy that surrounds those who have been captured. They want to ask for humane treatment for them. They want to implore Hanoi and communist allies to abide by the provisions of the Geneva Peace Treaty on prisoners.

Families of the national league believe that nothing short of public outrage by citizens of the world will help improve the lot of their husbands, fathers, brothers and sons.

Of the more than 1,500 men believed to be captured, only names of 450 have been released.

Recently named as coordinator for the League of Families in North Dakota is Mrs. Leland Torkelson, Box 155, Crosby. Her son, Capt. Loren Torkelson, is known to be a POW. He went down in April, 1967.

Mrs. Torkelson's daughter, Mrs. Everett Knudsvig, lives in Grand Forks.

With the captain's wife, members of the Torkelson family have worked relentlessly in the cause of prisoners.

"What people sometimes don't realize is that every day is important," says Mrs. Knudsvig.

"A few years ago," she says, "everything was hush hush. We were told all information was classified. That we could not talk about it."

"The secrecy was getting us nowhere," she says, "and it was hard on everyone."

She said since release of nine prisoners by Hanoi, the thinking has changed. The liberated men feel the silence has no effect. They are for rallying the public to the atrocities. They recommend a steady flow of letters of protest to Hanoi.

"And it does help to talk about it," says Mrs. Knudsvig.

Families of the following five men are among those here in the National League:

Capt. Loren Torkelson, USAF, Crosby, POW since 1967, brother of Mrs. Knudsvig.

Lt. jg. William M. Christensen, U.S. Navy, Missing in Action since March 1966, brother of Richard Christensen, 605 24th Ave. S.

Major Keith Hall, USAF, POW, since January, 1968, son of Mr. and Mrs. Norman Hall, 710 Ninth Ave. S.

Capt. Clifford Cushman, USAF, MIA since Sept. 1966, son of Mr. and Mrs. M. L. Cushman, 536 Oxford St.

Major Martin W. Steen, USAF, MIA since May, 1966, son of Mrs. Ethel Steen, 210 N. Sixth St.

While the wives of Capt. Torkelson and Maj. Steen have received messages from them, nothing has been heard from the others.

"It's just a vacuum," says Mrs. Steen.

She was one of several North Dakotans who went to Washington in June when the League of Families organized.

Mrs. Steen says packages are sent regularly to Maj. Steen by his wife, who lives at Tempe, Ariz. Only the nearest of kin is allowed to send a package and then only every other month.

"The first package was returned," says Mrs. Steen. "Now they are sent, but never acknowledged."

With her daughter-in-law, she feels the frustration and the loneliness of not knowing a thing. But Mrs. Steen keeps writing letters. She has no idea of what good it does.

Her son went down while returning from a mission over North Vietnam four years ago. His F105 plane was known to have been short of fuel. A searching crew the next day found his parachute belt, which had been cut.

"It indicated he must have landed on his feet," says Mrs. Steen.

But for 4½ years, no word.

Lt. Christensen, who is a native of Grand Forks, has not been heard from since he took off on an F4C Phantom Jet Fighter on a mission in March of 1966.

His brother, Richard, who works at the Area Social Service Center here, says it was in inclement weather. Christensen is a lieutenant junior grade (Lt. jg.), in the Navy, a radar-navigator.

Christensen's parents are Mr. and Mrs. Charles M. Christensen, Great Falls, Mont., formerly of Grand Forks.

For almost two years, the family of Maj. Hall waited and wondered: An F4DD pilot, he was shot down by ground fire in January, 1968. He was listed as Missing In Action in Southeast Asia.

The family understood there had been some radio contact with Hall—then a Capt.—after he reached ground. Their hopes that he was alive came true when messages started coming through from him.

This year, his wife, the former Judy Walton of Grand Forks, has received three brief messages. The last was in May. Mrs. Hall and their three children live at Ft. Walton Beach, Fla.

Maj. Hall is a 1956 graduate of the University of North Dakota.

Seven letters have come through from Capt. Torkelson to his wife, Merle, in Carmichael, Calif. The last was in May.

Torkelson, who like his wife is a UND graduate, went down in April, 1967. His F4C Phantom Jet reportedly was riddled in a "dog fight."

Later he was pictured in a Bangkok newspaper as a captured American pilot. He has been seen among POWs in North Vietnamese propaganda movies. He was recognized as one of the prisoners receiving communion in a film made at Christmas of 1968.

Torkelson has a sister, Mrs. Dennis Thomte, Omaha, who was among a small group of women from that city to go to Washington last May. Their mission was to join with others in an appeal for International Justice for Prisoners.

Spokesman for women on that mission was Carolyn Cushman of Omaha. She is the wife of Capt. Cushman of Grand Forks—missing in action since he was shot down over North Vietnam Sept. 25, 1966.

Mrs. Cushman is a tireless worker in the interest of those held prisoner and those missing in action. She is a director of the Forgotten Americans Committee in Omaha.

She is steadfast in her belief, "No matter what your political views are about the war, all Americans can be united in support of their country's servicemen—either prisoners of war or missing in action."

Carolyn Cushman is relentless in her efforts. She has written Cushman's parents here that the Forgotten Americans Committee is now organizing a big fall rally in that city. It will be a sequel to one held there last spring. The committee sets up displays at public events, passes out literature and seeks signatures on petitions. They have "action packs" available for people anywhere who start a Forgotten Citizens Committee.

The address is P.O. Box 37403, Omaha.

All of the efforts, though, cause only a ripple in the whole broad spectre.

Through it all, families hope Hanoi will take note. Their prayers are fervent.

They ask the Almighty Father to, "Give to all of us who wait and hope in the face of every disappointment the will to persevere in the cause of peace." And they ask for "wisdom to conquer hate with love and every doubt with renewed faith in You."

Mrs. Cushman says, "There is nothing in heaven or earth I would not do to bring back my beloved Cliff."

ADDITIONAL COSPONSORS OF BILLS

S. 4050

At the request of the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Oklahoma (Mr. BELLMON), the Senator from Colorado (Mr. DOMINICK), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 4050, to authorize the issuance of U.S. conservation savings bonds in order to afford an opportunity for the people of the United States, through the purchase of such bonds, to participate in the financing of programs to conserve and improve the Nation's environment.

S. 4345

Mr. HARTKE. Mr. President, it is with a sense of deep concern that I join the distinguished Senator from New Jersey (Mr. WILLIAMS) in cosponsoring S. 4345, a bill to update the retirement income credit.

Last year the Congress passed with my strong support a far-reaching Tax Reform Act.

Several measures in the new law, including a number I have advanced, will provide urgently needed tax relief for overburdened taxpayers. For example, the Act will:

Raise the personal exemption deduction in four steps from \$600 to \$750;

Authorize a new low-income allowance which will remove more than 5 million tax returns from the tax rolls;

Increase the standard deduction from 10 percent of adjusted gross income with a \$1,000 ceiling to 15 percent with a \$2,000 maximum deduction; and

Lower the tax rates for single persons.

But because of time limitations, no action was taken on a matter of vital importance for retired teachers, policemen, firemen and Federal annuitants—the

need for bringing the retirement income credit up-to-date.

The retirement income credit was enacted in 1954 to provide these individuals with comparable tax relief as received by Social Security beneficiaries.

Government annuitants and persons living primarily on investment income receive substantially equivalent treatment by claiming a 15-percent credit on their retirement income—their taxable pensions, annuities, interest, dividends, and rents.

Since 1962 there have been three badly needed increases in social security benefits.

Yet, the retirement income credit has not been modernized during this 8 year period, although hundreds of thousands of Government retirees are in need of tax relief.

As a consequence, the credit no longer provides an equivalent income exemption for Government pensioners.

Today the maximum amount for computing the credit is \$1,524 for a single person—the same figure employed back in 1962.

In contrast, an individual may now receive \$2,278 tax free under social security.

My bill would help to restore greater fairness in our tax system by placing Government annuitants on a substantially equivalent basis with persons receiving social security benefits.

First, S. 4345 would raise the maximum amount for computing the credit from \$1,524 to \$2,278—the maximum benefit now payable to a person under the Social Security Act. For a married couple, this figure would be increased from \$2,286 to \$3,417.

In terms of dollars and cents, this raise could provide a tax savings of \$113 for a single taxpayer and \$170 for a married couple filing jointly.

For a retired couple living on a limited fixed income, this savings could provide badly needed medical care, food for the table, or money for medicine.

In my own State of Indiana, this measure could provide \$4 million in tax relief for an estimated 40,000 elderly taxpayers.

Second, S. 3445 would provide for an automatic adjustment mechanism to keep the retirement income credit current with social security increases. With this approach, Government annuitants will be protected against longstanding delays which can result in the loss of precious tax dollars.

In far too many instances, these local, State and Federal pensioners—desperately in need of tax relief—have been overlooked or ignored.

Equity in our tax system presents a very compelling argument to rectify this situation and to place these taxpayers on a par with social security beneficiaries.

For these reasons, I urge prompt and favorable consideration of S. 4345.

Mr. President, I ask unanimous consent that, at the next printing my name be added as a cosponsor of S. 4345, to adjust the amounts of retirement income for which a tax credit is allowable under the Internal Revenue Code of 1954 in order to provide benefits thereunder compar-

able with tax benefits accorded social security recipients.

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

At the request of the Senator from New Jersey (Mr. WILLIAMS), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Vermont (Mr. PROUTY) were added as cosponsors of S. 4345, to adjust the amounts of retirement income for which a tax credit is allowable under the Internal Revenue Code of 1954 in order to provide benefits thereunder comparable with tax benefits accorded social security recipients.

SENATE RESOLUTION 473—SUBMISSION OF A RESOLUTION AUTHORIZING ADDITIONAL FUNDS FOR SPECIAL COMMITTEE ON AGING

Mr. WILLIAMS of New Jersey submitted the following resolution (S. Res. 473); which was referred to the Committee on Rules and Administration:

S. Res. 473

Resolved, That the Special Committee on Aging is hereby authorized to expend, from the contingent fund of the Senate, \$24,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 316, Ninety-First Congress, agreed to February 16, 1970.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND THE VICE PRESIDENT—AMENDMENTS

AMENDMENT NO. 954

Mr. STEVENS submitted an amendment, in the nature of a substitute, intended to be proposed by him to the Griffin-Tydings amendment (No. 711) to the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States, which was ordered to lie on the table and to be printed.

(The remarks of Mr. STEVENS when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

AMENDMENT NO. 955

Mr. ERVIN submitted an amendment, in the nature of a substitute, intended to be proposed by him, to the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States.

AMENDMENT NO. 956

Mr. DOLE submitted an amendment, in the nature of a substitute, intended to be proposed by him, to Senate Joint Resolution 1, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mr. DOLE when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

AMENDMENT NO. 957

Mr. DOLE submitted an amendment, intended to be proposed by him as a substitute for amendment No. 711, to Senate Joint Resolution 1, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 958

Mr. COTTON submitted an amendment, in the nature of a substitute, intended to be proposed by him, to Senate Joint Resolution 1, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 959

Mr. BAYH submitted an amendment, in the nature of a substitute, intended to be proposed by him, to amendment No. 711, to Senate Joint Resolution 1, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 960

Mr. BAYH submitted an amendment, intended to be proposed by him, to Senate Joint Resolution 1, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 961

Mr. BAYH submitted an amendment, in the nature of a substitute, intended to be proposed by him to amendment No. 911, to Senate Joint Resolution 1, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 962

Mr. BAYH submitted an amendment, intended to be proposed by him, to Senate Joint Resolution 1, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 963

Mr. SPONG submitted an amendment, intended to be proposed by him, to Senate Joint Resolution 1, supra, which was ordered to lie on the table and to be printed.

SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENTS

AMENDMENTS NOS. 964 AND 965

Mr. MONDALE submitted two amendments, intended to be proposed by him, to the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

AMENDMENT NO. 966

SAVING THE NATION'S FAIRS

Mr. TYDINGS. Mr. President, I rise today on behalf of myself and Senators COTTON and MURPHY to submit legislation designed to preserve one of the Nation's historic institutions: the State fair. Owing to the revocation of the tax-exempt status of the Maryland State Fair and Agricultural Society, and attempts by the Internal Revenue Service to tax the Rochester, N.H., Fair, the Los Angeles County Fair Association, the Marshfield, Northampton, and Topsfield fairs in Massachusetts, and the Knox Agricultural Fair of Maine, as well as other fairs across the country, most of the Nation's fairs find themselves faced with financial disaster. Unless the tax-exempt status of these fairs is restored

and preserved, they will not be able to operate without very substantial State subsidies—subsidies that will not be forthcoming given the difficult fiscal position of most of our States.

BRIEF LEGISLATIVE HISTORY

Exemption from taxation of labor, agriculture, horticultural organizations, and charitable and educational organizations was provided by the Revenue Act of 1913.

Regulations 45, article 512, issued in 1921 under the Revenue Act of 1918, provided as follows:

Agricultural and horticultural organizations.—Agricultural or horticultural organizations exempt from tax do not include corporations engaged in growing agricultural or horticultural products or raising live stock or similar products for profit, but include only those organizations which, having no net income inuring to the benefit of their members, are educational or instructive in character and have for their purpose the betterment of the conditions of those engaged in these pursuits, the improvement of the grade of their products and the encouragement and promotion of these industries to a higher degree of efficiency. Included in this class as exempt are organizations such as county fairs and like associations of a quasi-public character, which through a system of awards, prizes, or premiums are designed to encourage the production of better live stock, better agricultural and horticultural products, and whose income, derived from gate receipts, entry fees, donations, etc., is used exclusively to meet the necessary expenses of upkeep and operation. Societies or associations which have for their purpose the holding of annual or periodical race meets, from which profits inure or may inure to the benefit of the members or stockholders, do not come within the terms of this exemption. A corporation engaged in the business of raising stock or poultry, or growing grain, fruits, or other products of this character, as a means of livelihood and for the purpose of gain, is an agricultural or horticultural society only in the sense that its name indicates the kind of business in which it is engaged, and it is not exempt from tax.

These regulations were basically unchanged until 1958, when the Internal Revenue Service adopted regulations under the corresponding provision of the 1954 code which dropped all references to racing.

In 1950, an unrelated business income tax on exempt organizations was enacted. Section 511(a) imposes a tax on the "unrelated business income" of most exempt organizations, including those described in section 501(c); that is, income derived from a trade or business "regularly carried on" by a tax-exempt organization is taxed if the business is not "substantially related" to the performance of the functions upon which the organization's exemption is based.

RACING SUBSTANTIALLY RELATED TO MARYLAND FAIR'S FUNCTION

The relevant history of the Maryland State Fair will be briefly stated, for it is typical of our Nation's fairs. The Maryland State Fair is nearly 100 years old. And, its fundamental objectives and activities have remained substantially the same since it first opened in Baltimore County in 1878.

The fair was established and continues to be operated primarily to improve and stimulate interest in the area's agricul-

tural products. In addition, the fair offers grandstand shows, rides, and horse racing on a half-mile track—all of which have been offered since the fair's inception.

That the horse racing is an intimately related and secondary part of the fair is clear. Far more people attend the fair each day than attend the races. Indeed, all persons attending the racing events must purchase a ticket to the fair, and many of them visit the fair as well.

Thoroughbred horse racing has been conducted at the fair for nearly a century for two reasons: as an attraction to encourage greater attendance at the fair, and as a part of the State's horse-breeding industry. At a trial concerning a local real property tax assessment on the track area—which was held to be improper by the highest court of the State of Maryland because the racing area was found to be an integral part of the fair—Dr. Gordon M. Cairns, Dean of the School of Agriculture at the University of Maryland, described racing's integral role:

Any fair exists primarily for an educational function and purpose. This is to acquaint the people of the area through demonstrations, through exhibits, displays and the like. Secondly, the competitions that are held there are the basis for the development of the various aspects of our livestock and agricultural industry.

Basically, all fairs are created with the objective—with two objectives. The one is education and the other is how to get the people there to show them what is educational and they have to have the traditional, shall we say, entertainment features associated therewith to help draw the crowds to those attractions.

Imposition of the unrelated business income tax specifically was to prevent unfair competition by exempt organizations with profitmaking organizations. However, the operations of the racetrack during the fair by the Maryland State Fair is not competitive with any tracks in the State.

Furthermore, the fair's racing license always has been conditional upon the maintenance of a bona fide fair with agricultural exhibits.

In 1924, the racing commission reported that:

The County Fairs, which have become a valuable asset to the State, enjoyed a successful season, and each year are doing more and more to benefit and promote the agriculture and breeding industries of the State. Racing constitutes an important event at each of the fairs, and the Commission is constantly seeking to improve the conditions under which it is conducted.

The 1939 report of the racing commission sums up the role which county fair racing plays in the Maryland breeding industry:

County fair racing . . . furnish(es) an arena in which the breeders with horses that have not developed the class necessary for the big tracks can acquire purse money to reduce the losses they sustain in their breeding ventures.

Finally, though it should be obvious, it is worth pointing out that no part of the net profits of the Maryland State Fair are received by an individual. All funds go to support and improve the fair.

UNREASONABLE IRS POSITION

In 1955, the Internal Revenue Service forced the Maryland State Fair to go to court to obtain a decision that income from its horseracing is an integral part of the fair and, therefore, not subject to the unrelated business income tax. The U.S. District Court for the District of Maryland ruled in the fair's favor.

But even the court ruling apparently has not satisfied the IRS. It has attempted to tax this income in subsequent years and even has proposed revoking the tax exemption of the entire fair.

Then, in 1968, the IRS issued regulations intended to clarify the meaning of "related" activities of an exempt organization. These regulations state that a business is judged "related" if its conduct "has causal relationship to the achievement of exempt purposes; and is 'substantially related', for purposes of section 513, only if the causal relationship is a substantial one."

Given the integral relationship between the fair's racing activity and its other activities, one would have assumed that this IRS regulation had settled the matter once and for all; that racing would clearly be regarded as a related business activity.

But, later that same year, much to everyone's surprise, the IRS issued a ruling claiming that income from the operation of racing run by a fair is unrelated business income subject to Federal income tax. And, the reasons given for the ruling hardly were compelling: First, that the races are carried on in a manner similar to commercial racetracks; second, that the conduct of the races is not related to the organization's exempt purpose because it does not contribute importantly to the educational objectives of the fair; and, third, the races are not a type of recreational activity that is intended to attract the public to the fair's educational features.

The manner of the IRS approach is particularly disturbing—tax only the entertainment revenue with no offset of other fair activities expenses.

NEED FOR CONGRESSIONAL ACTION

Mr. President, a crisis generated by the Internal Revenue Service threatens the tax-free status of our fairs located in virtually every State. I have already mentioned that fairs in California, Maryland, Maine, Massachusetts, and New Hampshire have recently been subjected to IRS attempts to tax horseracing revenues. A recent survey of some of our country's fairs reveals 25 conducting some sort of horseracing as part of fairs, and these fairs are located in the States of California, Colorado, Connecticut, Illinois, Indiana, Iowa, Maine, Massachusetts, Montana, Nebraska, New Hampshire, New Mexico, Ohio, Pennsylvania, South Dakota, Utah, and Vermont. And there are probably other States with fairs conducting horseracing of which we do not know. But we do know that the fairs of virtually all 50 States carry on public entertainment activities such as horseracing, rodeos, dog-racing, auto racing, water shows, thrill shows, stage shows, music shows, circuses and the like, and that there is no policy or logical difference, nor should there be

any, between these types of public entertainment. And we do know that all of these entertainment activities are historically a part of fairs, many, particularly horseracing, antedating the Federal income tax, and vitally necessary today to draw crowds to witness the agricultural achievements of the area.

Mr. President, if the State fairs of this Nation are held liable for Federal income taxes, they surely will be forced to close. An important part of our agricultural economy and of the American heritage will perish. I do not believe that the Senate can afford to stand by idly while this happens.

Therefore, I am offering legislation today to amend the Internal Revenue Code of 1954 to provide that income from entertainment activities held in conjunction with a public fair conducted by an organization in section 501(c) shall not be "unrelated business" and shall not affect the tax exemption of the organization. It is my belief that much support for such legislation exists in the Congress, since almost every State has one or more nonprofit fairs with public entertainment activities of the type I have described.

In my opinion, a new ruling by the IRS on this matter would have been preferable to additional legislation. But, since careful explanation of this desirable alternative discloses that no new ruling will be forthcoming, I believe it is incumbent upon the Congress to act. For no less is at stake than the survival of the State fair as an American institution.

I ask unanimous consent that the text of this amendment be printed in the RECORD at the conclusion of my remarks.

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

The amendment (No. 968) was referred to the Committee on Finance, as follows:

AMENDMENT NO. 968

At the proper place insert the following new section:

INCOME FROM PUBLIC ENTERTAINMENT ACTIVITIES AT CERTAIN FAIRS AND EXPOSITIONS

SEC.—(a) Section 513 of the Internal Revenue Code of 1954 (relating to the definition of an unrelated trade or business) is amended by adding the following subsection 513(d):

"(d) SPECIAL RULE FOR FAIRS AND EXPOSITIONS.—The term 'unrelated trade or business' shall not include the operation of a public entertainment activity in conjunction with a National, State, local, regional or international fair or exposition conducted by an organization described in section 501(c); nor shall the operation of any such public entertainment activity prevent, or cause the denial of, the exemption of such organization otherwise exempt under section 501(c)."

(b) The amendment made by subsection (a) shall apply with respect to taxable years beginning after December 31, 1959.

AMENDMENT NO. 974

Mr. EAGLETON (for himself and Mr. SYMINGTON) submitted an amendment, intended to be proposed by them, jointly, to House bill 17550, supra, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENT OF OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968—AMENDMENT

AMENDMENT NO. 966

Mr. HARTKE. Mr. President, I am today submitting an amendment to H.R. 17825 which amends the Omnibus Crime Control and Safe Streets Act of 1968.

This country is, in fact, fighting two wars. One in Southeast Asia and the other one in the streets of America. The latter conflict is the oft-mentioned, but underfought, war on crime. In 1968, this war killed 12,000 persons, hospitalized 200,000 persons, and produced property losses in excess of \$1 billion. If positive action is not taken—and taken soon—a crime crisis of unprecedented proportions will soon envelop our Nation.

Supposedly, title I of the Omnibus Crime Control and Safe Streets Act of 1968 could be the greatest single device at the disposal of the Federal Government to check the crime which is engulfing our cities in fear. Under title I, \$63 million was made available to the States in 1969 for the creation of State planning agencies and action programs to upgrade both State and local criminal justice agencies. The appropriations under the act were increased in 1970 to \$286 million with much larger expenditures slated for next year.

However, great sums of money have not produced great results as the program has operated far below its potential. The reports by the National League of Cities, the U.S. Conference of Mayors, the Urban Coalition and Urban America, the National Association of Counties, and the National Governors Conference have all indicated the lack of leadership at both the Federal and State levels that now jeopardizes the war against crime.

The Law Enforcement Assistance Administration has not actively sought to encourage excellence in programming at the local level. If the LEAA is to have an effective leadership role, it must abandon the policy of granting 50 percent of the aid under title I to the States without requiring them to designate the action money would be spent geographically and for what purposes.

The urban coalition cites the highly political focus in the distribution of action funds, as one need for reform under title I. Funds have been squandered on piecemeal projects, instead of coming to terms with the crime problem through well-funded innovative programs. Funds have been used for political rewards and not for criminal counteraction. In an attempt to share the harvest of Federal revenues, many grants are so small as to have an insignificant effect on crime. The war against crime should be placed above such political considerations and motivations.

Funds allocated under title I have often been misspent in low-crime areas. The National League of Cities study zeroes in on the seeming inability to insure that planning and action grant funds will be concentrated in those areas with the highest incidence of crime.

I am offering legislation today that will change section 306 of title I so that no more than 50 percent of the funds appropriated by Congress, as compared to

the present 85 percent, would go to the States as block grants. Attached to this amendment is the proviso that a State's block-grants allocation will be increased by 20 percent from funds allocated at the discretion of LEAA, where it finds that the comprehensive State plan, required under the act, adequately deals with the needs and problems of the urban areas and those areas of high crime incidence within the State. The legislation further guarantees that a State's block grant will be increased by another additional 20 percent from LEAA discretionary funds in the case of a State contributing at least 50 percent of the non-Federal share of the cost for programs of local government. Thus, a State that complies with the two provisos in this legislation will receive a 90-percent block-grant allocation rather than 85 percent currently provided.

The purpose of the first proviso is not to weaken the effective control that the States now exerts over title I funds but to increase the sensitivity and awareness of State governments to the needs of their major urban areas. Similarly, the second proviso is not designed to strengthen the position of the urban areas at the expense of the States, but is an attempt to establish the realities resulting from the fiscal situation of the States and cities. If the block-grant approach is to succeed, a partnership must not only be cemented among the Federal and State Governments, but also among the State and local governments. This partnership can be cemented more firmly by requiring a more equitable sharing of the costs, to alleviate the burden placed upon overextended governmental units.

This war cannot be won until we are willing to designate certain priorities and finance these priorities appropriately. We must carry this war to where it is being fought.

The PRESIDING OFFICER (Mr. HUGHES). The amendment will be received and printed, and will lie on the table.

ESTABLISHMENT OF A FEDERAL BROKER-DEALER INSURANCE CORPORATION—AMENDMENTS

AMENDMENT NO. 967

Mr. HARTKE. Mr. President, I submit an amendment to S. 2348. S. 2348 established a federally chartered corporation to protect securities investors against losses resulting from financial failure of broker-dealer firms. My amendment would protect the private pensions of millions of American workers through Federal insurance of their pension plans. The need for both steps should be obvious. The justice of offering protection not only for investors, but also to American workers should be equally clear.

I have no objection to the basic intent and purpose of S. 2348. When President Nixon mentioned in his economic speech of June 17 this concept as one of eight measures needed to "help the people who need help most in a period of economic transition," I readily indicated my support. Of course, I think it is only fair to

mention the previous initiative and leadership of the distinguished Senator from Maine, Senator MUSKIE. He was the original sponsor of this bill, and has been working on it for many months.

My amendment is based on legislation I have offered in the 88th, 89th, and 90th Congresses. Similar legislation has been introduced in the House and extensive hearings on the need for pension reinsurance were held on the House side this year. I first became aware of the need for this legislation when the Studebaker plant closed suddenly in South Bend, Ind., in 1964. At that time many workers, some with 30 years of hard work behind them were denied pensions benefits to which they were entitled. My subsequent studies discovered that between 1954 and 1969, more than 10,000 private pensions have failed, leaving almost 400,000 employees with reduced, or no pensions at all.

At the present time, there are about \$100 billion invested in private pension funds. These pensions are to cover the private pensions of some 25 to 30 million American workers. By 1980, it is estimated that private pension plans assets will grow to more than \$250 billion, covering some 45 million workers. Clearly we should act now to protect the future and retirement income of these American workers.

Mr. President, I ask unanimous consent that my amendment and explanation of it be printed in the CONGRESSIONAL RECORD at this point.

The PRESIDING OFFICER (Mr. HUGHES). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment and explanation will be printed in the RECORD.

The amendment (No. 967) is as follows:

AMENDMENT No. 967

On page 31, strike out lines 12 and 13, and insert in lieu thereof the following:

TITLE I—SECURITIES INVESTOR PROTECTION ACT OF 1970

“SEC. 101. This title may be cited as the ‘Securities Investor Protection Act of 1970.’”

On page 31, line 14, strike out “Sec. 2.” and insert in lieu thereof “Sec. 102.”

On page 72, line 18, strike out “Sec. 3” and insert in lieu thereof “Sec. 103.”

On page 73, line 8, strike out “Sec. 4” and insert in lieu thereof “Sec. 104.”

On page 73, line 8, strike out “Act” and insert in lieu thereof “title.”

On page 73, line 9, strike out “Act” and insert in lieu thereof “title.”

At the end of the bill, add the following new title:

TITLE II—FEDERAL REINSURANCE OF PRIVATE PENSION PLANS ACT

“SHORT TITLE

“SEC. 201. This title may be cited as the ‘Federal Reinsurance of Private Pension Plans Act’.”

“DEFINITIONS

“SEC. 202. As used in this title—

“(a) The term ‘pension fund’ means a trust, pension plan, or other program under which an employer undertakes to provide, or assist in providing, retirement benefits for the exclusive benefit of his employees or their beneficiaries. Such term does not include any plan or program established by a self-employed individual for his own benefit or for the benefit of his survivors or established by one or more owner-employees ex-

clusively for his or their benefit, or for the benefit of his or their survivors.

“(b) The term ‘eligible pension fund’ means a pension fund which meets the requirements set forth in section 401 of the Internal Revenue Code of 1954 with respect to qualified pension plans.

“(c) (1) The term ‘insured pension fund’ means an eligible pension fund which has been in operation for not less than three years and, for each of such years, has met the requirements set forth in subsection (b) and has been insured under the program established under this title.

“(2) Any addition to, or amendment of, an insured pension fund shall, if such addition or amendment involves a significant increase (as determined by the Secretary) in the unfunded liability of such pension fund, be regarded as a new and distinct pension fund which can become an ‘insured pension fund’ only upon compliance with the provisions of paragraph (1) of this subsection.

“ESTABLISHMENT OF INSURANCE PROGRAM

“SEC. 203. There is hereby established in the Department of Health, Education, and Welfare a program to be known as the Federal insurance program for private pension plans (hereinafter referred to as the ‘program’). The program shall be administered by, or under the direction and control of, the Secretary.

“CONTINGENCIES INSURED AGAINST UNDER PROGRAM

“SEC. 204. (a) The program shall insure (to the extent provided in subsection (b)) beneficiaries of an insured pension fund against loss of benefits to which they are entitled under such pension fund arising from—

“(1) failure of the amounts contributed to such fund to provide benefits anticipated at the time such fund was established, if such failure is attributable to cessation of one or more of the operations carried on by him in one or more facilities of such employer; or

“(b) The rights of beneficiaries of an insured pension fund shall only be insured under the program to the extent that such rights do not exceed—

“(1) in the case of a right to a monthly retirement or disability benefit for the employee himself, the lesser of 80 per centum of his average monthly wage in the five-year period for which his earnings were the greatest, or \$500 per month;

“(2) in the case of a right on the part of one or more dependents, or members of the family, of the employee, or in the case of a right to a lump-sum survivor benefit on account of the death of any employee, an amount found by the Secretary to be reasonably related to the amount determined under subparagraph (1).

In the case of a periodic benefit which is paid on other than a monthly basis, the monthly equivalent of such benefit shall be regarded as the amount of the monthly benefit for purposes of clauses (1) and (2) of the preceding sentence.

“(c) If an eligible pension fund has not been insured under the program for each of at least the three years preceding the time when there occurs the contingency insured against, the rights of beneficiaries shall not be insured and in lieu thereof the contributions made on behalf of such pension fund during such period shall be returned to the pension fund.

“PREMIUM FOR PARTICIPATION IN PROGRAM

“SEC. 5. (a) Each eligible pension fund may, upon application therefor, obtain insurance under the program upon payment of such annual premium as may be established by the Secretary. The Secretary shall establish separate premium rates for insurance against each of the contingencies described in section 204(a)(1) and section 204(a)(2). In establishing such premium

rates for insurance against the contingency described in section 204(a)(2), the Secretary shall provide that the rate shall vary, to whatever extent is appropriate, for different classes of investments. Premiums rates established under this section shall be uniform for all pension funds insured by the program and shall be applied to the amount of the unfunded obligations and assets or class of assets, respectively, of each insured pension fund. The premium rates may be changed from year to year by the Secretary, when the Secretary determines changes to be necessary or desirable to give effect to the purposes of this title; but in no event shall the premium rate established for the contingency described in section 204(a)(1) exceed 1 per centum for each dollar of unfunded obligations, nor shall the aggregate premium payable by any insured pension fund for the contingency described in section 204(a)(2) exceed one-quarter of 1 per centum of the assets of such fund.

“(b) The Secretary, in determining premium rates, and in establishing formulas for determining unfunded obligations and assets of pension funds, shall consult with, and be guided by the advice, the Advisory Council (established by section 208).

“(c) If the Secretary (after consulting with the Advisory Council) determines that, because of the limitation on rate of premium established under subsection (a) or for other reasons, it is not feasible to insure against loss of rights of all beneficiaries of insured pension funds, then the Secretary shall insure the rights of beneficiaries in accordance with the following order of priorities—

“First: individuals who, at the time when there occurs the contingency insured against, are receiving benefits under the pension fund, and individuals who have attained normal retirement age or if no normal retirement age is fixed have reached the age when an unreduced old-age benefit is payable under title II of the Social Security Act, as amended, and who are eligible, upon retirement, for retirement benefits under the pension fund;

“Second: individuals who, at such time, have attained the age for early retirement and who are entitled, upon early retirement, to early retirement benefits under the pension fund; or, if the pension fund plan does not provide for early retirement, individuals who, at such time, have attained age sixty and who, under such pension fund, are eligible for benefits upon retirement;

“Third: individuals who, at such time, have attained age forty-five;

“Fourth: individuals who, at such time, have attained age forty; and

“Fifth: in addition to individuals described in the above priorities, such other individuals as the Secretary, after consulting with the Advisory Council, shall prescribe.

(d) Participation in the program by a pension fund shall be terminated by the Secretary upon failure, after such reasonable period as the Secretary shall prescribe, of such pension fund to make payment of premiums due for participation in the program.

“REVOLVING FUND

“SEC. 206 (a) In carrying out his duties under this title, the Secretary shall establish a revolving fund into which all amounts paid into the program as premiums shall be deposited and from which all liabilities incurred under the program shall be paid.

“(b) The Secretary is authorized to borrow from the Treasury such amounts as may be necessary, for deposit into the revolving fund, to meet the liabilities of the program. Moneys borrowed from the Treasury shall bear a rate of interest determined by the Secretary of the Treasury to be equal to the average rate on outstanding marketable obligations of the United States as of the period such moneys are borrowed. Such moneys

shall be repaid by the Secretary from premiums paid into the revolving fund.

"(c) Moneys in the revolving fund not required for current operations shall be invested in obligations of, or guaranteed as to principal and interest by, the United States.

"AMENDMENT TO INTERNAL REVENUE CODE

"SEC. 207. (a) Section 401(a) of the Internal Revenue Code of 1954 (relating to definition of qualified pension and other similar plans) is amended by adding at the end thereof the following new paragraph:

"'(11) Notwithstanding the preceding provisions of this subsection, no pension fund which, for any taxable year is insurable under the Federal Reinsurance of Private Pension Plans Act, shall be a qualified pension plan under this section if such fund is not insured for such year under the program established under such Act.'

"(b) Section 404(a)(2) of such Code (relating to deductibility of contributions to employees' annuities) is amended by striking out 'section 401(a) (9) and (10)' and inserting in lieu thereof 'section 401(a) (9), (10), and (11)'.

"(c) The amendments made by this section shall be effective with respect to taxable years which begin not less than six months after the date of enactment of this title.

"ADVISORY COUNCIL

"SEC. 208. (a) There is hereby created a Federal Advisory Council for Insurance of Employees' Pension Funds (hereinafter referred to as the 'Advisory Council'), which shall consist of nine members, to be appointed by the President, by and with the advice and consent of the Senate. The President shall select, for appointment to the Council, individuals who are, by reason of training or experience, or both, familiar with and competent to deal with problems involving employees' pension funds and problems relating to the insurance of such funds. Members of the Council shall be appointed for a term of two years.

"(b) Members shall be compensated at the rate of \$100 per day for each day they are engaged in the duties of the Advisory Council and shall be entitled to reimbursement for traveling expenses incurred in attendance at meetings of the Council. The Advisory Council shall meet at Washington, District of Columbia, upon call of the Secretary who shall serve as Chairman of the Council. Meetings shall be called by such Chairman not less often than twice each year.

"(c) It shall be the duty of the Advisory Council to consult with and advise the Secretary with respect to the administration of this title."

In lieu of the matter relating to amending the title of the bill, insert the following:

"Amend the title so as to read: 'A bill to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges, and for other purposes.'"

The explanation presented by Mr. HARTKE is as follows:

PUBLIC REINSURANCE FOR PRIVATE PENSION PLANS

A. PURPOSE OF THE PROGRAM

To establish a Federal system of reinsurance for private pension plans. The program would be financed by premiums to be paid by pension funds as a condition of qualification for favorable tax treatment under the Internal Revenue Code. Such a program would be similar to the program of insurance of deposits in savings banks and savings and loan associations through the Federal Deposit Insurance and the Federal Savings and Loan Insurance Corporations and the insurance of the mortgage obligation to make future payments under the Federal Housing Act.

B. NEED FOR THE PROGRAM

Congress has provided through legislation strong incentives for the establishment of private pension plans. Although the response has been gratifying in terms of the numbers of such plans which have been instituted, the very fact that most pension programs have been in existence for so few years, has created a serious problem. Since most pension plans are newly created they are still far from being fully funded even where a program of funding has been undertaken. In fact, present tax regulations preclude the funding of past service liabilities in less than about 12 years; they do not require that they be funded at all.

As a result termination of a pension plan may mean that the funds accumulated are inadequate to even pay full pensions to those nearing retirement age, let alone to protect the benefit expectations of other workers who may find that the security they thought they had established for their older years, through the accumulation of pension credits, has disappeared overnight.

The proposal embodied herein would insure to the worker at least some measure of the security which he has rightly come to expect; and because of its self-financing feature would not result in the expenditure of 1 cent of public funds. It would protect a worker's investment in a pension fund just as his savings are insured if deposited in a savings bank or a savings and loan association which are protected by insurance through a Government corporation. It would also insure the obligations of the fund to make future payments to him just as a mortgagee's right to receive future mortgage payments is insured by FHA.

C. PENSION RIGHTS PROTECTED

It is hoped that within the maximum premium rate set by the bill that all credits earned under all private pension plans will be able to be protected against the risk of termination. If, however, the premium should prove to be insufficient, the bill establishes a series of priorities for protection.

The highest priority would go to those who have already retired and who are receiving a pension and to those who are eligible to retire under the terms of their plan and who have attained normal retirement age. Next in line for consideration would be those who are eligible to retire by virtue of having attained the age specified in the plan for early retirement. If early retirement is not provided, age 60, the usual age for early retirement, should be used.

Third in line for possible coverage would be those workers whether or not eligible to retire who are over the age of 45 and who therefore presumably will find it impossible to accumulate sufficient new credits to provide adequately for their old age.

Fourth in the line of priorities would be those workers who have reached the age of 40. And last, reinsurance would be provided for all pension credits regardless of the age of the individual at the time of termination. This last classification would of course provide the complete coverage of every earned pension credit referred to earlier as the ultimate goal of this proposal. The desirability of such extensive coverage, if at all feasible, need not be restated.

It should be understood that insurance of credits in the third, fourth, and last priorities would not mean immediate payments from the pension reinsurance system. Payments would only be made when the individual reaches the normal retirement age.

D. PENSION PLANS ELIGIBLE FOR INSURANCE

The proposal contemplates insurance for all private pension plans which qualify under the Internal Revenue Code and which have been in operation and have paid premiums for a specified number of years be-

fore the insurance became effective would seem necessary. Such a suicide clause would seem necessary to prevent the establishment of a program with the knowledge that the plan will be terminated for one of several reasons. This would exclude "pay as you go" plans but would include all funded plans whether insured or trustee. This would include plans which provide for terminal funding, which provide only for the funding of future service liabilities, and which provide for the funding of both past and future service liabilities. It is recognized, of course, that since these different types of plans have significantly different levels of funding, that the unfunded liabilities will vary from plan to plan. Since it is this unfunded liability that will be insured, the amount of the individual plan's premium will be computed on the basis of the amount of unfunded liability.

While the bill proposes to insure all qualified pension plans, further study may prove it necessary to require a reasonable amortization program (30 or 40 years) for past service liabilities. Such a requirement may be necessary if it is determined that the reinsurance scheme would progressively become more expensive because of the large unfunded liabilities of aging firms.

The only limitation which I believe should be placed on this all-inclusive aspect of the insurance is one related to the amount of benefit which any particular plan promises to its members. This would be similar to the limitation of \$10,000 of savings which are eligible for insurance under existing programs. Such limitations are set forth in the bill.

E. RISKS AGAINST WHICH THE SYSTEM SHOULD INSURE

The reinsurance system would insure against all risks to earned pension credits if it is to provide a meaningful sense of security to the employee. These risks fall into two categories: (1) risks to the plan which depend on the degree to which it is funded, and (2) risks to the plan which depend on forces outside of it and which operate irrespective of the extent to which it is funded.

A clear example of a risk in the first category would be the termination of a plan because of the business failure of the employer. In such a case the risk insured against would be its unfunded liability which is attributable to the rights which are insured. As previously pointed out, the premium for insurance of this risk would be determined by the amount of unfunded liabilities.

Since the reinsurance plan is basically underwriting the benefit levels set forth in the plan, the amount of the unfunded liability, both for the purpose of determining the liability insured and the premium charged, would be determined on the basis of a set of standard actuarial assumptions. These actuarial assumptions could be determined by the Secretary on the basis of consultation with the Advisory Council established specifically for the purpose of consultation on the proposed program.

When the employer has not gone out of business, but has closed a plant or reduced the work force, continued funding of the past service liability may become such a burden as to jeopardize the existence of the remaining operation. To protect the rights of both terminating and continuing employees, the bill provides that where there is a partial termination determined in accordance with recent Internal Revenue Service Regulations (code sec. 401(a)(7)), an appropriate portion of the assets would be allocated to the terminating employees. The reinsurance would then pick up any additional liability on behalf of those employees. The employer would continue operation of

his plan, with the remaining assets, on behalf of the continuing employees.

Where there is no termination, the program would not be applicable but the per capita past service amortization payment on a plan exceeds some specified percentage (e.g., 200 percent) of the initial per capita past service amortization payment, usually as a result of a severe reduction in the work force, the reinsurance would assume any past service liability financing required which is in excess of the specified percentage.

The second type of risk different from those which we have been discussing and which should be insured against, is the risk of depreciation of the funded assets. The risk involved, in the situation is probably very slight and is not dependent on the size of the unfunded liability. The premium for this risk is, therefore, computed separately than the premium for insuring the unfunded liabilities. While the risk here would depend upon the types of assets, it would probably be administratively unfeasible, as well as undesirable to set reinsurance premiums for individual investments at the same time consideration might be given to vary the premium by class of assets; i.e., Government bonds, stocks, mortgages, etc.

Since the premiums established, particularly with respect to the second risk outlined above, may eventually prove to be excessive, the legislation includes a provision authorizing the administrator to provide for the suspension or reduction of either type of premium for a period of time.

F. ESTABLISHMENT AND ADMINISTRATION OF REINSURANCE SYSTEM

The most logical existing agency to administer the system of reinsurance for private pension plans would be the Social Security Administration in the Department of Health, Education and Welfare. In addition to having the actuarial and technical personnel who are engaged in a similar operation, the administration by the social security offices would provide an opportunity for automatic notification to a prospective pensioner under a private plan at the time he files an application for social security benefits.

The legislation authorizes the Secretary to borrow moneys from the Treasury for the establishment of a reinsurance fund. This money would be repaid by the premiums which the fund would receive and the legislation would thereby achieve a self-financing status at no cost to the public.

DEPARTMENT OF CONSUMER AFFAIRS ACT—AMENDMENTS

AMENDMENT NO. 969

Mr. WILLIAMS of New Jersey. Mr. President, I submit, for appropriate reference, an amendment to S. 860—the Department of Consumer Affairs Act—a bill which I have cosponsored.

The purpose of this amendment is to help provide greater assurance that the food products purchased by America's consumers are clean, high quality, and properly branded.

In 1891 Federal food inspection first began with the certification of meat for wholesomeness by the Department of Agriculture.

Since then, other major milestones include the initiation of inspection services for:

Prevention of adulterated and misbranded food from moving in interstate commerce in 1906;

Grain in 1907;

Certain dairy products in 1908; Fresh fruits and vegetables in 1917; Shellfish in 1925; Dressed poultry in 1927; and Poultry products moving in interstate commerce in 1957.

Today virtually all food products receive some form of inspection or grading activity.

Yet there is strong cause for concern. For example, a recent report issued by the Government Accounting Office revealed that there are some grave inadequacies in the Federal meat inspection program. In a sampling, serious unsanitary conditions were found. Improper slaughter operations resulted in the contamination of carcasses with fecal material and hair. Meat was found to be processed in unsanitary areas and with dirty equipment.

And there is compelling evidence to indicate that inspection for other food products is often substandard or nonexistent in some instances.

One reason for this critical problem is that our food inspection legislation has usually evolved on a piecemeal basis, designed to meet difficulties as they arose.

As a consequence, parts of the food inspection function are performed by all levels of government. Several Federal agencies are now charged with the duty of inspecting the Nation's food supply, including the Department of Agriculture; the Department of Health, Education, and Welfare; the Department of the Interior; and even the Department of Defense.

This has often led to unnecessary overlap—causing alarm among consumers, concern among advocates of more efficient government and dissatisfaction from the food industry.

GAO estimates that more than 14,500 persons are now involved in Federal food inspection alone.

Moreover, inspection is frequently performed by more than one government agency at the same establishment and oftentimes on the same product.

For instance, at a dairy products company visited by GAO, the following duplication was found to exist:

Military veterinarians made monthly sanitary inspections and tested milk samples for bacteria and butterfat;

The Department of Agriculture also checked the establishment's sanitary conditions and took butter and cheese samples;

Personnel from the Food and Drug Administration inspected periodically for potential health hazards; and

The State health department checked the company's sanitary conditions and analyzed the fluid milk for bacteria.

Because of this fragmented approach, there is no clearcut coordinated Federal policy for inspection of our Nation's food supply.

In New Jersey, legislation has been introduced which would discontinue that State's meat and poultry inspection program and rely solely upon the Federal program. While I understand that this move is being made as an economy measure, I am deeply disturbed that the

health of the people of New Jersey may be jeopardized by this action. The Comptroller General's report makes clear that we must improve the quality and efficiency of our food inspection activities before the States can in good conscience defer to the Federal Government.

The American consumer pays for this neglect, which may be in the form of poorer quality or unwholesome food.

Equally disturbing are reports that, based on the law of averages, each person in the United States is likely to have a diseased, contaminated, adulterated, or misbranded food product served to him at some point during any given year. This is unnecessary and unpardonable in our modern, technologically advanced society.

For these reasons, I introduce this amendment today to bring the many food inspection services under one Federal agency, the proposed Department of Consumer Affairs:

A department that will protect the consumer in an effective and uncompromising fashion.

A department that will give added meaning to the right of the consumer to be protected against inferior quality and adulterated food.

This Department, it seems to me, would be especially well equipped for discharging this function because it can act as a central spokesman for all consumers—all 200 million Americans.

Moreover, it will be one agency charged with the duty of representing the consumer in the highest councils of Government.

With this approach, we can streamline and strengthen Federal food inspection.

By placing this duty within the jurisdiction of one Federal department, we can hope to achieve clearer lines of responsibility.

Greater coordination can also be expected because there will be no unnecessary overlapping functions between competing agencies.

And most important, when the American housewife goes to the supermarket to buy food for her family, she can be more secure that her fruits, vegetables, fish, or meat are clean, wholesome and properly labeled.

In this manner, The American consumer can be more assured of a fair and honest exchange for his hard earned dollar.

Now is the time to move closer to these goals. Now is the time to provide for an effective and coordinated food inspection service.

Therefore, I urge prompt and favorable consideration of this amendment to protect:

Consumers from having adulterated and mislabeled products pawned off on them;

Producers against market loss caused by inferior products replacing wholesome food products;

Honest businessmen maintaining high-quality standards from unfair competition; and

The health and safety of all Americans.

Mr. President, I ask unanimous con-

sent that the text of this amendment be printed in the RECORD.

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

The amendment (No. 969) was referred to the Committee on Government Operations, as follows:

AMENDMENT No. 969

On page 8, strike out lines 1 through 4 and insert in lieu thereof the following:

"(3) all functions, powers and duties of the Secretary of Agriculture under the Federal Meat Inspection Act (7 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451-470), and section 203(h) of the Agricultural Marketing Act of 1946 (7 U.S.C. 16-22(h)) relating to the inspection, certification and identification of the class, quantity, quality and condition of agricultural commodities, and any other functions, powers and duties of the Secretary of Agriculture which relate to the standardization, grading, or classing of agricultural commodities for consumer consumption."

On page 8, line 16, strike out the period and insert in lieu thereof a semicolon.

On page 8, line 22, strike out the semicolon and insert in lieu thereof a period.

ESTABLISHMENT OF A COMMISSION
ON SECURITY AND SAFETY OF
CARGO—AMENDMENTS

AMENDMENTS NOS. 970 THROUGH 973

Mr. BIBLE. Mr. President, I submit four amendments I intend to propose to my bill, S. 3595, to establish a Commission on Security and Safety of Cargo.

Their purpose is to change the thrust of this bill, introduced on March 16, 1970, from that of establishing a commission to recommend solutions to meet the problem of cargo theft to legislation that would also begin immediately to deal affirmatively with some of the more obvious phases of the increasingly critical public carrier crime crisis. I am confident this course of action will meet the approval of eight distinguished and equally concerned Senators who are co-sponsors of this bill—Mr. JENNINGS RANDOLPH of West Virginia, Mr. HARRISON A. WILLIAMS, JR., of New Jersey, Mr. JOSEPH M. MONTOYA of New Mexico, Mr. FRED R. HARRIS of Oklahoma, Mr. JACOB JAVITS of New York, Mr. PETER DOMINICK of Colorado, Mr. ROBERT DOLE of Kansas, and Mr. TED STEVENS of Alaska.

Since the introduction of my bill, the Senate Small Business Committee, of which I have the honor to be chairman, has held additional hearings and conducted further investigation into the growing magnitude of the problem posed by cargo theft, pilferage and hijacking now threatening the normal channels of commerce nationwide.

Mr. President, I believe that some urgency is appropriate because we know that cargo crime by theft, pilferage, hijacking, and vandalism within the transportation cycle nationally in 1969 cost American businesses upward of some \$1,200,000,000.

These loss figures, developed by our committee from cargo claims and other data, do not include U.S. mail thefts, as

an example, showing \$65 million in losses of securities and other high-value items from 1967 to 1969 at New York City's John F. Kennedy Airport alone. Today the record will bear out a judgment that there are massive assaults by organized and unorganized criminal elements on cargo moving in interstate and international commerce.

My four amendments propose:

First. That the Secretary of Transportation be required, in consultation with air, rail, truck, and water transport regulatory agencies and the Commission on Security and Safety of Cargo, to establish mandatory physical security standards immediately for docks, piers, terminals and vehicles to guarantee that steps be taken to protect cargo.

Second. That the Commission's term of existence be reduced from 5 to 2 years, thus requiring final recommendations at an earlier date.

Third. That the Commission make a specific evaluation and recommendation about the development of a Federal license and/or identification system for cargo handlers in all transport modes.

Fourth. That the Shipping Act of 1916 be amended to require the Federal Maritime Commission to establish a uniform loss reporting system immediately to be implemented by agency regulations.

In explanation of my amendments, the first would require carriers to meet certain standards. To their credit, most of the modes of transportation have attempted to establish voluntary programs to meet some physical security standards. However, data provided to our committee, some from carriers themselves, show these attempts have largely been ineffective for many reasons. As I have previously commented at our hearings, it appears many carriers are lackadaisical and slipshod in establishing security standards for cargo. Their efforts to date have failed to dent the problem. Too many public carriers, right along with some of our regulatory agencies, have failed to realize they owe responsibilities to the consumer public and to business shippers in addition to the carriers they regulate.

The second amendment really comes to the heart of the problem—the urgency of coming to grips with cargo crime generally. The bill's language is clear that the Commission be required to propose specific solutions to the Congress, the President, and the other sectors involved. I emphasized that the Commission is not intended to be merely another study commission, but is rather one with a specific mission to propose definitive, deterrent programs in an admittedly difficult area. I am convinced that members of the Commission would recognize the urgency and enormity of the problem and could, by concentrated work, propose effective action programs within a 2-year period, rather than 5 years, as originally proposed.

The third amendment deals with a complex area wherein the rights of labor, management, and the public good are involved. However, it is such a vital component, as it concerns the integrity of the thousands of cargo handlers through

whose hands billions of dollars worth of goods of all sizes, shapes, and values pass daily. Whether cargo can be transported safely without improved screening and identification of employees would seem extremely doubtful, based upon evidence available today. Certainly, specific evaluations and recommendations from the proposed Commission, with its broad-based membership, are absolutely necessary.

The fourth and final amendment would require the Federal Maritime Commission to establish a uniform loss reporting system.

I am pleased to announce that it will not be necessary to require by statute that the Civil Aeronautics Board or the Interstate Commerce Commission establish such uniform loss reporting systems for air and truck carriers because I have received communications from the Chairmen of both agencies within the past week assuring me that mandatory loss reporting systems will be implemented by both agencies immediately by appropriate rulemaking proceedings. This was done in response to our committee's recommendations and my persistent personal appeals that this step be taken so that not only the regulatory agencies, but all concerned businesses and their customers may know what the true dimensions of cargo theft and loss are.

The facts are that today no governmental agency or private company, trade or service organization knows the value, the tonnage or description of cargo moving through our regular commerce cycle. Consequently, there are no accurate statistics on losses, thefts, or their locations and value.

The Federal Maritime Commission has decided against a uniform loss reporting system for its waterborne cargo. My amendment would require such a reporting system in order that the Congress, the executive branch, the shipping public, and even the Maritime Commission itself could know the true extent of maritime cargo theft and pilferage at the Nation's waterfront facilities, estimated at approximately \$170 million last year.

The Federal Maritime Commission believes that certain modified data-reporting forms of the U.S. Customs Bureau will handle theft-loss statistics sufficiently for incoming international cargo, and that foreign-bound export cargo and domestic offshore—coastwise—cargo would not require loss reporting of any kind.

I cannot accept this half-way, wait-and-see attitude, while American exporters, trying to develop foreign markets abroad and do their part in the balance-of-payments trade problem, are left to shift for themselves in trying to assess their cargo thefts. The same is true for businesses who use ships in our coastwise domestic trade who would also be without knowledge of their losses or information about pinpointing theft-prone areas.

I submit that the strength of our entire public carrier transport chain is no stronger than its weakest link. I would hope the Federal Maritime Commission might have a change of heart, but if not,

then I would urge that mandatory uniform loss reporting requirements be imposed. This would permit our three public carrier regulatory agencies—the ICC, CAB, and the FMC—to pull together as a team to meet the cargo crime crisis, instead of having one pulling sideways, maverick-like. The time for backing, filling, and delaying by our carried regulatory agencies is long past in the fight against business cargo crime losses and crime-inflated prices paid by the consumer in the marketplace.

Mr. President, I ask unanimous consent that correspondence between the committee and the three regulatory agencies about this matter be printed in the RECORD at the conclusion of my remarks, together with the proposed amendments and a statement I delivered before the Senate Commerce Committee this morning explaining in greater detail the subject area covered by my amendments proposed herewith.

We have guards riding shotgun today on our big passenger airliners to curb hijacking. Riding shotgun on some cargo shipments within this country is already in progress. Unless effective steps are taken, we may have the spectacle of more shotguns riding cargo transport carriers regulatory to save them from thieves and vandals.

The PRESIDING OFFICER (Mr. SAXBE). The amendments will be received and printed, and will be appropriately referred; and, without objection, the amendments, letter, and statement will be printed in the RECORD.

The amendments (Nos. 970 through 973) were referred to the Committee on Commerce, as follows:

AMENDMENT No. 970

On page 11, line 23, insert the following new section:

"(9) evaluation and recommendation on the need and desirability of developing a Federal system for the licensing and/or identification of all individuals engaged in the handling of cargo, in any mode of transportation, moving in interstate or international commerce. The report under this section shall be made to the President and to the Congress pursuant to the provisions of this Act."

Renumber the succeeding sections accordingly.

AMENDMENT No. 971

On page 12, line 16, delete Section 9, and in lieu thereof insert the following:

"Sec. 9. The Commission shall continue in existence for a period not to exceed two years after the appointment of its members pursuant to the provisions of this Act, at which time it shall cease to exist. Prior to such date, it shall provide the Congress with a complete report on its activities pursuant to this Act, and its final recommendations."

AMENDMENT No. 972

At the end of the bill insert the following:

"FREIGHT SECURITY STANDARDS

"Sec. 10. (a) Prior to the termination of the Commission established pursuant to this Act, the Secretary of Transportation, after consultation with the Commission, the Civil Aeronautics Board, the Interstate Commerce Commission and the Federal Maritime Commission, shall promulgate such regulations as may be necessary for the security and safety of freight in transportation (including at terminals) by each of the separate carrier

modes including freight forwarders under the jurisdiction of each agency.

"(b) Regulations promulgated pursuant to this section shall be deemed to have been promulgated pursuant to the Interstate Commerce Act, the Federal Aviation Act of 1958, and the Shipping Act, 1916, respectively."

AMENDMENT No. 973

At the end of the bill insert the following:

"UNIFORM WATER CARRIER LOST AND DAMAGED CARGO REPORTING

"Sec. 11. (a) Section 21 of the Shipping Act, 1916, is amended by inserting '(a)' after 'Sec. 21' and by inserting at the end thereof a new subsection as follows:

"(b) Each common carrier subject to this Act shall submit to the Federal Maritime Commission, for each three month period, a report listing and evaluating all cargo damaged, lost, missing, stolen or presumed stolen from such carrier or any agent thereof during such period."

"(b) The amendment made by this section shall be effective on the first day of the first calendar month beginning after the date of enactment of this Act."

The matters presented by Mr. BIBLE are as follows:

FEDERAL MARITIME COMMISSION,
Washington, D.C., August 20, 1970.

HON. ALAN BIBLE,
Chairman, Select Committee on Small Business, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: At the time of my testimony before your Committee on June 25, 1970, I advised that our staff would endeavor to suggest a possible reporting system that would provide better statistics with respect to lost cargo. We have endeavored to find a way through existing reports or records to accomplish the desired goal and thereby not place a further paperwork and reporting burden on an industry and a government that is desperately trying to reduce such.

We concluded that U.S. Customs Discrepancy Report, Customs Form 5931, that must currently be filed with the Bureau of Customs to report shortages and overages and the reasons therefor, could be utilized for this purpose with respect to inbound cargo if data appearing thereon was correlated into an overall report and particularly if certain modifications were made.

We found that the Department of the Treasury and its Bureau of Customs had come to the same conclusion. A revised Form 5931 has already been drafted pursuant to a proposed amendment to their rules pertaining to cargo accountability. The proposed amendments are expected to be in effect later this year and, according to Treasury and Customs officials, the statistical data yielded will show the description of the merchandise, its value, and where, when and how lost. I understand that your Committee is fully cognizant of this.

An appropriate analysis of the results on a regular and timely basis should pinpoint the trouble areas allowing those charged with custody of the goods to provide adequate protection commensurate with the risks involved as well as be an aid to law enforcement if the cargo is found to be stolen.

We were unable to locate an existing report that would provide similar information with respect to export cargo or cargo in the domestic off-shore trades. It is our view, however, based on contacts with carrier, insurance and governmental sources that the outbound problem is not as great as the inbound foreign problem. One of the prime reasons for this is, of course, the fact that cargo outbound is normally held on dock for a very short time reducing the opportunity for theft. In any event, particularly with the

advent of containers, a loss in the export trades will normally not be detected until after delivery to the foreign consignee. This fact complicates a reporting system. Unlike the inbound trade where the Bureau of Customs must clear the cargo, collect duty, etc., the outbound trade has no such requirement from the standpoint of this government and the value and accuracy of reports would be reduced accordingly. All things considered, it is our present suggestion that prior to imposing a reporting requirement with respect to export cargo that the results of the revised inbound reporting requirements be evaluated and implemented to cope with the pinpointed trouble areas. It is believed that the same piers and/or terminal areas are likely to be involved and if successful in reducing thefts inbound the natural consequences will be to reduce thefts outbound as well.

The hearings of your Committee have highlighted and brought into focus the inroads that crime has made into our transportation lifeline and have caused both the private and public sectors to initiate corrective action which, hopefully, will have beneficial results.

Again, I wish to express my appreciation for the opportunity to testify before your Committee on this very important matter.

Sincerely,
HELEN DELICH BENTLEY,
Chairman.

CIVIL AERONAUTICS BOARD,
Washington, D.C., September 25, 1970.

HON. ALAN BIBLE,
Chairman, Select Committee on Small Business, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of August 19, 1970, regarding the introduction of a rulemaking action to require carrier reports on air freight loss and damage.

I have now discussed the matter with other members of the Board, and am pleased to advise you that we will proceed with a proposed rulemaking notice on freight loss and damage data reporting.

In the interests of intermodal uniformity, as noted in yours of August 19, we shall review our proposed action with the Interstate Commerce Commission and Federal Maritime Commission in advance of our actual release to the public and the carriers.

Sincerely,
SECOR D. BROWNE,
Chairman.

U.S. SENATE,
SELECT COMMITTEE ON SMALL BUSINESS,
Washington D.C., August 19, 1970.

HON. SECOR D. BROWNE,
Chairman, Civil Aeronautics Board,
Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of July 30, 1970, concerning the cargo loss reporting system of air carriers. My primary complaint of the system proposed by the carriers is that it would not provide a true and timely picture of air cargo losses. The proposal of the air carriers would simply provide statistics based solely on claims paid by the air carriers. You are aware, I am sure, that these claims may be ones that have been resolved only after lengthy negotiation and thus could, in fact, be very old claims. Also, this would not provide adequate information on claims filed by shippers which were disallowed by the air carriers.

The Interstate Commerce Commission in Title 49, Part 1207, of the *Code of Federal Regulations* requires surface carriers to maintain a freight claim register showing each claim received for cargo loss and damage, the date and amount of the claim, the waybill number and type of commodity, etc. I have just written to the Honorable George Stafford, Chairman of the Interstate

Commerce Commission, requesting that the ICC consider utilizing this mandatory claims register as the basis for the development of a periodic, uniform loss reporting system. A copy of my letter to Chairman Stafford is enclosed.

You are aware that air cargo theft is becoming a serious threat to the viability of the air cargo industry.

As you know, the States of New York and New Jersey have enacted legislation in the form of a bi-State compact, now pending before the U.S. Congress, in order to seek to cope with this growing problem in their respective jurisdictions. Also, the U.S. Department of the Treasury has issued new rulings with respect to curbing crime in international import air cargo traffic.

In order to have complete knowledge as to the true extent of the problem nationally, it will be necessary to have a uniform loss reporting system such as I have proposed to you on many occasions and reiterate now. I urge you as Chairman of the Civil Aeronautics Board to consider a rulemaking for each air carrier and requiring the carriers to submit to the CAB periodic, at least quarterly, compilations of statistics based on this claims register. The report should be by commodity with provision showing the actual cash value of the commodity rather than a dollar figure based on the airlines limitation of liability. I hope that you will give serious and immediate consideration to this proposal. I will be happy to assist you in any way possible to develop a program along these lines.

With all best wishes.

Cordially,

ALAN BIBLE,
Chairman.

INTERSTATE COMMERCE COMMISSION,
Washington, D.C., September 14, 1970.

Hon. ALAN BIBLE,
Chairman, Select Committee on Small Business,
U.S. Senate, Washington, D.C.

DEAR CHAIRMAN BIBLE: In further reference to my letter of August 26, 1970, I am pleased to advise that the Commission has considered and approved the institution of a rulemaking proceeding to require Class I and Class II motor carriers to submit to the Commission on a quarterly basis a report of cargo loss and damage claims. It is intended that for reporting purposes claims will be reported on an "as filed" basis and will be combined in dollar amounts by various types of shipments, cause of claim (theft, damage, concealed damage, fire, etc.) and as far as practical the location where known theft occurred.

Preparation of the rulemaking notice and proposed reporting form will be processed without delay. In this regard, we will be pleased to have Mr. Evans, your Chief Investigator, or any other member of your Committee review the proposed form prior to its official release for public consideration to assure that it will fulfill the needs of your Committee and other interested parties.

Sincerely yours,

GEORGE M. STAFFORD,
Chairman.

U.S. SENATE,
SELECT COMMITTEE ON SMALL BUSINESS,
Washington, D.C., August 19, 1970.
Hon. GEORGE M. STAFFORD,
Chairman, Interstate Commerce Commission,
Washington, D.C.

DEAR MR. CHAIRMAN: As you are aware from recent correspondence that we have exchanged, based on the investigation of truck highjacking and cargo theft that the Senate Small Business Committee has been conducting, I feel that a periodic, uniform loss reporting system is essential if we are to ever fully understand the true extent of this problem, and its impact on the transportation economy and the shipper-consumer.

Periodic, uniform loss reporting by commodity would be a significant factor in the development of a law enforcement response to crime against goods moving in surface transportation. A loss reporting system would also provide a basis on which the Federal Government as well as the surface carriers might develop improved loss prevention systems and thus provide for better safety and security of cargo.

Title 49, Part 1207 of the *Code of Federal Regulations*, Section (e) requires all Class I and II carriers to maintain a freight claims register showing each cargo loss and damage claim received. This provision requires that the claim be assigned a number and that it indicate the commodity for each claim.

After reviewing this regulation and discussing it with experts in the transportation community, I feel that this claims register would provide a sound basis on which to establish a mandatory, periodic, uniform loss reporting system. I therefore urge that you as Chairman of the Interstate Commerce Commission consider a rule-making proceeding to require that Class I and Class II trucking companies submit to the ICC at least once every quarter a compilation of all claims entered on this register stating the reason for claim, i.e., loss, damage, or theft where the fact has been established, the commodity; and the actual cash value of the item(s) involved.

These reports could then be compiled and issued by the ICC and would provide the first significant data with respect to cargo loss, theft, and pilferage.

As I indicated to Commissioner Walrath, who appeared before this Committee on June 25, I would be inclined to assist you in seeking whatever means might be necessary to accomplish this program.

I urge your serious consideration of this proposal, as I am convinced that trucking theft and highjacking losses are now approaching, according to some estimates, \$1 billion a year and are a clear and present danger to the economic security of the surface transportation industry. I appreciate your prompt attention to this proposal.

With all best wishes.

Cordially,

ALAN BIBLE,
Chairman.

[From the *Traffic World*, July 13, 1970]
CARGO THEFTS AND LAX LAW ENFORCEMENT

For several reasons the federal, state and local government departments and agencies that have duties and responsibilities pertaining to transportation should be deeply interested—and it seems now that many of them are—in finding ways to put a stop to the alarming growth of cargo thievery in this country.

For organizations of criminals, theft or privilege has become, within the last decade, a big and extremely profitable business, especially at some large deep-water ports and at some major airports. Losses suffered by shippers, carriers and receivers as results of operations of gangs of cargo thieves have grown so huge that the planning and making of vigorous efforts to halt the activities of such predators urgently require attention and action by legislators, other government officials, carrier managements, their customers and employees, and the general public.

At least one member of the upper chamber in the Congress of the United States, Senator Alan Bible (D-Nev.), has made it evident that he recognizes the seriousness of the cargo theft problem. Senator Bible, chairman of the Senate's select committee on small business, introduced about four months ago a bill (S. 3595) that would establish a nine-member Commission on Security and Safety of Cargo. Some of the commission's duties would be: To define the causes, scope and value of cargo losses and their disposal

methods; to establish a uniform, centralized loss-reporting system for all cargo, and to recommend appropriate legislation to Congress. The Senate small business committee held hearings on the Bible bill June 24 and 25 (T.W. June 27, p. 119).

Good reasons for widespread concern about losses caused by thieves and hijackers of truck freight—losses estimated to have amounted to \$702 million in 1969—were stated by Earl W. Taylor, corporate security officer of Ryder Truck Lines, Inc., and president of the National Association of Transportation Security Officers, when he testified before the Senate small business committee.

"... Too many carriers have not yet identified the problem in their record keeping," Mr. Taylor said. "Too many law enforcement bodies have thrown up their hands at the magnitude of the problem and choose to ignore it. Too many prosecutors have chosen not to pursue what they do not understand."

Before presenting the first witness in his committee's hearing on June 24 (the witness was Chairman Helen D. Bentley, of the Federal Maritime Commission), Senator Bible made these statements:

"... Our estimates indicate that cargo thievery represents a loss to the American businessman and consumer approaching \$1 billion annually. ... As the problem accelerates there is no real effort on the part of either federal, state or local governments to seek a solution. ... The theft problem ... has a real and substantial impact on the economic well-being of all our transportation modes and on the country's well-being along with it. . . ."

Mr. Taylor testified that the regulated carriers of freight had organized their own police force because they had found that:

"(1) Thefts of individual shipments, thefts of complete trailers and hijacking of complete trailers have become such a complete problem that to eliminate them meant the difference between staying in business and bankruptcy; (2) inability to get law enforcement assistance to the depth needed and with the consistency needed left no other choice; (3) the total inability to secure prosecution of guilty persons, or, for that matter, even to successfully remove them from your payroll, made the decision to create their own police force a sound one."

Numerous instances of non-enforcement of law against truck line employees caught in the act of stealing were reported to the Bible committee by Mr. Taylor and others. In one of those reported cases an investigator in Philadelphia recovered "a house full of merchandise that had been stolen" from several truck lines. The merchandise was traced to an employee of one of the carriers and to the man who was the "fence" or seller of the stolen goods. Months later, after the case finally came to trial, the "fence" was convicted and placed on probation for a year, but the larcenous employee was acquitted, and he recovered eight months' pay from the trucking company that employed him and was placed back on the company's payroll.

At the recent annual membership meeting of the Common Carrier Conference—Irregular Route, in the course of which the executive director of the conference, Henry A. S. van Daalen, and Dougold McMillan, attorney-in-charge of the Miami strike force of the U.S. Department of Justice, offered advice on how to combat cargo thieves and hijackers, we heard complaints by several carrier executives to the effect that district attorneys and courts either had not acted, had been lamentably slow to act, or had taken ineffective or "slap-on-the-wrist" action on well-substantiated reports or complaints brought to them by the motor carriers about thefts of freight from vehicles in interstate commerce. The reported nonfeasance or leniency by some of the law enforcement officers or courts was shameful.

We are aware of the anti-theft and anti-

hijacking program undertaken by the trucking industry's TICOTH committee (the Trucking Industry Committee on Theft and Hijacking, formed early in 1969), and we note, as we read the testimony of the witnesses in the Bible committee hearing, that the Interstate Commerce Commission is participating in an effort, proposed not long ago by the Department of Transportation in conjunction with the Department of Justice, to establish a new program to combat crime in transportation. It's gratifying to know that the Justice Department is a partner in that undertaking, and the planning of such a cooperative effort is certainly praiseworthy. But although we are not generally enthusiastic about any proposals to create a new government agency, we believe establishment of a Commission on Security and Safety of Cargo that could exercise effective leadership in moves to apprehend and punish cargo thieves could prove to be a profitable investment for the nation's taxpayers. The idea seems to us to offer greater promise of far-reaching, effective remedial action than any other idea that has come to our attention.

[From *Business Insurance*, June 22, 1970]
HAIL NEW LEGISLATION DEALING WITH CARGO SECURITY

(By George Langworth)

WASHINGTON.—New legislation proposed by Sen. Alan Bible (D-Nev.), chairman of the Senate Committee on Small Business, which would establish a special five-year cargo security commission to study the problem and find new, more effective solutions, has met with unanimous approval from truckers and other cargo handlers.

Even though Sen. Bible has criticized segments of the transportation industry for their high losses and seemingly lax security measures, spokesmen from all branches of the industry were quick to support the senator's new bill.

At a recent meeting of the Commerce and Industry Assn. of New York, Sen. Bible called for a "hard look" and action on this "growing problem which is the heart of the biggest multi-billion-dollar racket nationally today—stealing from business." He charged that "poor cargo transport security is endangering the whole public carrier system. The tail is almost wagging the dog," he declared.

Probably the most difficult crime to measure, cargo thefts range from daily pilferage ("nickel and diming us to death," one trucker put it) to bizarre hijackings, like a \$1 million loss experienced at New York's John F. Kennedy Airport during one week last year.

Sen. Bible blamed the lack of accurate cargo crime loss estimates on "some carriers who have fought against loss-reporting" and the fact that there have never been loss-reporting systems in use for the entire transportation industry. "Too little attention has been paid by carriers to fundamental efforts to achieve security and safety of cargo," he charged.

A search by *Business Insurance* corroborated this charge and pointed up the surprising fact that no government agency (not to mention any trade or service organization) keeps comprehensive records of the total tonnage or value of freight shipped in the country. Even the figures of the Interstate Commerce Commission (and the Dept. of Transportation) were incomplete and, as a departmental staff member there admitted, of uncertain value. If it is not known how much cargo is being transported, it must be difficult if not impossible to determine how much is being stolen.

Sen. Bible's staff, however, after some research, revealed an appalling estimate that surprised some. "Upwards of \$1 billion worth of goods were stolen from truck, rail, air and marine carriers in 1969," one member of the senator's staff said. He explained that

the figure included over \$700 million taken from truck and rail carriers, \$100 million stolen from air carriers and some \$200 million taken from the nation's maritime carriers.

One of the targets which Sen. Bible has chosen is the airlines. He charged that, "air carrier thefts have tripled during the past year." One of their regular customers, the American Watch Assn. had cargo losses of \$2.5 million for one year. The members of the association which comprise the bulk of the U.S. watch industry realize a yearly profit of only \$10 million. Said Sen. Bible: "This is comparable to General Motors losing \$300 million worth of automobiles.

The senator noted that "there is every evidence that cargo thefts from airports, from waterfront piers, and from trucks serving both, have become the favorite target of organized and unorganized crime. The answer (to this) is simple. The pickings are richer and easier. Cargoes have overwhelmed facilities. Security efforts do not provide security."

The cargo carriers are by no means insensitive to these problems. Last year, the American Trucking Assn. Inc. (ATA) created a special Trucking Industry Committee on Theft and Hijacking. In its first report to the ATA of its progress last fall, the committee noted that "a widespread general apathy toward the problems and challenges of security has been found at all levels among shippers, receivers, manufacturers, carriers by all modes, and warehousemen. Indisputably, such apathy on the various other levels of the individual companies concerned stems from and is fostered by the indifference and apathy of the top echelon of management."

Paul Shuster, vice-chairman of the truckers' committee on theft problems and president of his own Shusters Express, Inc. in Colchester, Conn., concurred with the senator's estimate. "I think it's fair to say we're losing cargo worth 3% of our revenue a year now," he said. Last year the trucking industry had \$13.4 billion in profits.

"Most people hear a lot about the hijackings," remarked Mr. Shuster, who clearly felt the only reason these bizarre thefts of entire trucking units made news was because of their 'romance' value. Apparently, the press' interest was caused by an added factor in some areas, however. As reported elsewhere in this issue, at the beginning of the year, hijacks in the New York-New Jersey area were averaging 10 per week.

"What really costs us the money, though, is the day-to-day pilferage. And a lot of insurance companies just won't insure this kind of a loss," he added.

Mr. Shuster explained that his committee had offered a series of recommendations that will help the trucking industry to help itself in slowing its theft problems from a gallop down to a brisk trot, at least. The foremost of these recommendations falls directly in line with Sen. Bible's cargo security commission bill.

The truckers themselves, organizing around the existing ATA national framework, had developed state committees which will coordinate the efforts of a national subcommittee network composed of groups working on industry cooperation between a myriad of trucking association, tariff bureaus and other industry groups to develop a more reputable and more comprehensive system of reporting incidents of theft, and hijacking on local, state and national levels.

Other national subcommittees include groups devoted to employ security systems, physical security systems, shipper coordination with carriers, intermodal relations between the various types of carriers, and a legislative and regulatory affairs group based here in Washington.

Representatives of the trucking industry contacted were seldom as eager to define just who the cargo thieves are, as was Cecil D.

Webster, security officer for Associated Transport Inc. in Burlington, N.C., and secretary of the National Assn. of Transportation Security Officers. Mr. Webster stated flatly that most cargo crimes were perpetrated by one or two trucking employees working in concert with one another and an outside buying source—in some cases the very retailers being serviced by the victim trucking firm.

The trucking industry, trying to cope with this problem nationally, has found it rough going. Mr. Shuster pointed out that many trucking employees, after committing crimes in one area, simply disappear from there, later turning up in a completely different part of the country. Their records rarely, if ever, follow them.

The total lack of national coordination of employe investigations is being reversed in New England, however.

Mr. Shuster explained that a trucker anywhere in New England can now check on a prospective employe through a central office of the state motor carrier council located in New Haven. The subcommittee on employe security reported that "one carrier currently fingerprints all employees and run very thorough checks on the criminal record of each. This company's long-continued work along these lines results in the rejection of about 28 out of every 29 job applicants." The subcommittee is currently working on a national personnel information file.

Many carriers are also installing a two-way radio system in their trucks as a means of alerting drivers to be on the lookout for trucks that have been recently stolen. Plans are also afoot for an automatic vehicle monitoring system that will keep track of all cargo vehicles' activity from the time they leave one terminal until they arrive at another.

Most sources in the transportation industry despaired of ever really stopping cargo thefts, even though an ongoing series of security devices and other preventive measures are being used. These thefts can only be restricted, never prevented, because the thief always develops new methods to counteract your counterattack on his last tactical "improvement," explained Carl McDowell of the American Institute of Marine Underwriters in New York.

As Mr. McDowell sees it however, the big problem is really with top management. "Techniques that can adequately curb thefts exist," said Mr. McDowell. "And if there's enough demand for them, they'll be called into play. Unfortunately, neither manufacturers nor the carriers are enough aware of the problems. Until top management in both these categories interests itself in the theft problem and appropriates enough money to adequately fight it, the theft problem this industry is plagued with will never be solved," he pointed out, apparently dissatisfied with the transportation industry's efforts to date.

An increase in the speed and in the movement of goods multiplies the number of jurisdictions through which the cargo must pass and heightens the problem, Mr. McDowell added. Long-distance movement of goods inhibits good security procedures since responsibility for security switches not only from one area of jurisdiction to another but also from one type of law enforcement organization to another, he explained. Coordination of the security problem must be handled on a larger than regional basis so that the "security-block" or jurisdictional lines can be broken, he pointed out.

Another problem the industry faces is one of indifference on the part of law enforcement agencies. Police tend to be more concerned about fixed property such as the local jewelry store than about moving trucks (sometimes carrying hundreds of thousands of dollars in goods) that may spend only a scant few minutes in their jurisdiction.

Mr. McDowell also warned of an alarming

increase of organized crime's involvement in cargo thefts. "Organized crime is what is growing in our cargo thefts," he said, contradicting what some industry sources contacted felt about pilferage being their largest source of losses. This form of loss is typically attributed to dissatisfied employees.

However, Mr. McDowell doesn't see a very active role for his industry in the problem. "The insurance industry can and is making a lot of noise about these cargo thefts. But we simply have to live with the fact that the solution to the problem is in other people's hands."

Sen. Bible is concerned about another controversy involving cargo transportation—that of cargo liability. Said the senator: "The Interstate Commerce Commission must decide the propriety of another example of a crime-induced hardship on both the carrier and the retail businesses—a pro-rate policy newly adopted by rail and truck carriers seeking to spread liability among all carriers in the transport chain on concealed loss and damage claims."

"This policy, tied to the insurance coverage problems, brought on by increasing thefts, dictates an alleged arbitrary conclusion that loss and damage do not occur at a single point, but that liability should be spread and borne one-third by the shipper, one-third by the truck or rail carrier, and one-third by the consignee."

Many truckers disagree that the full liability for the cargo should be placed on their shoulders. Two common reasons cited by executives contacted by *Business Insurance* are (1) truckers rarely know the worth of the goods they carry, and (2) cargo thefts are much closer to an "act of God" since they are harder to prevent than an accident and therefore truckers should be held only partially liable for the goods stolen.

Under current tariff regulations a number of items have a "released liability." This term refers to an agreement whereby the carrier has to pay only a portion of the worth of a stolen article. For example, garment cargo is "released" at \$1 per garment. This means that in the event of theft, the reimbursement to the shipper for the goods stolen would be limited to \$1 per garment.

The American Retail Federation is not exactly in agreement with this "maneuver."

"The way to reduce the thefts of cargo is to make the carriers 100% responsible for these losses," said Charles Washer, special consultant on transportation for the retailers' national trade organization. "As things are now, when thefts go up the carriers will either raise premium rates or reduce the released liability value," he pointed out, adding that rather than trying to reduce thefts, carriers are really trying to reduce their liability.

"Of course there may be some collusion between the shipper and the carrier or at the other end between the carrier and the retailer in some of these thefts," Mr. Washer conceded, but he stuck to the premise that cargo thefts were primarily the carriers' problem. "There are a number of things the shipper can do to help out with the theft problem, though. For instance, the organization has recommended that all exterior identification of what a container holds be discontinued. This will make it difficult if not impossible for a potential thief to tell what's worth stealing and what's not." Mr. Washer explained.

Sen. Bible has also singled out the air carriers for their "lackadaisical and slipshod" attitude toward their public responsibilities to cargo shippers. The senator charged that the "airlines panicked in March when ground delivery service for thefts brought on insurance cancellation threats. The airlines

countered by asking the Civil Aeronautics Board to cancel all normal fur shipment pickup and delivery service for the Greater New York City area, the country's fur manufacturing center, threatening paralysis for that industry.

"The Board ruled that pickup-delivery service must be continued pending further investigation. Meanwhile, the airlines' own cargo service would not pick up or deliver fur shipments, contrary to the board's order. In late April, the airlines admitted error—error which cost fur manufacturers profit dollars. The airlines blamed it on confusion and are now back handling furs again. Meanwhile, they are working on an insurance program to permit handling fur shipments normally."

The airlines were also criticized because their admitted liability was quite low. One of Sen. Bible's staff members pointed out that the air carriers' domestic liability limitation of 50¢ per pound of cargo was first adopted and approved in the 1880's for the railway express. International liability (with a maximum limit of \$7.50 per pound of cargo) was set by the Warsaw Pact convention in the 1930s. Cargo carrier by air is worth, on the average, about \$100 per pound, he added.

However, shippers can obtain adequate excess coverage on freight he ships by air. "The shipper must pay a premium for coverage in excess of this amount the air carrier assumes as his liability," said Normal Philian, vp of traffic of Washington's Air Transport Assn. "Besides, any rise in the air carriers' assumed liability would be passed on to the shipper in increased costs," he added.

It is clear that there are few pat answers to the problems of cargo theft in the transportation industry. Sen. Bible noted that a "broad, businesslike examination must be made of the whole cargo spectrum, with a government, carrier, labor, and businessmankindship partnership involved."

The Senator's bill, introduced in mid-March, proposes to establish a nine member, Presidential-appointed Federal commission to investigate and recommend steps to curb cargo crime. Its members would be chosen from the ranks of air, truck, water and rail carriers, cargo labor unions, terminal-warehouse operators, the Attorney General as well as the Secretaries of Transportation and Commerce. Ex officio members would include Federal transportation regulatory agencies and the insurance industry.

The commission's duties would include: Defining the causes, scope and value of cargo losses and their disposal methods.

Evaluating cargo theft deterrents, including packaging, containerization, personnel security, physical security, law enforcement liaison.

Establish a uniform, centralized, loss-reporting system for all cargo.

Examine insurance liability limitations of all parties concerned.

Encourage development of crime prevention technology.

Recommend appropriate legislation to Congress.

The bill proposes to maintain the commission in existence for a period of five years, its expenses controlled by appropriations by the Congress.

[From U.S. News & World Report, Sept. 14, 1970]

TRUCK HIJACKINGS FASTEST-GROWING RACKET

One of the fastest-growing crimes in this country is the stealing of freight cargoes. It has become an organized racket that costs Americans more than a billion dollars a year.

Increasingly, trucks loaded with valuable

merchandise are hijacked on streets and highways. Warehouses are looted systematically. So are railroad freight yards and waterfront docks. Now airports are becoming prime targets.

Most of this massive stealing is master-minded by crime cartels, according to the Federal Bureau of Investigation.

MODUS OPERANDI

This is often the way it works: Criminals are placed in key jobs inside the transportation industry. They "finger" the cargoes to be stolen, frequently take part in the actual theft.

Then the stolen merchandise is funneled into the nation's markets through wholesale and retail outlets controlled by organized gangs—and sold to an unsuspecting public at enormous profits.

"It is alarming that much of the loot moves through channels of legitimate business," says Gilbert Meyer, in charge of cargo-theft investigation for the American Insurance Association, whose member companies bear much of the mounting loss. "Professional thieves have established footholds in many manufacturing, distributing and merchandising industries."

U.S. Attorney General John N. Mitchell has charged that organized crime has virtually taken over the air-freight industry at one of the nation's largest airports.

A determined battle against this thievery is developing. Federal, State and local governments are moving into action. The transportation industry is tightening its security.

So far, however, it is a losing battle. The racket keeps growing. The big rise began in 1967.

Here is an idea of the size of the problem: In the year ending on June 30, the FBI received reports of 20,340 cargo thefts in interstate commerce alone. In these cases, there were 1,013 convictions and goods worth 15 millions were recovered. This does not include countless cases handled by State and city police.

GETTING AWAY WITH IT

Relatively few of the cargo thieves are caught. And Mr. Meyer expresses doubt that more than 5 per cent of the stolen goods is ever recovered.

Cargo theft has spread all across the country. But it is worst along the East Coast from Boston to Washington—especially in the New York area.

On average, about 10 trucks are hijacked and some \$300,000 worth of goods stolen each week in New York City and its vicinity.

The garment district in midtown Manhattan is a hotbed of piracy. Truckloads of ready-to-wear clothing are hijacked in broad daylight in heavy traffic while being transferred only a few blocks from one place of business to another. Many of the loads are valued at \$100,000 or more.

Truck hijacking is done in many ways. Sometimes a driver finds himself looking into a gun muzzle when he stops at a red light. From a car which has drawn alongside, several men emerge to take over his truck. Usually the driver is released unhurt several hours later.

Often the hijacking is done without weapons. A thief may simply present forged documents to claim a load and drive it away. Frequently, trucks or trailers are driven off or towed away when they are left standing unguarded.

Well over half the hijackings, experts say, are "giveaways" or "inside jobs." Drivers, dispatchers or other employees of a trucking firm tip off the thieves to valuable cargoes and their travel routes. Often they arrange to have the loaded truck given up without resistance or left somewhere unguarded.

WATCHING THE MARKET

Many cargo thieves steal on order, and what they take may depend on market conditions.

Recently, shipments of metals have been in demand. In the last few months, hijackers in the New York and lower New England area have taken more than 1 million dollars' worth of ingots of silver, copper, tin and nickel.

When the price of coffee went up 25 per cent recently, coffee beans became a prize item along the waterfront. A truckload of stolen coffee beans might wholesale for as much as \$20,000.

Hijackers even fit their operations to the season. In spring, when stores are preparing for the Easter trade, clothing is a prime target. In autumn, snow tires are favorites. As Christmas approaches, hijackers concentrate on whisky and gift items such as cameras, radios, television sets and electrical appliances.

CIGARS AND MICROSCOPES

Ready-made clothing is the biggest single category of stolen goods, the year around. But almost anything that can be sold is stolen. Recent hijackings in the New York area have included a load of typewriters worth \$300,000, a shipment of cigars costing \$205,000 and microscopes valued at \$120,000.

A new trick of the trade is stealing containers—the huge, truck-size metal boxes designed to prevent pilferage. The hijacker simply drives off with the entire truck and container or lifts the container onto his own trailer. Fifty containers were reported stolen in the New York area in 1969. Three of them contained Scotch whisky worth \$255,000. Because of such thefts, some marine-insurance companies have raised their rates on containers 50 per cent.

THE GROWTH SECTOR

Airport robberies are a recent and fast-growing development. Airports are inviting targets because high-value cargoes are continually moving in and out, the volume of air freight is rising enormously, and the air-freight industry is relatively inexperienced in coping with thievery.

Claims against insurance companies for air-cargo losses have almost tripled in the past two years.

A prime target among airports is the John F. Kennedy International Airport in New York. Losses reported there totaled 3.5 million dollars in 1969—including one load of currency and jewelry that was valued at \$478,000.

Attorney General Mitchell did not name the airport he said has been virtually taken over by organized crime. But he said its entire freight industry "is trapped between a racketeer-dominated trade union on the one hand and a racketeer trade association on the other."

One large shipment of antibiotics, he said, was stolen from the airport terminal and sold on the European black market through a syndicate's connections.

The Post Office Department—a major victim of shipping thefts—suffers its biggest losses in airmail. Its losses are reported at 2 million dollars a month through thefts at major airports.

SUFFERING IN SILENCE

The exact amount of losses from cargo thievery is not known.

One reason: Congressional and insurance investigators find that most business firms do not keep complete records. Investigators surmise that some companies do not want to become known as prone to robberies, fearing rises in their insurance rates or cancellation of their insurance policies.

Others are said to fear gangland reprisals if they "put the finger" on criminal em-

ployees. Investigators say some firms simply shirk the red tape involved in reporting losses from thievery.

Still another reason the total losses are not known, according to investigators, is this: Importers often report stolen cargo as "not landed" so they won't have to pay the customs duties on the missing merchandise.

The New York Waterfront Commission estimates that only about one-fourth of sea-cargo thefts are reported to it.

As cargo thefts mount, governmental agencies, insurance companies and the transportation industry intensify their search for ways to combat the racket.

The U. S. Department of Transportation has organized a new unit on cargo protection. The Post Office Department and the Customs Bureau have tightened procedures for handling cargo at airports and on the waterfront.

The Post Office now requires such precautions as the use of covered carts for carrying mail in airport areas and the packaging of valuable items in heavy containers instead of in cloth bags that can be slit open easily. The Department also has announced plans to fine airlines as much as \$1,000 for each piece of airmail lost.

Senator Alan Bible (Dem.), of Nevada has proposed a bill to set up a federal commission to assemble facts about the hijacking problem and to co-ordinate efforts to solve it.

After extensive hearings by the Small Business Committee which he heads, Senator Bible commented:

"What concerns me most about cargo thefts generally is that as the problem accelerates, there is no real, co-ordinated effort on the part of either federal, State or local governments to seek a solution."

Senator Bible has accused the airlines of being "lackadaisical and slipshod" in guarding their cargoes.

Some trucking officials have charged their own industry with a share in the guilt for security laxity.

An investigating committee set up by the American Trucking Associations last year has reported:

"A widespread general apathy toward the problems and challenges of security has been found at all levels among shippers, receivers, manufacturers, carriers by all modes, and warehousemen."

"The consumer gets hit." Edward Burban, chairman of the security council of the New York State Motor Truck Association, says:

"The feeling seems to be that the insurance companies will handle it."

"So the insurance companies take the brunt, and they pay, and the rates go up, and the cost of the rates gets passed down the line until finally the consumer gets hit again."

Insurance rates have gone up on cargo shipments of all types. Insurance companies also have begun canceling the policies of companies that appear to be theft-prone. They have increased the "deductibles"—the amount of an insured loss that must be borne by the shipping company.

Law-enforcement agencies report frustration in their attempts to catch hijackers or other cargo thieves.

The FBI is limited in the scope of its authority. And local police, who already are overburdened with other types of crime, often lack the resources to deal with such well-organized and fast-moving operations.

Everywhere law-enforcement officials turn, they find organized crime at the root of the cargo-theft problem.

As many as 75 per cent of the truck hijackings are done under "contract," some officials estimate.

A gang will line up a buyer for a specified

type of merchandise. It will have agents planted inside the shipping industry to spot the kind of goods that is desired. And a gunman may be paid as much as \$1,000 to hijack a load and deliver it to the gang.

"Fencing" the goods. How does all the loot get into the market for sale to the public?

Prosecuting authorities express suspicions that some so-called "discount stores" are "fences" for much of the stolen goods—such as clothing, cameras, radios and appliances.

FBI reports tell of such incidents as this: Two truckloads of imported shoes were hijacked recently in an Eastern city. Then the shoes, valued at \$18 a pair, were sold in stores in a residential neighborhood for 50 cents to \$1.50 a pair.

FBI Director J. Edgar Hoover has appealed to the public to be alert to such "fencing" of stolen goods and to inform the FBI or other law-enforcement agencies when they are offered "bargains" that appear suspicious.

Whisky and cigarettes are cargoes that are easy to sell. They usually turn up in gang-controlled saloons and automatic vending machines.

How some hijacked cargoes are disposed of, however, is a mystery to investigators. For example, they cite such items as copper pipe, metal ingots and animal skins. These, they point out, would have to be sold to factories or processors.

"The markets are already established and the property moves just like it is absorbed into our economic system just like a huge dry sponge. It just sucks it all up and it disappears," says Mr. Meyer of the American Insurance Association.

"No one person, investigative organization or law-enforcement agency has consistently been able to penetrate the veil of secrecy that envelops the criminal activity of receiving and fencing stolen property."

To get at the hijacking racket, Mr. Meyer suggests, law-enforcement agencies first must find the "fences" and put them out of business. This, however, is becoming increasingly difficult as organized crime expands its ownership of "legitimate" business enterprises.

Many security officials estimate that there are only a relatively few criminals employed by the trucking industry. But Earl W. Taylor, president of the National Association of Transportation Security Officers, says trucking companies have great difficulty in preventing crooks from being hired—and in getting rid of them even after they are detected.

Mr. Taylor tells of numerous instances where truck drivers are known to have been involved in thefts but prosecutors were unable to try them for lack of conclusive evidence—and under union rules a driver cannot be fired unless he is convicted. One driver who was fired had to be rehired and given \$25,000 back pay.

Some trucking companies are spending large amounts on protective devices such as alarm systems, steel fences and floodlighting. They are tightening identification of employees. They even send out high-value cargoes in truck convoys, with armed guards.

Yet the robberies or cargoes continue to increase. And officials see no signs of a letup.

[From the Chicago Tribune, Sept. 14, 1970]

AIR CARGO THIEVERY AT O'HARE

Last year an investigation by THE TRIBUNE disclosed wholesale pilferage at Chicago harbors. Mayor Daley appointed a new port commissioner and security measures were taken.

Now TRIBUNE reporters James Strong and Ronald Kozol have found that thieves are busy at O'Hare International Airport and that air cargo losses may amount to \$3 million a year. It has been suggested that organized theft rings shifted their operations to O'Hare after a crackdown on their activi-

ties at New York's Kennedy International Airport.

THE TRIBUNE investigators learned that there is no central theft reporting system at O'Hare or at other airports, so it is impossible to obtain accurate figures on losses. So far this year only three thefts, totaling \$5,660, have been reported to the Chicago police, altho during the first three months of the year 24 carriers paid claims of \$2,075,308 because of losses of various kinds.

This figure understates the true value of the lost shipments because airlines are required to pay only by the pound, regardless of the value of the goods. Evidently the lines consider that it is cheaper to pay the claims than to set up expensive security measures. At the same time, shippers are unconcerned because they recover losses from their insurance companies.

As the losses mount, insurance rates are increased, and the eventual losers are the public, which must pay for the insurance in higher prices for goods shipped by air.

Gov. Ogilvie has asked for an investigation of the thefts by the Illinois Commission for Economic Development. The commission will be aided by two investigative agencies, the Illinois Bureau of Investigation and the Illinois Law Enforcement Commission. Mayor Daley has ordered an investigation by responsible city agencies.

It seems likely that not much progress will be made in checking thefts until the air carriers are required to maintain records of cargo thefts and make periodic reports to a federal government agency. Such reports would make it possible to discover criminal patterns and develop an adequate security program.

The Senate Committee on Small Business has been investigating transportation industry thefts and is scheduled to hold a hearing in Washington tomorrow on a bill introduced by Sen. Alan Bible [D., Nev.], chairman of the committee. Sen. Bible has estimated that air cargo losses in 1969 for incoming international shipments reached \$6 million. He placed truck theft-hijacking losses at \$600 million in the same year. Accurate figures for waterfront docks are not available because there is no loss reporting system.

Sen. Bible's proposed legislation would establish a federal commission with representatives from air, truck, water and rail carriers, cargo labor unions, terminal-warehouse operators, the attorney general, secretary of transportation and secretary of commerce. The commission would be required to establish a uniform, centralized loss reporting system and make recommendations to Congress for further crime prevention measures.

Sen. Bible sees the proposed commission as a temporary agency; he is opposed to adding another layer to the permanent federal bureaucracy. Most taxpayers will agree. If air carriers were required to report cargo losses to the Civil Aeronautics Board, and if the reports were forwarded to local police, pilferage at airports would diminish.

STATEMENT BY SENATOR ALAN BIBLE

Mr. Chairman, it is a pleasure for me to appear before your committee this morning in support of my bill, S. 3595, to establish a temporary Federal Commission to develop and propose solutions to the growing crisis posed by cargo theft and pilferage from air, truck, rail, and water transport industries—a crisis that is costing American business upwards of \$1 billion per year and is contributing to the inflationary spiral. I wish to summarize, for the benefit of the Committee, a more comprehensive statement which you have before you for your hearing record.

Early in 1969 the Senate Small Business Committee, of which I have the honor of being Chairman, began an investigation and

public hearings into the impact of crime against small business growing out of our interest in the Small Business Protection Act of 1967.

The first phase of our series of hearings centered on air cargo thefts then maritime and truck losses, and finally the railroads, our oldest cargo transport system.

It is graphically clear that a cargo crime crisis is upon us today. Up to this point, law enforcement agencies, our Federal transportation regulatory and policy bodies, and our transport carrier industries generally have been unable to mount an effective response.

As the President of the National Association of Transport Security Officers told our Committee, "Too many carriers have not yet identified the problem in their record keeping, too many law enforcement bodies have thrown up their hands at the magnitude of the problem and choose to ignore it, and too many prosecutors have chosen not to pursue what they do not understand. . . ."

And what kind of dollar losses are we talking about? Because there are no uniform loss reporting systems in use by the government or by industry, it is impossible to determine the true extent of cargo loss. However, the Senate Small Business Committee has developed some meaningful statistics we believe are both conservative and as accurate as possible. Crime-based cargo losses nationwide for 1969 totaled approximately \$1 billion, 200 million dollars. Truck thefts and hijackings led at \$828 million, airline carrier losses were \$50 to \$100 million and probably more, maritime losses were \$170 million, and railroad losses were over \$100 million.

These loss figures, as I stated, are merely conservative estimates and represent only those goods stolen or pilfered. The cost to business in not having products for sale, customer goodwill, increased insurance premiums, etc., cannot be measured. But as witnesses have told us, these costs are very real.

We do have statistical evidence of one major aspect of air cargo theft. Chief Postal Inspector William J. Cotter has informed me that thefts of U.S. mails at New York's John F. Kennedy Airport between 1967 and 1969 were \$65 million. If U.S. mail losses at this one facility were this great, I am confident that our estimates of air cargo losses of consumer commodities are, at the very least, conservative.

Another interesting statistic related to me is that in 1969 auto manufacturers filed claims of approximately \$40 million against U.S. railroads as a result of criminal loss and damage to new automobiles moving by rail. This represents an additional \$50 cost to the purchaser of each new automobile.

The cargo-theft pilferage problem is at the heart of the biggest multibillion dollar racket nationally today—stealing from business. Its worst victims are the small businessman, who can least afford it, and the general public paying crime-inflated prices. The grim fact is that, as the problem accelerates, there is no real coordinated effort on the part of the Federal, state, or local governments to seek a solution.

Today, all cargo carriers are plagued with losses never thought possible a few short years ago. One basic question is: Without some new innovative, hard-hitting, and coordinated security methods, will the transport industry have the capability of dealing with these increasingly bold and schemingly clever criminal acts as we move into the 1970s and 1980s with their record cargo loads?

There is every evidence that cargo thefts from airports, from railway cars, from waterfront piers and from trucks serving all three modes of transportation, have become the favorite target of organized and unorganized crime. The answer is simple. The pickings

are richer and easier. Cargo thefts have overwhelmed facilities. Security efforts do not provide security. Insurance payments can no longer be substituted for good security because loss-inflated premiums have skyrocketed or policies have been cancelled out.

But, Mr. Chairman, most of all, the cargo theft problem must be attacked within the entire transport chain—truck, air, rail and water. For if security breaks down in one segment, the whole chain breaks.

This bill, S. 3595, seeks to take a hard look at this spiraling cargo theft problem, with a partnership of government, carrier, labor and shipper leaders involved. It provides an opportunity for innovative security methods to be developed that would be keyed, not as a hindrance to the free flow of commerce, but as an adjunct to it.

My bill would establish a Commission on Security and Safety of Cargo, with nine members drawn from air, truck, water, and rail carriers, cargo labor unions, terminal-warehouse operators, plus the Attorney General, the Secretary of Transportation, and the Secretary of Commerce. Ex-officio advisory members would include Federal transportation regulatory agencies, the insurance industry, and other key governmental departments. Briefly, the Commission's duties would be:

(1) To define the causes, scope, and value of cargo losses and their methods of disposal;

(2) To evaluate and devise cargo theft deterrents including packaging, containerization, personnel security, physical security, law enforcement liaison;

(3) To establish a uniform, centralized loss reporting system for all cargo;

(4) To examine carrier insurance liability limitations;

(5) To encourage development of crime prevention technology; and

(6) To recommend appropriate solutions to the Congress, the President, and other interested parties within one year after establishment of the Commission.

Mr. Chairman, the following brief points will provide the rationale for the temporary Federal Commission approach to the problem of cargo theft as proposed in my bill, S. 3595:

(1) The primary need is for adequate loss/damage reporting systems. These can be established and put into effect only by the different independent regulatory agencies.

(2) A second need is for an investigation into carrier insurance liability. This also comes under the jurisdiction of the regulatory agencies.

(3) Physical security of ports, airports, and terminals would fall within the jurisdiction of agencies of the Department of Transportation. Also, certain aspects dealing with common carrier certification are under the independent regulatory agencies.

(4) A law enforcement program would have to be coordinated among the Department of Justice, the Department of the Treasury, and local police units.

An independent commission, by an examination of loss reports from the carriers, would be able to determine what commodities were most vulnerable to theft and those factors dealing with the criminal redistribution system (fence operations). It would be in a position to work with the law enforcement community to develop a strike force to curtail these criminal acts.

(5) It is important that consideration be given to industry personnel policies having an effect on cargo security. Employment screening systems designed to weed out and to prevent new hires of active thieves must be considered. The most effective means of doing this would be by private sector and labor union cooperation, as proposed in this bill.

(6) Private sector security operations need to be evaluated and examined by an independent commission in order to determine the efficacy and interchangeability of cargo security systems among the different modes. Mass private sector input is necessary in this regard.

As the above points show, the responsibilities and authority for developing a realistic security program for cargo are vested in many executive departments, independent regulatory agencies, and the private sector. Maximum cooperation from the insurance industry, labor organizations, and shipper groups is also vital. An independent commission, such as is recommended in S. 3595, would be able to examine into the multi-agency aspects of security in a manner better than could be done by a task force reporting to one agency. Reports and proposed solutions would be disseminated to the Executive Branch, the independent regulatory commissions, the Congress, and the private sector.

Mr. Chairman, there are those who may say that the last thing the nation's cargo problems need is another layer of Federal bureaucracy. I agree wholeheartedly, and that is why I would insist this should be a purely temporary Commission. In fact, I recommend that my bill be amended to reduce its term of existence from five years to two years. It seems crystal clear to me that the growing magnitude of the cargo theft problem makes it imperative that a more expeditious, concentrated approach be taken by the proposed Commission so that its recommendations can be developed and implemented at the earliest possible time.

On another point, Mr. Chairman, I am aware that several Federal agencies are on record opposing this industry-government cargo security Commission concept because they believe the Department of Transportation has this basic authority anyway and is seeking presently to carry out the thrust of this bill.

On another point, Mr. Chairman, I am aware that several Federal agencies are on record opposing this industry-government cargo security Commission concept because they believe the Department of Transportation has this basic authority anyway and is seeking presently to carry out the thrust of this bill.

Let me respond briefly to that. I have watched our Federal departments operate through administrations of both parties over some 16 years, and I know that many times the necessity for action here and now doesn't seem to penetrate to the right places. For example, Assistant Secretary of Transportation Charles D. Baker, testifying before our Committee on cargo thefts on July 22, 1969, declared his department was "aware and concerned about the problem" and was "sponsoring a general survey of loss and damage in transportation to get a better idea of dimensions of the problem." He stressed the point that the study was "nearing completion."

One year later the Chairmen of both the Federal Maritime Commission and the Interstate Commerce Commission mentioned this Transportation-Justice Department study in testimony before our Committee. But they reversed the study's timetable, with one saying it was now in the "organizational period" and the other saying a single "day-long symposium" had been held this summer, and perhaps the Transportation Department's study would be undertaken by the National Research Council of the National Academy of Sciences.

Mr. Chairman, if our Executive departments are not sufficiently motivated by this \$1 billion plus cargo crime problem to do no more than has presently surfaced (and I have asked all of them to keep our Committee advised), then it seems the urgency

for this Federal cargo security Commission is that much greater. Whatever position our Executive agencies take on this legislation, I believe the country's best interests in our fight against crime and our fight against inflation require more affirmative action than they have heretofore provided.

Mr. Chairman, I believe strongly that evidence developed by our Committee in the past several months shows beyond a doubt that the ability of the shipper to have his cargo moved nationwide is in serious jeopardy to the detriment of thousands of businesses and millions of customers dependent upon that cargo. Therefore, I will introduce formally before the Senate this afternoon several amendments to this bill which are designed to bring about some immediate steps I believe will aid in this cargo crime fight. I will propose:

(1) That the Secretary of Transportation be granted authority immediately to establish physical security standards for transport vehicles, docks, piers and terminals of each of the transportation modes.

(2) That an immediate study be undertaken by the Commission to determine the advisability and means of establishing a Federal licensing and/or identification system for cargo handlers in all transport modes.

(3) That the Commission's term of existence be reduced from five to two years, thus requiring final recommendations at an earlier date.

(4) That the Shipping Act of 1916 be amended to require the Federal Maritime Commission to establish a uniform loss reporting system immediately to be implemented by agency regulations.

I am pleased to announce that it will not be necessary to require by statute that the Civil Aeronautics Board and the Interstate Commerce Commission establish uniform loss reporting systems for air and truck carriers, because I have received communications from both agencies within the past several days assuring me that mandatory loss reporting systems will be implemented immediately by rule-making proceedings by both agencies. This was done in response to our Committee's recommendations and my persistent personal appeals that this step be taken so we can know what the true cargo theft and loss dimensions really are. Mr. Chairman, I submit copies of correspondence on this for your hearing record.

In conclusion, I would like to provide for your record an in-depth article from *U.S. News and World Report*, of September 14, 1970, dealing with the scope of cargo thefts nationally.

Mr. Chairman, I believe this bill offers the promise of far-reaching remedial action for an increasingly critical problem that hits every American's pocketbook . . . certainly something more than has been proposed from any other sources, governmental, or industry, that has come to my attention. The problem will not wait—delay will only accentuate it.

PROMOTION OF EQUAL EMPLOYMENT OPPORTUNITIES FOR AMERICAN WORKERS—AMENDMENTS

AMENDMENTS NOS. 975 THROUGH 978

Mr. DOMINICK submitted four amendments, intended to be proposed by him, to the bill (S. 2453) to further promote equal employment opportunities for American workers, which were ordered to lie on the table and to be printed.

(The remarks of Mr. DOMINICK when he submitted the amendments appear later in the RECORD under the appropriate heading.)

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 665 TO H.R. 17755

At the request of the Senator from Wisconsin (Mr. PROXIMIRE), the Senator from Virginia (Mr. BYRD), the Senator from Kentucky (Mr. COOK), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of Amendment No. 665 to H.R. 17755, which would strike all funds for SST development from the Department of Transportation appropriations bill.

AMENDMENT NO. 932 TO S. 4286

At the request of the Senator from New Jersey (Mr. WILLIAMS), the Senator from Ohio (Mr. YOUNG) and the Senator from New York (Mr. JAVITS) were added as cosponsors of amendment No. 932 to S. 4286 to authorize the Export-Import Bank of the United States to grant long-term low-interest loans to Israel for the purchase of defense articles and defense services.

ADDITIONAL STATEMENTS OF SENATORS

OLDER WORKERS MAKE CONSTRUCTIVE CONTRIBUTION TO ECONOMY—SPECIAL WEEK OF RECOGNITION APPROPRIATE

Mr. RANDOLPH. Mr. President, on September 23 the Senate passed Senate Joint Resolution 74 which would authorize the President to issue a proclamation designating the first full week in May as "National Employ the Older Worker Week."

In March of last year, I introduced this joint resolution with bipartisan support from 17 members of the Senate Committee on Aging—Senator WILLIAMS of New Jersey, chairman of the committee, and Senators BIBLE, CHURCH, FANNIN, FONG, GURNEY, HANSEN, HARTKE, KENNEDY, MILLER, MONDALE, MOSS, MURPHY, MUSKIE, PROUTY, YARBOROUGH, and YOUNG of Ohio.

This resolution resulted in large part from information obtained by the Aging Committee's Subcommittee on Employment and Retirement Incomes, of which I am chairman.

In connection with our committee's activities I should like to point out that our distinguished chairman, the gentleman from New Jersey (Mr. WILLIAMS) has been a tireless leader in developing programs for the elderly and in calling national attention to their employment problems.

I also wish to congratulate the chairman of the Judiciary Subcommittee on Federal Charters, Holidays, and Celebrations (Mr. HRUSKA) for bringing this much needed measure to the Senate floor for passage.

Mr. President, since 1959 the American Legion has designated the first full week in May as "Employ the Older Worker Week." During this week the American Legion concentrates on recognizing the benefits to be derived from the employment of older persons—for the Nation, the individuals affected, and the industries hiring these persons. The Legion presents awards to employers demon-

strating active leadership in employing older workers.

At its national convention in 1962, the American Legion adopted a resolution calling upon Congress to officially designate a "National Employ the Older Worker Week." The effect of Senate Joint Resolution 74 would make this meritorious objective a national endeavor by designating such a week to encourage public and private employers to take advantage of the skills and experience with which elderly persons are so richly endowed. I commend the American Legion for its progressive and continuing leadership in this important area.

Mr. President, the need for a "National Employ the Older Worker Week" is especially acute since our economic slowdown has had a particularly severe impact for older individuals and their families.

Today, nearly 1 million persons 45 and older are unemployed. Yet, this only represents the tip of the iceberg because the unemployment statistics do not include the labor force "dropouts"—those who have given up the active search for jobs.

Alarmingly large numbers of mature individuals are now withdrawing from the work force—too often unwillingly. During the past 20 years the number of men 55 to 64 who were not in the labor force increased from 800,000 to 1.4 million, an astounding 75 percent raise. For men 65 and older, the dropout rate was even more substantial, jumping from 2.8 million to 5.8 million.

If current labor force participation trends continue, one out of every six men in the 55-59 age category will no longer be in the work force by the time he reaches his 64th birthday. Ten years ago this ratio was only 1 to 8.

Unfortunately, there still exists false stereotypes about the effectiveness of older Americans as workers.

One of the most urgent needs in solving the unemployment problems of older workers is to educate the public as to their true capabilities.

With an officially designated "National Employ the Older Worker Week," there would be greater opportunity for employers to recognize the outstanding attributes of elderly individuals—such as experience, stability and dependability—and to promote older worker employment programs.

I urge that the House of Representatives act promptly and favorably on Senate Joint Resolution 74.

Mr. WILLIAMS of New Jersey. Mr. President, I wish to associate myself with the remarks made by the distinguished Senator from West Virginia (Mr. RANDOLPH).

Today workers of all ages are feeling the effects of our mounting unemployment problem. From January 1969 to August 1970, unemployment jumped sharply from 3.4 to 5.1 percent, adding nearly 1.6 million individuals to the joblessness rolls.

Our economic slowdown has had a severe impact for all workers. But, older persons and their families have been especially hard hit.

While the unemployment rate has increased by 50 percent for all age groups, it has risen by 55 percent for individuals 45 and older—from 596,000 to 922,000. Their long-term unemployment—15 weeks or longer—has also jumped precipitously from 115,000 to 210,000—nearly an 83-percent increase.

There has long been a need to focus attention on efforts to encourage the employment of elderly persons. This has been made abundantly clear in hearings before the Senate Committee on Aging, of which I am chairman.

However, several obstacles have prevented the implementation of such an undertaking—the lack of a national commitment, limited funding, and several myths about the capabilities of aged individuals.

A few days ago the Senate passed the Employment and Training Opportunities Act to provide an effective means to combat widespread unemployment for all age groups. As a sponsor of this bill, I strongly believe that this measure can help open the door for new employment opportunities through public service employment and a wide range of comprehensive manpower services.

In addition, the Senate adopted my far-reaching Middle-Aged and Older Workers Employment amendment. This measure will for the first time establish a national commitment to maximize employment opportunities for older persons. And it will also provide training, counseling and other supportive services directed at the special needs of individuals 45 and older.

Yet, our task is not complete. Unfortunately some false stereotypes still exist in Government and industry regarding the feasibility or desirability of hiring elderly persons.

Several studies have now conclusively demonstrated that aged workers perform their tasks as capably as their younger counterparts. In many instances, they are better qualified because of added experience and mature judgment.

Other studies have also refuted the notion about widespread deterioration of work skills with advancing age.

These studies have been certainly helpful, but much more remains to be done. Educational efforts and on-the-job evaluation are needed to eliminate false impressions and prejudices against older workers.

Such efforts can help to demonstrate the value of employing elderly persons by educating the public as to the true facts regarding their capabilities. Many older individuals already have an abundance of skills and experience needed in industry or government. They are stable, dependable and energetic workers. But, our Nation is still failing to take full advantage of this large resource of talent.

In our work-oriented society today, far too many elderly persons are relegated to lead empty and neglected lives. Too often their skills are overlooked or ignored. And too often old age produces loneliness and sadness, when it could be a time for continued self-development.

With the added focus provided by Senate Joint Resolution 74, we can hope to make more progress to provide a life of

dignity and self-respect for older persons desiring to remain active during their later years.

Most older persons under 65 and many over 65 prefer work to retirement. Many need jobs to provide additional income for meeting their family and household responsibilities. And hundreds of thousands—especially for those over 65—need employment to supplement inadequate retirement benefits.

Since May is now designated as "Senior Citizens Month," it seems particularly appropriate to me to designate the first week as "National Employ the Older Worker Week."

Mr. President, I also urge prompt and favorable consideration of Senate Joint Resolution 74 by the House of Representatives.

THE TAOS-BLUE LAKE LEGISLATION

Mr. GRIFFIN. Mr. President, yesterday I indicated my support for H.R. 471, which would return to the Pueblo de Taos Indians in New Mexico approximately 48,000 acres of land the United States took from the Indians in 1906 without payment of any compensation.

Last evening's Washington Star contained a comprehensive article on the proposal. I ask unanimous consent that the article, written by Roberta Hornig, be printed in the RECORD.

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

UNUSUAL COALITION BACKS INDIANS' SACRED-LAND CLAIM

(By Roberta Hornig)

A peculiar political coalition is trying to return 48,000 acres in Northern New Mexico to the Taos Pueblo Indians—land they have considered their sacred worship grounds for more than 600 years.

The "coalition" includes President Nixon and Vice President Spiro T. Agnew and liberal Democratic Sens. Fred Harris, George McGovern and Edward M. Kennedy. The plight of the Indians is probably one of the few issues on which such an alliance ever could come together.

For nearly 70 years, since the U.S. Forest Service took it away, the Indians have pleaded patiently with the federal government to restore the Blue Lake lands, considered by the Indians as the source of all life. They believe the lands are a natural cathedral containing holy places of their ancient religion which remains the central force of their culture.

Always they have failed to regain the land, and they have been allowed to use the wilderness only with a Forest Service permit.

This year, it could be different.

Nixon and Agnew have been waging an unprecedented lobbying effort on the Indians' behalf. Then there are the strange political bedfellows.

The issue, which may well come to a head in the Senate in the next few weeks, is filled with these strange politics and paradoxes.

Nixon's and Agnew's chief political ally in the Senate on the issue is Sen. Harris, a recent chairman of the Democratic National Committee. Administration officials also find themselves on the same side as two other leading Democrats—Kennedy and McGovern.

Interior Secretary Walter J. Hickel, whose now-famous "leaked" letter to Nixon implied criticism of the vice president, is pushing for the Indians in almost the same words Agnew is using.

The Senate Interior Committee, which

pushes parks and wilderness bills through Congress is the stumbling block against legislation that would give the Indians back the lands.

Partially because of the form the secret Indian religious ceremonies takes the land is an untouched wilderness area and the lake is clean enough to drink from.

The reason the Taos Pueblo sacred lands dispute apparently is coming to a head is that both aides, the administration and the liberal Democrats, and the Interior Committee, want it settled.

At issue are two very different pieces of legislation.

Nixon, Agnew, Harris and the Indians are all behind a bill passed by the House last year, sponsored by a Florida Democrat, James A. Haley.

This bill would transfer the 48,000 acres to the Interior Department—the traditional trustee of Indian lands and affairs. It would hold the land for traditional and religious uses for the Taos Pueblo. The entire parcel would be preserved as a wilderness.

ANDERSON BILL

The Senate bill, written by Sen. Clinton Anderson, D-N.M., a powerful member of the Interior Committee, and backed by Chairman Henry Jackson, D-Wash., would continue the Blue Lake area as part of the Carson National Forest, administered under the Agriculture Department's Forest Service.

It would give the Indians exclusive religious use of 1,840 acres.

It also would permit the Forest Service to continue its "multiple use" concept of the land, which, the administration and the Indians contend, includes timber cutting, fencing off pasture units and "vegetative manipulation," as well as visits by tourists.

The Taos Pueblo Indians have been coming to Washington for years to plead their case. The last time was in July when the 90-year old spiritual leader of the tribe, Juan de Jesus Romero, made his first airplane trip to head a delegation appearing before the Interior Committee.

"Like Job in the Biblical story, our people have patiently endured great hardship and deprivation fighting to save the religious heritage embodied in this holy land," he told the senators.

Another delegation member told them his father had come before him to make the same appeal, and that if necessary, his son was prepared to come, if Congress once again refuses to return the land taken by the Forest Service in 1906, during Theodore Roosevelt's administration.

BILL CALLED MOCKERY

The Taos delegation called Anderson's bill "a mockery" and said its passage would destroy the tribe's religious life.

It told the committee that the entire 48,000-acre watershed "is permeated with holy places and shrines used regularly by our Indian people; there is no place that does not have religious significance to use," it said.

Romero and the delegation testified that their religion, which prohibits interference with the natural condition of the land, has been subjected to grave disturbance over the years by Forest Service activities, including construction of trails and other facilities for tourists.

They explained that their religious rituals are secret, and cannot be observed by outsiders; that on several occasions unauthorized persons and Forest Service personnel entered the sacred lands, disrupting the religious ceremonies.

The appeal did not win over Anderson, but it got to Nixon and to Vice President Agnew and other administration members, as it had years earlier the writer-anthropologist Oliver La Farge, a 1929 Pulitzer Prize winner for his novel of Navajo Indian life, "Laughing Boy."

COMMITTEE FORMED

In 1968 several persons formed a National Committee of Restoration of the Blue Lake Lands to the Taos Indians.

Because of her husband's earlier interest, the widowed Mrs. LaFarge agreed to head the committee whose members include former Interior Secretary Stewart L. Udall and John Wanamaker of the Philadelphia clothing store family.

A committee member explained in a telephone interview that the Taos will not tell even anthropologists what their religion is and said that this secrecy is the reason their ceremonies have stayed intact.

When the Spaniards came to New Mexico in the 16th century, the Taos were one of the few Indian tribes they did not consider savages. They were recognized as citizens by the Spanish, and because of this, Charles V presented the Pueblo with a gold-headed cane—a symbol of the right to self-government.

In 1863, the Taos Pueblo received another cane, this one silver-tipped, and from "A. Lincoln."

THIRD CANE RECEIVED

The Indians received their third symbolic cane this summer, when President Nixon sent Agnew's teen-aged daughter, Kim, on a trip to the Pueblo as the administration's representative.

Accompanying Miss Agnew on the trip was presidential assistant Lon Garment who told the Indians that "in the long struggle to regain title to Blue Lake the Taos Pueblo have symbolized the dream of all Indian peoples."

"In their rejection of money as a claims award they have stated to all America that a vision and a religious tradition so unique cannot be compensated for by money," he said.

In a message to Congress in July, Nixon generally outlined a new policy toward Indians, which before in American history had ranged from extermination to termination, the latter an emphasis on getting Indians into the mainstream of American life. Many Indians do not want to get into the "mainstream;" they prefer to keep their traditions.

The Nixon policy is to offer Indians the opportunity for assuming responsibility for programs, with the understanding the U.S. government will continue its trust responsibility and provide funds.

The message was general, and was specific on only one point—the return of the 48,000 acres of sacred land to the Taos Indians, which he called "a grievance" and "an issue of unique and critical importance to Indians throughout the country."

HICKEL TESTIFIES

In testifying on behalf of the Administration at the Interior Committee's July hearing, Hickel charged that the Forest Service's activities on the sacred lands have the "same meaning to the Indians as vandalizing a church would have to the Christian community."

Agnew, who is chairman of the National Council on Indians, has taken a particularly keen interest in the Taos Pueblo. This month, in an act so far unprecedented for him, administration officials report, Agnew sent personal letters to the Republican Senate leadership and members of the Senate Interior committee on the Indians' behalf.

He told The Star:

"For almost seven decades the Taos Pueblo Indians have struggled with dignity and forbearance to have their national government redress a most grievous injustice. I hope that Congress will now join with President Nixon in acknowledging the religious and cultural rights of these Americans by returning to them their sacred Blue Lake land. This would be an act of which as a nation we could be proud."

"I can think of no clearer demonstration to

all American Indians that their Congress and their President understand and respect their needs and desires," he said.

The Senate Interior Committee, which meets in executive session Wednesday on the Blue Lake issue, apparently still remains a stumbling block.

PRECEDENT FEARED

Anderson's opposition rests mostly on two points, one of his aides reported. The most important is that giving the land to the Indians could set a "bad precedent," in that Indians nation-wide could ask to get their lands back.

"If you are consistent, you should follow through and turn over the rest of the country to the Indians. I think roughly 89 percent would go," he said.

Anderson rejects the position that Taos Pueblo is unique, as does Jackson. "I am afraid that Taos will trigger the biggest Indian religious revival in history," a Jackson aide said, adding that he does not doubt the Taos Pueblo's sincerity.

"If we settle this their way, in this instance," the Jackson aide asked, "will we be faced with Manhattan Island tomorrow?"

The second major Anderson argument is that the Taos Indians do not need all the land they say they do for religious purposes. "It's the old dilemma. Obviously the white man was unfair in doing what it did in the first place. But what do you do now?" his office spokesman asked.

PAYING FOR MISTAKES

Jackson's aide spoke in the same vein. "This is a question that bothers many people, but there is a principle involved: do we pay for our mistakes with money, or do we install the precedent of giving back lands?"

Meanwhile, a strategy is developing in the Senate.

McGovern, chairman of Interior's Indian affairs subcommittee, this month reported the Anderson bill to the full committee without comment. This was done, a McGovern spokesman said, "to leave it open."

Any bill coming out of the subcommittee, of which Anderson is a member, "would not be favorable to the Taos Pueblo," he said.

McGovern does not expect the full Senate Interior Committee to report a bill "favorable to the liberals" either, an aide said.

The thrust of the strategy is to get the House bill on the Senate floor. If Interior reports out the Anderson measure, which may be adjusted to give more advantage to the Taos Indians, Harris—not a committee member—will offer an amendment following the House version.

In the event the committee does not report out a bill, Harris, who testified on behalf of the Taos Pueblo Indians, plans to offer the House bill on the Senate floor.

The Democrats' moves are being observed with a great deal of interest and approval by Agnew's office—and by the National Restoration Committee.

"It really is a coalition of peculiar political bedfellows," a spokesman for the private committee observed.

PROBLEMS OF DISSENT

Mr. RIBICOFF. Mr. President, Olcott D. Smith, chairman and chief executive officer of the Aetna Life & Casualty Co. discussed the problems of dissent in the July/August 1970 issue of *Aetnarama*.

Amidst all the rhetoric these days, it is worth while to find a thoughtful discussion of the importance of debate and disagreement in our society.

I ask unanimous consent that Mr. Smith's article be included at this point in the RECORD.

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

DISSENT

(By Olcott D. Smith)

Authority is sustained not by force but by the power of consent. What we consent to and dissent from has become one of the critical issues of our time. It has divided our society and our families and deprived us of perspective when we need it most.

Dissent, ranging from originality of mind to heresy, has always been the instrument of progress. Galileo, Luther, Arasmus, Jefferson, Justices Holmes and Brandeis, Einstein and Pope John in their different ways share in the tradition of dissent that shaped our world.

Because it is an instrument of progress, dissent—the right of the minority to create a new majority through persuasion—is precious to all of us. Its free exercise is essential to the continuing renewal of our society and is guaranteed by the Constitution:

Congress shall make no law . . . abridging . . . the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The problem today is that some of those holding minority views seem to seek demolition of the structures that shelter dissent; and that some of those seeking to defend the foundations of our freedom seem willing to do so at the expense of our rights. The danger in this situation is not in the damage either faction can inflict by itself. The danger is in the moderate majority being frightened into believing that it must choose between one extreme or the other and thus becoming divided against itself.

The shock tactics of some dissidents seem intended to prevent persuasion from taking place. Dissenters might find the majority more easily persuaded and the authorities less readily alarmed if they used the tool of debate more and the weapon of disruption less. Flag burning, obscenity, assault and arson are ineffective ways to petition the Government or to win over public opinion. At times one wonders whether Voltaire himself could live up to E. Beatrice Hall's summary of his *Essay on Tolerance*: I disapprove what you say, but I will defend to the death your right to say it.

No one questions the sincerity of an angry mob, only its judgment. We should not, however, let the outrageous play of the irresponsible fringe prevent us from hearing what the main body of dissidents is trying to say. There is no danger in listening. If their arguments are so wise that we find ourselves persuaded we will have gained. If they are so foolish that we are unpersuaded we will have lost nothing. The danger is in refusing to listen and being unwilling to change. This gives equal value to wise and foolish arguments, and strength to the irresponsible fringe.

If we lose perspective we are unable to see our problems accurately. We see each other as archetypes and are blind to the diversity of opinion within each group. Young dissidents seem to hold their elders accountable for a world they did not create. Non-dissidents seem not to realize that among those who are most critical of our country are some who expect the most of it, who love it as much as less exacting patriots.

If we lose acuity and cannot distinguish between seeming synonyms, we are guided more by slogans than by principles and indulge in rhetorical over-kill. Debate, dissent and disruption do not mean the same thing. Nor do renewal, reform and revolution. Yet the words are used interchangeably—to the point where the constitutional right to petition the Government is taken to mean a legal right to coerce the public, and the obligation of Government to protect the public

is taken to be a license to still the voices of dissent.

Let us ask ourselves: is it not time for a return to rule by reason? Examples already exist to guide our path back.

One example is especially valuable because it is a form of dissent, civil disobedience. It is a symbolic act in which one man on behalf of many breaks a law as a means of forcing it to be tested against the Constitution. Mr. Elliott A. Welsh II recently did this for conscientious objectors who cannot accept military service because of deeply held ethical rather than religious convictions. The strength of his position and power of his example—and of Thoreau's, Gandhi's and King's—is willingness to accept the consequences. Such men play by the rules in breaking a rule and do not seek a guarantee of amnesty. Amnesty would rob the act of significance.

I do not mean to invite mass civil disobedience. If each of us were to elect himself to this demanding role and be guided by individual conscience, each of us would be a law unto himself. We should be cautious in what we trust to conscience alone. But the bomb-throwing radical and the patrolman who dispenses curbstone justice see themselves above the law and in accord with a higher morality. They march to the same drumbeat but wear different uniforms.

Our return must also be guided by our universities and colleges. While reason sleeps on some campuses, the right to freedom of inquiry and free exchange of ideas also slumbers. It is a sleep disturbed by nightmares.

There are signs of awakening. Faculties are beginning to assert authority against the force of internal repression and are starting to subject careless criticism to the tradition of skepticism which applies analysis and testing to criticism itself. It is advocacy based on reasoned criticism that has power to change our imperfect society, create new values and renew the lives of all. Even though the impatient find the process slow, it is more sure.

Our return to reason can be guided, as well, by the examples of the people described in this magazine. If business men and women were poor, powerless or unable to vote, perhaps they also would march in the streets. Instead they work for change, where they are, at what they can. Involved employees have been supported by the parallel efforts of their companies and by entire industries. The National Alliance of Businessmen has pledged to make 180,000 summer jobs available for disadvantaged young people. The Billion Dollar Funds of the life insurance industry have created 170,000 jobs and new housing for 118,000 families living in blighted urban areas.

Because all lasting human progress is incremental it seems to come too slowly. But we have come further and achieved more than we often recognize. The number of people living in poverty decreased from 40 to 25 million during the Sixties as the population increased. Substandard housing accounted for 25 percent of all units in 1960, or 16 percent 10 years later.

We should not, of course, equate human progress with material gains alone. The spirit also needs shelter and nurture. Only involved and caring individuals can minister to another's need for a sense of belonging. Only human beings—not their institutions—can show the regard that enables the most humble to experience their worth and perhaps dare to aspire.

If the record shows we have come far, it also shows we have far to go. We cannot reach our goal of a more open society providing growing freedom of opportunity unless we are all governed by the rule of reason. Our choice is not the illusory one between rebellion or repression. It is between tyranny or the rule of reason.

JOHNS HOPKINS UNIVERSITY APPLIED PHYSICS LAB EVALUATES NEW URBAN MASS TRANSIT SYSTEMS

MR. TYDINGS. Mr. President, there is a growing interest in the exploration of alternative urban transit systems to help solve our urban transportation crisis. A grant from the Department of Transportation Urban Mass Transportation Administration has enabled the Johns Hopkins University Applied Physics Lab in Silver Spring, Md., to evaluate 10 different systems aimed at improving access to and through congested urban areas.

The systems vary from a small six- to 30-passenger vehicle for mobility in dense urban areas to larger vehicles for station-to-station speeds over 100 miles per hour.

I commend the Applied Physics Lab for their excellent evaluation of urban mass transit alternatives to the existing quagmire. I ask unanimous consent that the article in the September 13 News American be printed in the RECORD.

Because it is an instrument of progress, dissent—the right of the minority to create a new majority through persuasion—is precious to all of us. Its free exercise is essential to the continuing renewal of our society and is guaranteed by the Constitution:

Congress shall make no law . . . abridging . . . the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The problem today is that some of those holding minority views seem to seek demolition of the structures that shelter dissent; and that some of those seeking to defend the foundations of our freedom seem willing to do so at the expense of our rights. The danger in this situation is not in the damage either faction can inflict by itself. The danger is in the moderate majority being frightened into believing that it must choose between one extreme or the other and thus becoming divided against itself.

The shock tactics of some dissidents seem intended to prevent persuasion from taking place. Dissenters might find the majority more easily persuaded and the authorities less readily alarmed if they used the tool of debate more and the weapon of disruption less. Flag burning, obscenity, assault and arson are ineffective ways to petition the Government or to win over public opinion. At times one wonders whether Voltaire himself could live up to E. Beatrice Hall's summary of his *Essay on Tolerance*: I disapprove what you say, but I will defend to the death your right to say it.

No one questions the sincerity of an angry mob, only its judgment. We should not, however, let the outrageous play of the irresponsible fringe prevent us from hearing what the main body of dissidents is trying to say. There is no danger in listening. If their arguments are so wise that we find ourselves persuaded we will have gained. If they are so foolish that we are unpersuaded we will have lost nothing. The danger is in refusing to listen and being unwilling to change. This gives equal value to wise and foolish arguments, and strength to the irresponsible fringe.

If we lose perspective we are unable to see our problems accurately. We see each other as archetypes and are blind to the diversity of opinion within each group. Young dissidents seem to hold their elders accountable for a world they did not create. Non-dissidents seem not to realize that among those who are most critical of our country are some who expect the most of it, who love it as much as less exacting patriots.

If we lose acuity and cannot distinguish between seeming synonyms, we are guided more by slogans than by principles and indulge in rhetorical over-kill. Debate, dissent and disruption do not mean the same thing. Nor do renewal, reform and revolution. Yet the words are used interchangeably—to the point where the constitutional right to petition the Government is taken to mean a legal right to coerce the public, and the obligation of Government to protect the public

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on: Fast Transit Link (FTL) Systems and Circulation and Distribution (CD) systems.

The FTL's are high-speed and high-capacity vehicles designed for service between major activity centers or population concentrations. They are similar to present rail rapid transit systems in their operating modes, speed, comfort and operating flexibility.

The CD systems, however, are designed to carry passengers at shorter distances within dense somewhat lower speeds over urban areas, where individual origins and destinations may be randomly scattered.

A chief characteristic of the CD systems is their short headways, or time spacing between vehicles, making possible movement of large numbers of people with little or no waiting at stations.

The suggested FTL systems include:

Aerial Transit System, a pneumatic-tired vehicle suspended below a flexible I-beam, the beam in turn being connected to a series of pylons. This system has a speed of 120 miles per hour with a passenger capacity of 50 or possibly 80 in each vehicle.

Monobeam System, a tubular vehicle suspended from the side of an elevated box-beam, with a design speed of 75 miles per hour and a capacity of 106 persons.

Gravity Vacuum Transit System, a cylindrical train, traveling on rails powered and braked by a combination of gravity and pneumatic pressure in evacuated tubes, either underground or above, with a design speed of up to 250 miles per hour, vehicle capacity of 80 persons and minimum headways of from one to three minutes.

The CD systems proposals include:

Varo Monocab System, a six-passenger vehicle suspended from above by rubber tires riding in an inverted U-channel, with a cruise speed of 34 miles per hour, top speed of 68 and headways of from three to seven seconds.

Vehicle Distribution System, a 45-mile per hour vehicle riding on rubber tires over a concrete guideway, with a capacity of from 25 to 35 passengers and headways of 40 to 60 seconds.

Capsule Transit System, a rubber-tired vehicle operating in a tracked guideway at cruise speeds of 15 to 40 miles per hour and maximum speed of 60, capacity of 15 persons and operating headways of 1.6 seconds. At 15 miles per hour it is designed as a demand responsive system.

"Our cities are in great need of new forms of urban mass transit, especially small, personal transportation vehicles which would be competitive with the private automobile," said Villarreal.

JOB LOSSES IN DEFENSE PLANTS

Mr. GOLDWATER. Mr. President, I have on previous occasions noted the interesting paradox presented by liberals who complain about economic conditions and increased unemployment while they work night and day to reduce defense expenditures in every possible category.

It strikes me that it is about time that some of our ardent slashers of the defense budget understand that they have a responsibility for economic dislocation and joblessness.

The magazine, U.S. News & World Report, estimated this week that in the past year 500,000 workers have lost their jobs at defense plants and another 500,000 will be laid off in the next 12 months. In addition to that, nearly 400,000 servicemen have left the armed services during the past year and 200,000 more are scheduled to leave the military ranks in the next year.

These figures, Mr. President, are based

on official U.S. Government reports. They represent the price which must be paid by our communities and our workers when the Congress suddenly forces multibillion-dollar reductions in defense expenditures.

The article in U.S. News & World Report entitled "Where Defense Cuts Hurt Most" reflects an important result of a 2-year drive against the U.S. Defense Establishment. 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:

WHERE DEFENSE CUTS HURT MOST

It's the same story over much of U.S. Economies in arms are bringing leaner times for many involved in defense work. And still more troubles are to come.

Many American businesses, communities and workers, already suffering from huge cutbacks in military spending, now face this gloomy prospect:

Even deeper slashes in outlays for defense are coming. They bode still further economic troubles.

In the past year, about 500,000 workers have lost their jobs at defense plants—and another 500,000 are expected to be laid off in the next 12 months.

Nearly 400,000 servicemen have left the armed forces in the past year, coming on the job market at a time when unemployment is on the rise. An additional 200,000 are scheduled to leave military ranks in the coming year.

DOWN BILLIONS

Spending by the Pentagon for research and procurement—including such things as aircraft, munitions, electronic gear, research work—has fallen by almost 3 billion dollars, or 9 per cent, in the past year. A further decline of the same size is taking shape for the coming year.

Dollar declines in arms buying tell only part of the story. Allowing for inflation, the actual volume of goods bought is down even more—in fact, below the level just before the Vietnam build-up.

Many small-sized defense producers, as a result, are closing up shop. A number of bigger ones, too, have found their profits sagging.

Nearly every State is being affected, one way or another. Many small cities and towns that depend on defense spending or near-by military bases are in deep trouble. More than 600 bases have been or soon will be shut down or reduced in scope.

The Seattle area, southern California, Texas and New York State, especially, have been jolted.

The charts on these pages tell the broad story of what massive cutbacks in defense have done to workers, industries and States—and what may be expected in the months ahead.

RESULT: JOB LOSSES

It's the part of the U.S. economy involved in defense that is bearing the brunt of the business slowdown, caught in what President Nixon calls an "adjustment from a wartime to a peacetime economy."

Mr. Nixon discussing defense cutbacks, recently said, "It is not hard to see where much of the current increase in total unemployment has come from."

The number of labor areas in the U.S. officially designated as having "substantial" or "persistent" unemployment has jumped from 490 in 1968 to 575 in July, 1970. Many of the additional areas are involved in defense work.

You can see the declining role of defense in generating jobs in another way:

In 1968, 1 in every 10 jobs in this country

stemmed from defense—in the armed forces, the Pentagon's civilian work force or in private defense plants. By next June, according to official estimates, only 1 in 18 jobs will be related to defense.

Behind the leaner times for defense industries are the huge slashes, year after year, in the military budget.

Defense spending hit a peak of almost 70 billion dollars in the year that ended June 30, 1969. It fell to 78 billion in the following year and is estimated at 73 billion for the current year, the one ending June 30, 1971.

What's more, a special study by the Economic Unit of "U.S. News & World Report" estimates that, with a mounting deficit in prospect for the federal budget, defense outlays in fiscal 1972 will fall below 70 billion dollars.

SOME CONSOLATION

Not all the impact of the defense cutbacks, by any means, has been unfavorable. At least, Administration officials point out, the reductions have turned down one burner under inflation.

George A. Christie, chief economist for McGraw-Hill Information Systems Company, welcomes defense slashes as an indirect stimulus to housing. He says:

"Whenever there is a large diversion of resources to the Pentagon, something has to give. Typically, it's construction, or more specifically, housing. We are finally in the process of reversing the course of the past five years."

Still, the problems brought on by the winding down of the Vietnam war are widespread.

TROUBLE FOR PLANE MAKERS

Aircraft makers, in particular, have been hard hit. Production of F-111 fighter-bombers, made near Fort Worth, Tex., by General Dynamics Corporation, has been sliced from the 1,704 planes first planned to 538. Output was to have been cut back even more, but the Air Force on September 22 announced that contracts for 24 planes had been restored. Loss of aircraft contracts has also been heavy in California, Georgia and Connecticut.

Helping to soften the blows on the aerospace industry: Spending for missiles is going up—from 2.5 billion dollars in 1969 to 3.2 billion in 1971.

Cutbacks in orders for ammunition have struck hardest at South Dakota, which has lost nearly three-fourths of its prime military contracts in two years. Nebraska, Vermont and Pennsylvania have also been hit hard by declines in ammunition needs.

Delaware has lost nearly half its defense business—mostly in construction, food and petroleum. Deep cuts in contract awards to West Virginia came mainly in orders for combat vehicles.

HELP FROM SHIPBUILDING

Mississippi is one State that is bucking the trend. A big contract for shipbuilding is boosting total volume of defense work in that State. North Dakota contractors are benefiting from construction of the Safeguard missile system.

Seattle is a glaring example of how defense cuts can hurt a city badly.

Unemployment in Seattle is likely to hit 20 per cent this winter. Most of the troubles can be traced to the Boeing Company, which is beset with serious cutbacks in defense, space and commercial aviation.

As one observer put it: "When Boeing runs out of gas, Seattle comes tumbling down without a parachute."

About a fifth of the area's apartments are vacant. Some desperate landlords are forcing deposits and even offering a month's free rent. Downtown office vacancies are up to 8.3 per cent from 2 per cent a year ago.

Still, a survey by the Gallup Poll, released on September 24, indicates that a majority of voters in all major regions of the nation,

except the South, want their Congressmen to vote for even more defense cuts.

If the attitude of the American public toward defense spending carries weight, the troubles of Seattle and other areas may intensify.

HOW YOUR STATE IS WEATHERING THE SAG IN MILITARY ORDERS—PRIME MILITARY-CONTRACT AWARDS IN YEARS ENDED JUNE 30

[In millions of dollars]

	1968	1970	Change (percent)
Alabama.....	\$409	\$316	Down 22.7.
Alaska.....	107	76	Down 29.0.
Arizona.....	287	277	Down 3.5.
Arkansas.....	121	70	Down 42.1.
California.....	6,472	5,824	Down 10.0.
Colorado.....	263	218	Down 17.1.
Connecticut.....	2,355	1,238	Down 47.4.
Delaware.....	43	22	Down 48.8.
District of Columbia.....	350	316	Down 9.7.
Florida.....	976	849	Down 13.0.
Georgia.....	964	949	Down 1.6.
Hawaii.....	96	108	Up 13.5.
Idaho.....	17	11	Down 35.3.
Illinois.....	932	721	Down 22.6.
Indiana.....	1,107	906	Down 18.2.
Iowa.....	261	228	Down 12.6.
Kansas.....	292	230	Down 21.2.
Kentucky.....	60	57	Down 5.0.
Louisiana.....	460	299	Down 35.0.
Maine.....	75	56	Down 25.3.
Maryland.....	704	729	Up 3.6.
Massachusetts.....	1,619	1,200	Down 25.9.
Michigan.....	796	563	Down 29.3.
Minnesota.....	620	605	Down 2.4.
Mississippi.....	369	509	Up 37.9.
Missouri.....	1,357	898	Down 33.8.
Montana.....	20	25	Up 25.0.
Nebraska.....	120	73	Down 39.2.
Nevada.....	18	16	Down 11.1.
New Hampshire.....	156	99	Down 36.5.
New Jersey.....	1,108	1,007	Down 9.1.
New Mexico.....	87	88	Up 1.1.
New York.....	3,484	3,076	Down 11.7.
North Carolina.....	487	449	Down 7.8.
North Dakota.....	68	189	Up 177.9.
Ohio.....	1,641	1,006	Down 38.7.
Oklahoma.....	165	152	Down 7.9.
Oregon.....	120	90	Down 25.0.
Pennsylvania.....	1,727	1,174	Down 32.0.
Rhode Island.....	126	94	Down 25.4.
South Carolina.....	133	124	Down 6.8.
South Dakota.....	34	10	Down 70.6.
Tennessee.....	542	399	Down 26.4.
Texas.....	4,087	2,774	Down 32.1.
Utah.....	131	162	Up 23.7.
Vermont.....	105	44	Down 58.1.
Virginia.....	693	634	Down 8.5.
Washington.....	530	384	Down 27.5.
West Virginia.....	132	46	Down 65.2.
Wisconsin.....	406	371	Down 8.6.
Wyoming.....	15	14	Down 6.7.

Source: U.S. Department of Defense.

IMPORTANCE OF A RURAL-URBAN BALANCE

Mr. TALMADGE. Mr. President, I have noted with some interest the statistics which are emerging from the 1970 census. An interesting article in the Washington Post this morning pointed out that the east coast megalopolis—the densely populated strip extending from Boston to Washington—now has one-sixth of the Nation's population, 36.2 million people. This narrow strip of land has 18 percent of all U.S. residents although it contains less than 1 percent of the Nation's land.

These statistics are illustrative of the population crisis the Nation will be facing in the coming decades. This body recently took note of the developing crisis by approving title IX of H.R. 18546, the general farm legislation. By passing the bill, the Senate, for the first time, recognized the importance of achieving rural-urban balance and made a commitment to revitalize and develop rural areas. The

language of title IX made a congressional finding that the continuing movement of our population to urban areas is unacceptable. In part, title IX said:

The Congress further finds that despite a slowdown in the peak migration of approximately one million people a year in the 1950's, movement of people from rural areas still continues at a high rate. By the year 2000 or soon thereafter, one hundred million more Americans will be added to the one hundred forty million already living in our cities and suburbs. Unless this Nation makes a commitment of sufficient magnitude to reverse the present trend toward excessive concentration of population, two hundred forty million people will be crowded together in four giant strip cities.

Unless we have a sufficient commitment, not only by Congress, but by the administration and by the American people, the growth of our giant strip cities will not only continue—it will accelerate. Each successive census will bring additional evidence of unmanageable congestion in our urban areas and a gradual stagnation of our rural areas.

I am hopeful that a sufficient commitment on our part and by the House of Representatives and the administration can reverse this trend. I am optimistic that the passage of the bill containing our commitment to rural development in the Senate on September 17 was the first step in this direction.

Mr. President, I ask unanimous consent that the Washington Post article be printed in the RECORD.

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

EAST COAST MEGALOPOLIS HAS 18 PER CENT OF POPULATION

More than one-sixth of the nation's population now lives in Megalopolis, the densely populated strip extending from Boston to Washington, D.C. and covering less than 1 per cent of the nation's land.

Preliminary totals from the 1970 census indicate 36.2 million people—18 per cent of all U.S. residents—are found in this region.

Washington, D.C. and the suburban Maryland and Virginia counties surrounding it outpaced the other metropolitan areas in Megalopolis during the past decade, showing a 36.6 per cent growth in that time.

The Commerce Department reported the overall population of Megalopolis increased 11.2 per cent between 1960 and 1970.

The swathe of land from Boston to Washington, the site of most of the 17th and 18th century colonial settlements, has continued its growth in this century. Now, it is virtually one elongated metropolitan area of "strip city," the Commerce Department noted.

It stretches along 450 miles of seacoast and as much as 150 miles inland. Two metropolitan New Jersey counties and 34 contiguous standard metropolitan statistical areas are included in the region.

Except for the District and its surrounding suburbs, no other metropolitan area in Megalopolis grew more than 28 per cent in the past decade. Two New Jersey counties out-paced the Washington area, but are not considered metropolitan areas by the Commerce Department.

Seven of the metropolitan areas included in the yesterday's report have populations exceeding 1 million. The largest is New York with 11.4 million, followed by Philadelphia with 4.8 million. The others are Boston, Washington, Baltimore, Newark and Paterson-Clifton-Passaic.

ASPECTS OF THE SST PROGRAM

Mr. PACKWOOD. Mr. President, as we near the crucial vote on the SST, I think it is essential that we all have as much information about the program as possible. In the September 22, 1970, edition of the Oregonian, Oregon's largest circulated daily newspaper, an excellent article by Leverett Richards tells in detail some of the various aspects of the SST program.

Leverett, who is aviation editor for the Oregonian, is very knowledgeable in his field, and I believe we can all learn from his comments.

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:

UPCOMING SENATE VOTE TO GO AHEAD OR JUNK SST MEANS MONEY TO OREGON

(By Leverett Richards)

Shall the U.S. build a supersonic transport or leave the field to the Russians, the British and the French?

That is the \$25 billion question before the Senate this week as that body debates a \$290 million appropriation for the SST already passed by the House.

So what? What does it mean to Oregon?

It means a possible \$300 million. That is the amount the Boeing company will spend with Oregon firms in the course of building 500 SST's, according to an estimate prepared by Edward H. Cooley, president of Precision Castparts Corp. of Portland.

Nine major subcontractors can expect to produce parts and materials costing \$593,000 per SST. During the height of the production program SST subcontractors will total an estimated \$27 million a year.

This will mean jobs for 1,100 workers for a period of 5 to 10 years, the study shows.

Oregon will produce about 15 per cent of the titanium required for the all-titanium fuselage of the SST, the study showed.

Nine Oregon companies are major subcontractors for Boeing and expect to participate in the SST program. They are: Carter Manufacturing Company; Electronic Speciality, Portland Division; Ford Industries, Inc.; Omkar Industries; Oregon Metallurgical Corporation; Poco Manufacturing Company; Precision Castparts Corp.; Rem Metals Inc.; and Zirconium Technology Corp. Twenty-three other Oregon companies would also share in subcontracts.

A detailed study of national benefits from the SST showed that the Boeing company expects to spend \$1,650,000 with Oregon vendors for the two prototype aircraft alone.

The General Electric Company, which is producing the engines for the U.S. SST, has already spent \$1,130,970 with four Oregon firms, Earl E. Spencer, manager of western regional relations, told The Oregonian during a recent visit, and expects to spend about \$4 million in Oregon through the prototype phase of the project.

General Electric expects to spend about \$50 million with six Oregon companies in the course of producing engines for the 500 SST's expected to be sold by 1990, Spencer said.

This is but a small fraction of the \$20 billion total cost of producing 500 SST's.

If the project is abandoned the U.S. will lose "somewhere in the range of \$25 billion to \$45 billion over a 15-year period," writes Paul Charrington, Harvard professor of transportation who has studied the SST since 1958.

This would represent a disastrous upset in the balance of trade, economists point out. U.S. aircraft exports average \$1.25 billion

per year—the largest single factor in our favorable balance of trade, government reports show.

Sen. William Proxmire, D-Wis., argues that the SST would increase the flow of tourist dollars abroad and thus induce a negative balance of trade.

Rocco Siciliano, undersecretary of commerce, points out that giant jets like the Boeing 747 will continue to stimulate travel abroad long before the SSTs can start service.

These and a barrage of other objections to the SST will be aired in the Senate this week as the appropriations committee recommends approval of the \$290 million for the development and testing of two SST prototypes.

Some opponents argue that the SST is a menace to society and should not be built at all.

The fact is that the SST era is already here. It dawned Dec. 31, 1968, the day the Russian TU144 supersonic transport took off, followed by the British-French Concorde March 2, 1969. Both have since flown twice the speed of sound and will be carrying passengers by 1972.

Sen. Proxmire and others contend that the U.S. can't afford to invest a total of \$1.3 billion in two SST prototypes when money is needed to fight poverty.

William M. Magruder, head of the SST program for the Federal Aviation Administration, points out that the SST will fight poverty in the old American way—by providing some 150,000 jobs directly and indirectly.

The Air Transport Association estimates these 150,000 workers would create another 100,000 jobs in nonmanufacturing industries serving the SST workers.

From this \$2.5 billion annual payroll the government will collect about \$6.5 billion in taxes in 15 years, Magruder estimates enough to finance many poverty programs.

Opponents of the SST charge that the SST will generate a sonic boom that will shatter windows and nerves, destroy buildings, kill fish, scare the chickens and sour the milk in the refrigerator.

"The SST will hasten the end of the American wilderness . . . and pollute the upper atmosphere in such a way as may result in terrible alterations of global weather." The Friends of the Earth proclaimed in a recent series of full page ads in a few major newspapers.

They claim the SST's will weave permanent controls in upper atmosphere that will form a perpetual cloud, shut off the sun, and either bring on an ice age or melt the ice caps.

Some theoretical scientists have been quoted as saying the SST may destroy the ozone that protects the earth from cosmic rays. "If all the ozone were stripped away and the earth exposed to the full force of solar radiation "it would wipe out all life except in the oceans," Dr. Gordon MacDonald, a member of the Council on Environmental Quality, is quoted as saying.

There is no scientific or factual basis for any of these charges, Magruder, a former test pilot and designer of the Lockheed L1011, says.

1. There won't be any sonic booms from the SSTs. The U.S., Britain and France all have prohibited supersonic flights over land.

Experiments by Dr. John C. Calhoun, chairman of the National Academy of Sciences committee on oceanography, have shown that "attempts (by explosions) to influence fish acoustically have been trivial, if detectable."

Military aircraft have been flying at supersonic speeds off the coasts, including Oregon's coast, for more than 10 years and no complaints or damage claims have been filed by man or fish, the FAA reports.

Fear of clouds formed by contrails is absurd on the face of it.

Nearly 3,000 commercial jetliners have been weaving contrails in the sky over the U.S. for more than 10 years and there is no sign of any impending ice age—or melting of the ice caps.

And these subsonic jets operate between 25,000 and 40,000 feet where conditions are right for contrails much of the time, meteorologists point out.

The SST's will fly between 60,000 and 70,000 feet, where contrails, rarely ever form.

2. Dr. MacDonald did not say the SST's would destroy the ozone that protects the earth from radiation. He testified before Sen. Proxmire's Joint Economic Committee that "if ozone is decreased in the upper atmosphere we might have some effect at ground level.

"It is a very iffy subject," he emphasized.

"It would be my judgment as one who has worked in the field that the effects probably would be minor."

He added that the two prototypes would have no adverse effects.

Dr. MacDonald testified that a fleet of 500 SST's could "over a period of years, increase the water content of the upper atmosphere" by as much as 50 to 100 per cent."

He added that the water content has already increased 50 per cent from natural causes in the past five years.

He testified that the water vapor might warm the average surface temperatures by two-tenths to three-tenths of a degree Fahrenheit, which might melt the polar icecaps.

The amount of water vapor injected into the upper atmosphere by a fleet of 500 SSTs is equal to the water vapor injected by a single thunderstorm, scientists of the National Academy of Science point out—and 3,000 to 6,000 thunderstorms occur every day around the world.

"Scientists wrote me a little paper that said the temperature of the upper atmosphere went up 9 degrees between 1880 and 1940," Magruder recalled. "Nine degrees—and no icecaps melted," Magruder cryptically concluded.

In 1883 Krakatoa blew up and poured a cubic mile of sea water into the upper atmosphere where it stayed for a year or more.

"And nothing happened," Magruder pointed out. "The world temperature didn't change. The icecaps didn't melt."

The National Academy of Sciences dismisses these predictions in a long report concluding with these words: "The best scientific judgment available to the government clearly indicates that there will be no significant adverse effect on the weather."

Dr. Richard Garwin, IBM physicist, foremost opponent of the SST, charges that the SST on takeoff would be as noisy as 50 subsonic jets.

The fact is the SST's engines, in their present state of development, would produce 124 PN d B's (perceived Noiselevel in decibels) at a point 1,500 feet away from the side of the runway, compared to 108 decibels for present subsonic jets.

Measurement of noise is a complex and inexact science, but Magruder concedes that the sideline noise of the SST engines as now designed would be three to four times as annoying as today's jetliners.

He points out, however, that General Electric and Boeing engineers have eight years in which to reduce this noise level.

The SST is the only aircraft development program ever undertaken with noise limitations written into the contract," Magruder points out.

TENNESSEE WALKING HORSE: THE HOUSE MUST ACT

Mr. TYDINGS. Mr. President, on December 18, 1969, with bipartisan support and without any objection on the part of

the administration, the Senate passed my bill to outlaw the soring of Tennessee walking horses.

Soring—the practice of deliberately making the front feet of the Tennessee walking horse sore to induce a long striding step forward—is a barbaric and unnecessary practice, too often substituted for the long training period usually required to produce the magnificent prance of the Tennessee walker.

Evidence presented at Senate hearings last year indicated that Federal prohibition alone can terminate this inhumane practice.

On September 21, the House Subcommittee on Public Health and Welfare held a hearing on S. 2543. I ask unanimous consent that, following my remarks, my statement to the subcommittee and the text of the bill be printed in the RECORD.

It is my sincere hope that the subcommittee will consider S. 2543 favorably and that soring will soon be prohibited by Federal law. It is a vicious practice and illustrates how cruel man can be.

To purposefully injure a horse so it will lift its foot high due to the pain of walking just to win a blue ribbon reflects harshly on the trainers who do it, the owners who permit it, and the judges who condone it.

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

S. 2543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Horse Protection Act of 1969".

Sec. 2. (a) A horse shall be considered to be sored, if, for the purpose of affecting its gait—

(1) a blistering agent has been applied internally or externally to any of the legs, ankles, feet, or other parts of the horse;

(2) burns, cuts, or lacerations have been inflicted on the horse;

(3) a chemical agent, or tacks, nails, or wedges have been used on the horse; or

(4) any other method or device has been used on the horse, including, but not limited to, chains or boots; which may reasonably be expected (A) to result in physical pain to the horse when walking, trotting, or otherwise moving, (B) to cause extreme fear or distress to the horse, or (C) to cause inflammation.

(b) As used in this Act, the term "commerce" means commerce between a point in any State or possession of the United States (including the District of Columbia and the Commonwealth of Puerto Rico) and any point outside thereof, or between points within the same State or possession of the United States (including the District of Columbia and the Commonwealth of Puerto Rico) but through any place outside thereof, or within the District of Columbia, or from any foreign country to any point within the United States.

Sec. 3. The Congress hereby finds (1) that the practice of soring horses for the purposes of affecting their natural gait is cruel and inhumane treatment of such animals; (2) that the movement of sored horses in commerce adversely affects and burdens such commerce; and (3) that horses which are sored compete unfairly with horses moved in commerce which are not sored.

Sec. 4. (a) It shall be unlawful for any person to ship, transport, or otherwise move, or deliver or receive for movement, in commerce, for the purpose of showing or exhibition, any horse which such person has reason to believe is sored.

(b) It shall be unlawful for any person to show or exhibit, or enter for the purpose of showing or exhibiting, in any horse show or exhibition, any horse which is sored if that horse or any other horse was moved to such show or exhibition in commerce.

(c) It shall be unlawful for any person to conduct any horse show or exhibition in which there is shown or exhibited a horse which is sored, if any horse was moved to such show or exhibition in commerce, unless such person can establish that he took all reasonable precautions to prevent the showing or exhibiting of such sored horse.

SEC. 5. (a) Any representative of the Secretary of Agriculture is authorized to make such inspections of any horses which are being moved, or have been moved, in commerce and to make such inspections of any horses at any horse show or exhibition within the United States to which any horse was moved in commerce, as he deems necessary for the effective enforcement of this Act, and the owner or other person having custody of any such horse shall afford such representative access to and opportunity to so inspect such horse.

(b) The person or persons in charge of any horse show or exhibition within the United States, or such other person or persons as the Secretary of Agriculture (hereinafter referred to in this Act as the "Secretary") may by regulation designate, shall keep such records as the Secretary may by regulation prescribe. The person or persons in charge of any horse show or exhibition, or such other person or persons as the Secretary may by regulation designate, shall afford the representatives of the Secretary access to and opportunity to inspect and copy such records at all reasonable times.

SEC. 6. (a) Any person who violates any provision of this Act or any regulation issued thereunder, other than a violation the penalty for which is prescribed by subsection (b) of this section, shall be assessed a civil penalty by the Secretary of not more than \$1,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. Any such civil penalty may be compromised by the Secretary. Upon any failure to pay the penalty assessed under this subsection, the Secretary shall request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found or resides or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action.

(b) Any person who willfully violates any provision of this Act or any regulation issued thereunder shall be fined not more than \$2,000 or imprisoned not more than six months, or both.

SEC. 7. Whenever the Secretary believes that a willful violation of this Act has occurred and that prosecution is needed to obtain compliance with the Act, he shall inform the Attorney General and the Attorney General shall take such action with respect to such matter as he deems appropriate.

SEC. 8. The Secretary, in carrying out the provisions of this Act, shall utilize, to the maximum extent practicable, the existing personnel and facilities of the Department of Agriculture. The Secretary is further authorized to utilize the officers and employees of any State, with its consent, and with or without reimbursement, to assist him in carrying out the provisions of this Act.

SEC. 9. The Secretary is authorized to issue such rules and regulations as he deems necessary to carry out the provisions of this Act.

SEC. 10. No provision of this Act shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of

the law of any State on the same subject matter, unless there is a direct and positive conflict between such provision and the law of the State so that the two cannot be reconciled or consistently stand together. Nor shall any provision of this Act be construed to exclude the Federal Government from enforcing the provision of this Act within any State, whether or not such State has enacted legislation on the same subject, it being the intent of the Congress to establish concurrent jurisdiction with the States over such subject matter. In no case shall any such State take any action pursuant to this section involving a violation of any such law of that State which would preclude the United States from enforcing the provisions of this Act against any person.

SEC. 11. On or before the expiration of thirty calendar months following the date of enactment of this Act, and every twenty-four calendar-month period thereafter, the Secretary shall submit to the Congress a report upon the matters covered by this Act, including enforcement and other actions taken thereunder, together with such recommendations for legislative and other actions as he deems appropriate.

SEC. 12. There are hereby authorized to be appropriated such sums, not to exceed \$100,000 annually, as may be necessary to carry out the provisions of this Act.

[From the St. Louis (Mo.) Post-Dispatch, Jan. 17, 1970]

HALFWAY TO A HUMANE ACT

It is now up to the House of Representatives to complete a measure to protect Tennessee walking horses from the unconscionable practice of mutilating their feet to produce a distinctive gait. The Senate has passed legislation making it unlawful to ship a "sored" horse in interstate commerce, show a sored horse in a horse show, or conduct a horse show in which a sored horse participates; and establishing penalties up to \$2000 and six months' imprisonment. The Secretary of Agriculture would administer the law.

For this action the Senate deserves credit for eventual response if not for celerity, having taken two years to legislate against a barbarous practice which has been going on upward of 20 years. It is a victory for Senator Tydings of Maryland, chief sponsor in the upper chamber. In the House several bills to the same effect have been introduced, with Representative Whitehurst of Virginia as chief sponsor.

Hearings already held in the Senate should make it unnecessary for extensive hearings to be held in the House as should the fact that there is nothing to be said in extenuation of the practice. Soring is a resort of lazy, avaricious and unscrupulous owners to produce a gait which properly comes about through patient training. It results in a form of fraud when champions so produced earn stud fees in excess of \$100,000 although sore feet could scarcely be transmitted from sire to colt. The only remaining question is that of penalties, and considering the cruelty of the practice and the scale of the monetary returns those decided upon by the Senate appear appropriate enough.

[From the Charlotte (N.C.) Observer, Feb. 9, 1970]

BILL CAN HOBBLE HORSE "SORERS"

Horse lovers who would stop the inhumane practice of "soring" Tennessee walking horses have reached the half-way point of their goal.

The United States Senate has passed legislation making it unlawful to ship a "sored" horse in interstate commerce, use in a horse style of walking.

The desired gait used to come from fine breeding and meticulous training. "Soring" is a short-cut enabling owners to make profits by sacrificing the comfort of the horse.

Under provisions of the Senate bill, it would be unlawful to ship a "sored" horse in interstate commerce, use him in a show, or conduct a show in which such a horse participated.

Penalties up to six months imprisonment and fines up to \$2,000 are provided. The law would be administered by the Secretary of Agriculture.

We feel this legislation should be passed—and enforced.

[From the San Diego (Calif.) Evening Tribune, Jan. 10, 1970]

SENATE TAKES HUMANE ACTION

The Senate, before recessing for the holidays, took time from its concern with war, taxes, foreign aid and other weighty matters to pass a bill certain to win the applause of animal lovers.

In a voice vote, the senators forwarded to the House a measure that would outlaw the practice of "soring" show horses.

Trainers have been successful in inducing the distinctive high-stepping gait in the Tennessee walking horse by causing the horse's leg to blister. As a result, the horse lifts his feet quickly, achieving the gait that could be induced naturally only through a lengthy training process.

If approved by the House and signed by the President, the law would prohibit interstate shipment of a sored horse, the show in which a sored horse participates. Violations would carry penalties of up to \$2,000 fine and six months imprisonment.

The painful soring process has been condemned by reputable trainers and concerned horse fanciers as a cruel shortcut in the training process.

The sympathetic concern of the Senate should be quickly endorsed by the House. State legislatures might also be encouraged to enact similar laws covering situations not subject to interstate commerce regulations.

The painful soring process has been condemned by reputable trainers and concerned horse fanciers as a cruel shortcut in the training process.

[From the Bloomington (Ill.) Pantagraph, Dec. 25, 1969]

A VOTE FOR THE HORSES

With man's inhumanity to man seemingly beyond repair, progress against man's cruelty to animals may seem unimportant.

Just the same, the Senate has passed a bill aimed at ending the vicious practice of "soring" the forefeet of Tennessee walking horses to produce the desired gait.

STATEMENT OF SENATOR JOSEPH D. TYDINGS

Mr. Chairman, I appreciate this opportunity to comment briefly on the Tennessee Walking Horse legislation.

S. 2543 passed the Senate on December 18, 1969 with bipartisan support. Speaking for the Administration, the Department of Agriculture stated that it had no objection to the bill's enactment.

S. 2543 differs from H.R. 14151 and H.R. 13979 in three important respects.

1. The Senate bill contains a new section 10 clarifying the relationship of the legislation to state law. In committee, Senator Howard Baker of Tennessee amended S. 2543 to provide for concurrent jurisdiction, an amendment I fully supported. Both State and Federal laws will thus apply to instances of soring. Concurrent jurisdiction provides the flexibility to permit the states to act should they desire to do so, yet it assures Federal action against soring should the states fail to move.

2. The Senate bill exempts an individual who conducts a horse show in which a sored horse appears from the penalties imposed by the bill if such individual "can establish that he took all reasonable precautions" to prevent the participation of sored horses. The

Walking Horse legislation focuses on the horse show, and properly so. It is at an exhibition where USDA will be able to enforce an anti-soring law. And it is the exhibitors who bear a large part of the responsibility for the practice of soring. Yet S. 2543 recognizes that it would be unfair to penalize those individuals who make a conscientious effort to exclude sored horses from their shows. Hence, the exemption.

3. The Senate bill revises the enforcement section of H.R. 14151 and H.R. 13979. Subsection 6(a) of S. 2543 provides a civil penalty of not more than \$1,000 to be assessed by the Secretary of Agriculture for each violation. Subsection 6(b) provides a criminal penalty of not more than \$2,000 or imprisonment of not more than six months, or both for each willful violation. The two House bills provide only for a criminal penalty of not more than \$500 or imprisonment of not more than six months, or both.

S. 2543's approach is, I believe, more flexible and effective. Establishing civil penalties for nonwillful violations will probably produce more frequent enforcement efforts than would imposition of a criminal penalty for a first violation. Additionally, authorizing the Secretary of Agriculture to assess civil penalties will not add to the work of already overburdened U.S. Attorney offices. Yet stiff criminal penalties are still warranted. In instances of willful violations, criminal prosecutions by U.S. Attorneys are necessary if S. 2543 is to be an effective deterrent. Rewards from soring in terms of stud fees and prizes can easily exceed \$100,000. Some individuals may well be willing to accept the civil penalties of Subsection 6(a) in order to have a winning horse. Subsection 6(b) penalties, however, should cause such individuals to have second thoughts. Thus, in terms of the size of the penalty and method of enforcement, S. 2543 bears a more reasonable relationship to the nature of the violation and the need for effective enforcement than do H.R. 14151 and H.R. 13979.

Soring is a barbaric practice. That it must now at long last be terminated is incontestable.

The atrocity of soring can only be fully realized if the practice itself is clearly understood. Soring is deliberately injuring a horse's foot in order to alter its natural gait. The Tennessee Walker is known for its high skipping gait or "walk." This walk is normally the result of careful breeding and patient training. Yet by "soring" the horse's front feet, the pain of touching the ground will force the Tennessee Walker to kick his feet up and out, exactly the gait desired. A mediocre horse can thus be made to walk like a champion. That soring hurts the horse and eventually harms the breed does not seem to matter. The object is to win the blue ribbon. Soring is therefore practiced by the trainers, condoned by the owners, and ignored by the judges.

That it requires Federal law to end this cruel practice is indeed regrettable. In 1967, when I first became involved with this issue, I initially felt that soring surely was a matter for state and local jurisdictions. I asked myself, as perhaps members of the subcommittee have asked themselves, why is this a matter for the Federal government? Can't the states handle it alone? The hearings on soring that I chaired last year convinced me that the answer is no. State and local governments appear unable or unwilling to stop soring. The pressure to win is too great. Since 1967, the practice has continued, as has the assurances of its practitioners that "given a little more time" soring will stop. But soring has not stopped nor will it without Federal law.

The need for Federal legislation was illustrated by the testimony last September of Dr. Francis Mulhern, Deputy Administrator of the Agricultural Research Service before the Senate Commerce Committee. In reply to my question about the adequacy of State

anti-soring laws, Dr. Mulhern stated, "Our position toward the bill in the last Congress was that this should be a State responsibility. After investigating and noting the evidence of the soring that was occurring, even in States where they had laws, we have removed our objection." Only Federal action can stop this barbaric practice.

S. 2543 would be administered by the Department of Agriculture. USDA has stated that the additional workload for conducting the necessary inspections and enforcement activities would be carried out by the existing personnel of the Agricultural Research Service and with the assistance of State officials. Section 8 of the bill specifically calls for use of existing capabilities and encourages USDA use of state assistance. Section 12 of the bill modestly authorizes \$100,000 annually to cover expenses that may occur. The Tennessee Walking Horse legislation would not lead to the creation of additional Federal personnel nor would it create a great burden on our Treasury.

The purpose of this Federal legislation is to stop soring. This practice is cruel and barbaric. S. 2543 would achieve this purpose, simply and effectively, and call a halt to the systematic torture of Tennessee Walking Horses. I therefore respectfully urge the Subcommittee to act favorably on S. 2543.

Mr. Chairman, this concludes my statement. I wish to express again my appreciation for the opportunity to place my comments before the Subcommittee.

COMMISSION ON TRANSPORTATION REGULATION

Mr. BAKER. Mr. President, I was somewhat gratified to note that on Tuesday, September 22, our distinguished majority leader, Mr. MANSFIELD, and others introduced S. 4371 calling for the abolishment of the Interstate Commerce Commission and the establishment of a temporary National Commission on Transportation Regulation to determine how best to reassign the functions of the Interstate Commerce Commission.

The reason why I was interested to see the introduction of this bill is that while I, myself, have reached no judgment concerning the fate of the Interstate Commerce Commission, I did introduce in April of this year a bill establishing a temporary Commission on Transportation Regulatory Agencies. However, unlike the bill introduced by the distinguished senior Senator from Montana, my bill reaches no prejudgments and goes beyond just the Interstate Commerce Commission to embrace a study and resulting recommendations with respect to the regulation of transportation by the Interstate Commerce Commission, the Federal Maritime Commission, and the Civil Aeronautics Board.

Mr. President, I introduced my bill, S. 3760, in recognition of the probable need to undertake a long overdue updating of our regulatory process with respect to all transportation modes. Again I repeat, I have no preconceived notions as to what the ultimate solution should be, and in this connection I insert for the possible interest of my colleagues a somewhat pertinent editorial which appeared in the *Journal of Commerce* of September 21.

Mr. President, in conclusion, let me say that I commend our distinguished majority leader for facing up to the particular facet of the problem addressed by his

bill. While I had hoped that our Committee on Commerce, of which I am a member, might have undertaken consideration of my own bill, S. 3760, in this Congress, it now does not appear likely. I, therefore, fully intend to reintroduce it in the next Congress. I would hope that the distinguished Senator from Montana will join me in this effort. Early and favorable consideration of such legislation is necessary in order to effectively meet the growing concern of the effect of our present regulatory process upon the orderly development of a balanced transportation system.

I ask unanimous consent that an editorial on the subject be printed in the RECORD.

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

THE WILD BLUE YONDER

With all the discussion currently going on relative to proposals to merge the transport regulatory agencies, it never fails to astonish us that so few spokesmen for the railroads or other carriers seem at all willing to state just what sort of a regime they think would or should follow the demise of the Interstate Commerce Commission.

There are complaints that ICC is too railroad-minded, and they may have some validity. There are complaints that its procedures are glacially slow. These have even more validity and, as indicated in a news article appearing in this newspaper last Wednesday, are almost universally held among those forced by law to spend months and even years in search of rulings on trivial as well as vital points.

Where the inquiring reporter is greeted almost invariably by a ringing silence is the point at which he asks: What happens after ICC? If it is replaced by a super-agency regulating air carriers and shipping lines as well as inland rail, motor and water carriers, how is the Gordian knot of today's regulatory delays and complexities to be cut? And if it is not cut, what reason is there for any assumption that a super-agency is somehow going to make things better?

There are no grounds for such an assumption whatever unless one accepts the alternative of deregulating all freight and passenger rates and putting them under nothing more than the restraints governing industrial pricing. This, as we have said before, would mean putting them under the antitrust acts which, in turn, would mean something else.

Under the Clayton and Sherman acts any business can set its prices where it pleases, although there are a few prohibitions, such as that applied to basing-point systems on an industry-wide basis. It cannot, however, do so under arrangements with its competitors, and it is not allowed to discriminate between customers.

The ban on discrimination was spelled out most explicitly in the Robinson-Patman Act. It is not absolute. The right to grant volume discounts is recognized. But the stipulation is made that any volume discount given one customer must be available on precisely the same terms to any other customer.

Under this law, carriers would not have to seek regulatory approval on any changes in rates and services. They wouldn't have to go through the drawnout preliminary hearings before a regulatory commission. They could simply put them into effect, with proper notification of their customers. If, however, they were found to be discriminating as between customers or otherwise violating the law, the consequences could be quite serious and quite costly. At that point they would be dealing with the Department of Justice and the courts. There could be heavy fines. And there

could even be (as there have in the past) prison sentences.

Right now, of course, the carriers get a quid pro quo for the delays they suffer in regulatory proceedings. They can, in large measure, discriminate between customers, providing the appropriate regulatory agency doesn't object. They can set rates and agree on practices in concert. In these respects, they are immune from antitrust prosecution. That is quite an advantage, and many of them recognize it.

Some, however, appear bemused with the thought that the antitrust laws (as amended by the Robinson-Patman Act) apply only to goods, where matters of discriminatory pricing is concerned. They do not apply to services. And as they stand today, they would not prevent a carrier—freed from regulation—from charging one customer more for a 500-mile haul than another moving the identical shipment over the identical distance on another route.

But this is merely incidental. The fact that this section of the law is not applicable to common carrier services today, and cannot be applied to them as long as the combination of regulation and antitrust immunity exists, is no reason for assuming that it would not be made applicable to them simultaneously with an end of regulation. The very suggestion that Congress would free transportation of its regulatory restraints while also leaving it free of the restraints applicable to the rest of American business is unthinkable. It simply won't happen.

So what is the argument all about? The consolidation of existing restraints in a single agency offers in itself to promise of shortening the regulatory delays against which there are so many complaints. It might, in fact, make them worse. And from the reluctance of the railroads to discuss the matter at all, we would gather that they are less than enthusiastic over the prospects of confronting the Department of Justice rather than ICC. Better the devil you know, as the saying goes, than the devil you don't. That may explain something but it doesn't explain much.

It makes no sense at all to advocate sweeping changes in advance of any clear understanding of what would follow them. In this sense it seems to us that the burden of proof rests with those who are most anxious to see the transport regulatory structure overhauled. If they feel consolidation of three agencies into one would speed things up, they should explain how. If they are willing to surrender their immunity to antitrust prosecution and deal in the future with the Justice Department instead of ICC or CAB, they should say so. But if they expect to retain what they like in the present system while simultaneously being relieved of what they don't like, they will be running risks. They might well wind up with the worst of both worlds.

ABSENCE OF CONSUMER NEEDS FROM WHITE HOUSE CONFERENCE ON AGING

Mr. WILLIAMS of New Jersey. Mr. President, we are approaching an important time during this "prologue year" leading up to the White House Conference on Aging in November 1971. For it is during the latter part of this month that the elderly themselves will speak out about their needs at Older Americans White House Forums in communities and neighborhoods all across the Nation.

The information gathered from the forums will provide a valuable backdrop for the recommendations to be worked out during the conference year of 1971.

The forums will stress nine areas of need, including: Income, health, nutrition, housing, transportation, employment and retirement, education, roles and activities, and spiritual well-being. All nine areas are vital to the well-being of older Americans. However, the absence of consumer needs of the elderly concerns me, as older people are faced with unique consumer problems and they are more vulnerable to consumer fraud than other age groups.

Although it is true that older people are consumers in the areas of transportation, nutrition, health or housing, the hearings of the committee on aging, subcommittee on consumer interests of the elderly, have revealed a need for special attention to consumer issues.

The chairman of the subcommittee, the Senator from Idaho (Mr. CHURCH), conducted a valuable hearing this past year in Ann Arbor, Mich., where he heard that: Of all retired couples, as many as 36 percent cannot afford what the Bureau of Labor Statistics designates as the "lower" budget of \$2,671; 56 percent cannot afford the "intermediate" budget of \$3,857; and 75 percent cannot afford the "higher" budget of \$6,039.

Many elderly consumers find the marketplace indifferent to their needs. For example, they cannot find adequate clothing at reasonable prices because many department stores do not want to be thought of as an "old people's market" according to one witness.

The elderly consumer experiences great difficulty in obtaining assistance from providers of goods and services, such as repairmen, banks, and legal firms. These essential services are not always reliable; they are confusing to many older individuals; and they are almost always costly. According to Mrs. Virginia Knauer, Special Assistant to the President for Consumer Affairs, "Too often, a \$50 loss can only be recouped through a \$150 lawyer's fee."

The elderly consumer is often the special target of fraudulent practices such as retirement land deals, promises of medical "cures," make-money-at-home schemes, and home repair and improvement deals. The financial loss involved in such fraudulent schemes can cut deep into an older person's limited income. Those who fall prey to quack medical cures, useless medical devices, and health fads, may even delay seeking desperately needed legitimate medical care.

Mr. President, these are serious consumer problems—and they are separate and distinct from the consumer difficulties faced by younger persons.

At the third annual meeting of the Consumer Federation of America on August 29, the following resolution was adopted which expressed the group's dissatisfaction with the absence of the consumer issue from the subjects to be studied at the White House Conference on Aging:

Consumer Federation of America expresses appreciation to Senator Church and the Senate Subcommittee on the Consumer Interests of the Elderly in bringing to national attention the needs of this group of citizens.

CFA takes note of the failure of this Administration on Aging in planning for the 1971 White House Conference on Aging to

provide opportunity for explicit recognition of the consumer interests of the elderly.

CFA urges the Administration on Aging to meet this deficiency by adding to the nine areas of need already designated for special study in pre-conference planning, a separate study on the needs of the elderly for consumer protection and education.

Mr. President, I believe that the consumer issue is so serious that it deserves special emphasis during this preconference year and at the actual White House Conference on Aging in November 1971.

CONCEPTS OF PRESIDENCY

Mr. ALLOTT. Mr. President, today's Washington Post contains a significant and wise column by Mr. David Broder concerning "Concepts of Presidency."

Mr. Broder is disturbed by the turn of mind that led the President's Commission on Campus Unrest to declare that "only the President" can do the things which will cool the campuses and unite the Nation.

It is Mr. Broder's feeling that something has gotten out of hand in the last few decades. The thing that has gotten out of hand is the office of the Presidency—and the attention we lavish upon it, and the expectations we have for it.

It seems to me that the only thing that has exceeded the excessive accumulation of power in the Presidency is the outlandish expectations people have come to have of particular Presidents.

It is melancholy to witness a society developing the habit of turning expectantly to high officials to solve all their problems. It is melancholy—and enervating to democracy. Needless to say, that which enervates democracy is profoundly dangerous.

Mr. Broder is quite interested in a recent paper on the Presidency authored by Mr. Thomas E. Cronin of the Brookings Institution. I hope to be able to share this paper with the Senate in the near future. Pending that, I ask unanimous consent that Mr. Broder's column be printed in the RECORD.

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

[From the Washington Post, Sept. 29, 1970]

CONCEPTS OF PRESIDENCY

(By David S. Broder)

"Only the President," the Scranton Commission on Campus Unrest said, "can offer the compassionate, reconciling moral leadership that can bring the country together again.

"Only the President has the platform and prestige to urge all Americans . . . Only the President, by example and by instruction, can effectively calm . . ."

Only the President. Only the President. The theme echoes as insistently as football on autumnal television. Only the President can speak for America in foreign affairs. Only the President has the knowledge to make the vital decisions for national security. Only the President can commit the nation to long-term goals to a trip to the moon, to the conquest of poverty, to the rescue of the environment.

The notion of an activist President as the protagonist of the political drama and the chief arbiter of the national destiny has dominated two generations of American thinking. Harry Truman and Richard Nixon agree on very little else, but they agree that

"the buck stops" in the Oval Office. Every President from FDR on has acted on the assumption that, whatever the practical and constitutional limits on his authority, history and his constituents would hold him responsible, during his tenure, for the welfare of the country, in its broadest terms.

As a product of the educational and political climate of the last three decades, this reporter is thoroughly imbued with that same view, as convinced a doctrinaire of the "strong presidency" as Mr. Nixon was when he discussed the office in one of the notable speeches of the last campaign.

And yet, it deserves to be set forth as a significant fact that a strongly revisionist view of the presidency—which sees it as an office of limited power and influence, easily subject to overstrain—is coming to be held by numerous scholars and citizens.

The revisionist view first surfaced in politics in the campaigns of those oddly similar Quixotes—Barry Goldwater and Eugene McCarthy, both of whom seemed to be running "against the presidency" of the activist tradition, rather than for the office. What seemed an eccentricity in the two men has now developed into a considerable body of thought.

The "textbook presidency" we have all been taught is admirably dissected by Thomas E. Cronin of the Brookings Institution in a paper delivered earlier this month at the convention of the American Political Science Association.

Today's typical student, Cronin says, "learns that the presidency is 'the great engine of democracy' . . . that presidents must instruct the nation as national teacher and guide the nation as national preacher

... What is needed, most texts imply, is a man of the foresight to anticipate the future and the personal strength to unite us; to steel our moral will, to move the country forward and to make the country governable. The vision, and perhaps the illusion, is that if only we can identify and elect the right man, our loftiest aspirations can and will be accomplished."

That notion, Cronin says, is powerfully reinforced by the clichés of political journalism and, of course, by the rhetoric of most presidential campaigns.

His contention is that the revisionists have made a case that the glorified concept of the presidency has done us harm as a nation by contributing: (1) to popular disillusionment with the inevitable failings of the men who serve as president; (2) to the prevailing political apathy; (3) to the penchant for personal confrontations with, or acts of aggression against, presidents; (4) to inflation of presidential egos and distortion of presidential judgments; and (5) to neglect of other officials, and institutions' capacity for significant contributions to solving national problems.

One need not swallow this bare-bones outline of his argument whole to recognize the importance of the issues being raised. And this is no academic dispute. For there is evidence that many ordinary voters have intuitively adopted the revisionists' conclusions, without hearing all their arguments.

What may be happening among the voters is not just a shift of issues and of party preferences but a shift in the popular concept of the kind of President the nation needs—a change that can powerfully alter the political future. But more of that another time.

GEORGE HOOPER WOLFE—THE SAGE OF WILLIAMSPORT

Mr. TYDINGS. Mr. President, when George Hooper Wolfe was 7 years old, he began to walk the towpath along the C. & O. Canal driving a pair of mules, lugging hundreds of tons of coal from Cum-

berland, Md., to Georgetown. For the next 12 years, he met the people of the canal—the boat owners, the hired hands, the captains, the lock tenders, and the section crews, the wharf loaders, and the dredge crews, and the mules—the people who made the "big ditch" that was conceived by George Washington in 1780 to be the gateway to the West their way of life.

A native of Williamsport, a former canal town in Washington County, Md., George Wolfe later bought and renovated an old 30-room hotel. His great natural talent for the dying art of storytelling then began to unfold, especially when he spoke of old canal day stories. When he was 75 years old in 1969, he decided to gather his pictures, stories, maps, charts, and other memorabilia into a book entitled "I Drove Mules on the C. & O. Canal."

The fact that all proceeds from the book are being donated to the Methodist Church is testimony to his selflessness and outstanding citizenship.

Not only is George Hooper Wolfe—known by the people as the "Sage of Williamsport"—an authority on the C. & O. Canal, but he has also been extremely active in efforts to preserve the canal as a National Park area for future hikers, cyclists, nature lovers, and campers.

There are not many George Hooper Wolefes around.

I ask unanimous consent that the article entitled "Canaller—Storyteller and Author," published in Maryland Living of August 16, be printed in the RECORD.

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

CANALLER—STORYTELLER AND AUTHOR

(By Eleanor Heldrich)

George ("Hooper") Wolfe, of Williamsport, was born near the Potomac River in a house that stood 200 feet from the spot where the waters of the old Chesapeake and Ohio Canal crossed the Conococheague Creek via the Conococheague Aqueduct.

Williamsport was a canal town in those days. Lying midway between Cumberland and Georgetown, the town of 2,000 was the nerve center for the whole canal. Most of its people were either canal workers or canal traders. Many of the Irish brought over to build the canal in the 1830s had stayed to run the boats, which now plied their way along the 185-mile water highway. Hooper Wolfe's great grandfather, Thomas Gallagher, was one of them.

Hooper himself was the youngest of seven children. Three of his older brothers already worked on the canal. His brother Daise would one day become the captain of Canal Boat No. 4. It was natural, then, that when Hooper was seven years old and ready to go to work, he chose to work on the canal. It was part of his heritage.

Off and on for the next 12 years, young Hooper walked the towpath driving a pair of mules. He met the people of the canal, the boat owners and their families, the hired hands, the captains, the lock tenders and the section crews, the wharf loaders and the dredge crews, the men and boys, women and mules who made the "big ditch" their way of life.

"They were rough people," Hooper Wolfe says looking at you through a pair of large spectacles. "If they thought they could get by without paying a man, some of them, they'd kill him instead."

Strange words from a man whose gentle

appearance and mild manners appear to disqualify him from such a violent life. But he did live on the canal and he can remember the way it was. The pay for carrying 100 tons of coal from Cumberland to Georgetown was \$48, and a captain could average three trips a month for the nine months of the year that the canal was free from ice.

"What was bad," Hooper Wolfe recalls, "was the empty back loads. They could make two miles an hour going downstream loaded with coal, but the trip back up, against the current, took the same mules three miles an hour with no load at all."

The boats carried two mule drivers and four mules working in shifts. Every six hours the teams would change places and the tired mules and driver would climb up a ramp onto the boat. The mules were stabled right on the deck. At the peak of the canal years there were nearly 800 boats and 3,000 mules making the trip from Western Maryland mining country to the tide-water gateway.

At the end of the trip, in Georgetown, there would be a two or three-day layover while waiting for the boats to be unloaded. The canal people passed this time visiting back and forth across the boats. That was how Hooper met Minnie Zimmerman.

Her father was the captain of Boat No. 31 out of Big Pool, near Fort Frederick. Their courtship was a series of lucky meetings and unfortunate passings on the water until young Hooper finally convinced Miss Minnie to marry him by promising her a life away from the canal. For the next few years, the young bridegroom tried his hand at several jobs, including construction work on a new school building that was going up in Williamsport.

"You know how old I'm getting," says Mr. Wolfe with a chuckle. "They just condemned the school I helped to build."

In 1920, the young couple decided to try store keeping, so they bought a small grocery store on Conococheague St. in Williamsport. Four years later, putting together all their hopes and savings, they sold the grocery store and bought the old hotel across the street.

"Partly because it had such a good story connected with it," Hooper Wolfe admits.

The hotel was already a hundred years old during the Civil War when Gen. Robert E. Lee led his troops up Maldstone Hill across the Potomac River from Williamsport to shoot out the C. and O. Canal. The cost being shipped downstream to Union forces in Washington was an annoying thorn in the Confederates' side.

"Well, sir," says Mr. Wolfe, a storytelling gleam in his eye, "they weren't much on accuracy in those days so there was no telling where the cannon balls were going to land. A man named Jack Ensminger owned the old 30-room hotel and he didn't have much faith in Lee's intentions or his accuracy. So he cast about for a sucker who would be willing to make an immediate cash settlement on the hotel. Stables, furnishings, supplies, everything for one low, low price—\$1,000. A certain Mr. W. J. Taylor rose to the bait. The next morning the Conococheague Aqueduct was a shambles, but the newly named W. J. Taylor Hotel was standing proudly without a scratch on her."

Hooper and Minnie Wolfe bought that hotel in 1924 from W. J. Taylor Jr., and changed the name to Hooper's-on-the-Square. They modernized the building, adding indoor sanitary facilities and converted it into an apartment and boarding house. On the first floor they put a general store and lunch counter.

With the opening of Wolfe's general store, Hooper's great natural talent began to unfold, for he is one of the last survivors of a dying art, storytelling, the legendary, cracker-barrel kind.

One of his favorites is about an old man who had spent his whole life along the shores of the Potomac River. He never did a good day's work in his life, surviving solely on what he could take from the water. One day he was sitting on the bridge with his line in the Potomac River trying to catch a fish, when along came this tourist lady.

She walked up to him and said, very politely, "Pardon me, sir, but could you tell me the name of this body of water?"

"Danged if I know," replied the old man and, adds Hooper Wolfe triumphantly, "By George, he didn't!"

Hooper can remember a good story about every man, woman and child in Williamsport, and even some about the streets and buildings. Naturally, the local residents can remember some about Hooper, too, like the time a stranger came into Hooper's store and asked for "some of that there cheese."

"The Swiss?" asked Hooper.

The stranger nodded. "How much is it?"

"Sixty cents a pound."

"Oh, no!" says the fellow backing off, "I won't pay that price. Abe Martin sells it for 50 cents a pound."

"Well," says Hooper, "why don't you go and get your cheese from him?"

"He don't have any," came the reply.

"Tarnation," exploded Hooper, "if I didn't have any, I could let you have it for 40 cents a pound!"

As the years passed Hooper Wolfe began to relish in particular stories about the old canal days. He collected pictures and mementos and posted them on his wall. He became a storyteller with a specialty.

In 1969, when he was 75 years old, he decided it was time to gather his pictures, stories, maps, charts, way bills and other memorabilia into a book. Not an easy project for a man whose formal education stopped short of four full years, but education or no education, Mr. Wolfe knew he was one of the last remaining boatmen with first-hand knowledge of a life that was already fading into history. If he didn't write it, who would?

As a result of his determination to tell it like it was, George Wolfe moved out of the company of back porch story tellers and into the rank of local historians. The book, "I Drove Mules on the C. and O. Canal," is ready to go into its third printing and copies have found their way across the country and into 35 states. Not bad for a first author of more than 70 years.

"Seventy years!" exclaims Hooper Wolfe "I don't call that old!"

GAMAL ABDEL NASSER

Mr. BROOKE. Mr. President, all of us have been deeply shocked and saddened by the sudden, tragic death of Gamal Abdel Nasser, the greatest leader the modern Arab world has known, and one of the great world figures of our time.

Colonel Nasser helped to free his land and its people from the shackles of a corrupt and feudal king.

President Nasser, for all that his term in office was marked by conflict, was nevertheless a man primarily concerned with the welfare of his people. The Aswan Dam, the sale of Egyptian products abroad, the rise to new political and economic prominence of the Arab world—these were the accomplishments he favored, these were the projects he preferred to promote.

Mr. President, the American Government and the American people have often found themselves at odds with the policies of President Nasser. As the prin-

cipal leader in the Arab world, he posed the greatest threat to the security of Israel; he united the Arab States in a common cause which we could not condone, and which we were forced to oppose.

But we can never forget that it was President Nasser who, only a few weeks ago, led the Arab world in acceptance of the U.S. peace proposal. And let us remember clearly, too, that the last act of his life was to bring about a truce between the Jordanian Government and the Palestinian guerrillas.

The image of Nasser as a peacemaker can not obliterate his earlier role in fostering great divisions in the troubled Middle East; it can not by any means excuse the fact that he was primarily responsible for introducing into that conflict an unacceptable level of great power participation.

But I dwell on the significance of these last, peaceful acts of President Nasser's life, in the full knowledge that it was on his final pilgrimage that the first and greatest Arab leader, the Prophet Mohammed, uttered the prayer:

Oh God, make the end of my life the best of my life!

And the best of my deeds, their conclusion!

I was struck with an interesting parallel, Mr. President, in thinking back over the life of this founder of the Muslim religion. The last time that the Prophet Mohammed left Mecca, he journeyed with several thousand followers to the town of Arafat. It was here that he confronted his God, and learned that his life's work was done.

President Nasser, too, has met his Arafat, in the very tangible person of the leader of the Palestinian liberation movement. But in the case of Egypt's President, a course has been set, but his work is not done.

There has already been much speculation in the press about who would—who could—succeed Nasser, both in Egypt and in the Arab world. I am no prophet, and I make no claims to special prescience. But I would suggest on this solemn occasion that the most appropriate way to honor the life of Gamal Abdel Nasser would be to carry on the pattern which represented the last and best of that man's life. We now pray that steps toward peace negotiations, the concluding acts of his life, will be pursued by those who succeed him. Let the peoples of the Middle East come finally to know the fullness of the blessing, so similar in their two tongues: "Sala'am," and "Shalom."

GENOCIDE CONVENTION DOES NOT ENDANGER PRISONERS OF WAR

Mr. PROXMIRE. Mr. President, opponents of the genocide convention have maintained that our ratification of this important human rights convention could subject American prisoners of war held by North Vietnam to charges of genocide.

This is nonsense. Ratification of this treaty has no bearing on any charges that might conceivably be trumped up against our prisoners of war by the

enemy. Any appeal made against the genocide convention on this basis is strictly an emotional argument and does not represent the facts of the situation.

Former Attorney General Nicholas Katzenbach, a prisoner of war himself for over 2 years and aware of the dangers inherent in that type of situation, has endorsed the genocide convention. He has, in fact, said that the genocide convention would present no new dangers to American troops in Vietnam or any other country.

I agree completely with Mr. Katzenbach. If this convention did in any way represent a threat to American POW's I would be the last to argue for its ratification.

It is most important that the United States ratify this convention immediately. Time is wasting. We must go on record as opposed to this real threat to a basic right of man. I sincerely hope that the Senate Foreign Relations Committee will report this convention to the Senate in the very near future.

CONCERN FOR THE ENVIRONMENT

Mr. BYRD of Virginia. The preservation and enhancement of our environment are major national goals. The air, water, and land have been so long neglected and have become our very existence on this earth are being threatened.

The growing concern for our environment in all segments of our society indicates that we are faced with a very serious problem. Everyone recognizes this seriousness, but there is a danger that America may not dedicate itself to the continued hard work which is necessary.

I sincerely hope that our concern for the environment does not prove to be just a "fad." If we are to win the war on pollution, there must be a continuing commitment to conserve the resources on which we depend.

Each bill enacted has been a step toward a more livable environment. The Air Quality Act of 1967, the Clean Air Act of 1970, the Federal Water Pollution Control Act Amendments of 1966, the amendments to the Federal Water Pollution Control Act of 1969, and the establishment of an Office of Environmental Quality in the Executive Office of the President, are major pieces of legislation designed to improve our environment. I voted in favor of all these measures.

But we must search for new approaches to old and neglected problems.

The environmental protection agency, proposed by President Nixon, can be a step toward more efficient administration of environmental programs.

A similar proposal advanced by the Senator from Maine (Mr. MUSKIE) also provides a workable approach to this administrative problem.

I am also impressed with the list of pending environmental legislation before Congress, and I hope that each of these problems will be given careful consideration.

A few of these proposals include the international biological program, the Technology Assessment Act of 1970, the

Water Bank Act, the Joint Committee on Environment and Technology, and the Federal Lands for Recreation Act.

In addition, I cosponsored a bill to stimulate the development, production, and distribution in interstate commerce of low-emission motor vehicles, which has passed the Senate. I also cosponsored an amendment that will insure that environment considerations—including noise problems—will be incorporated into hearings on airport expansion. This also was approved.

In the scientific and technological fields, more and continued research is necessary to devise and test new methods for combating pollution.

For example, many solid waste disposal facilities are obsolete. New methods are needed to handle the increased volume of solid waste, and to do so in a way that will not adversely affect the quality of our air and water, and local planning grants.

Such research-oriented legislation is vital and commendable. It is important that science and the Government move together in the battle against pollution.

Yet, despite the gravity of our environmental problems, we cannot afford to approach these problems in isolation.

The Nation needs cleaner water and air; but at the same time, it needs economic development to provide job opportunities for the young men and women graduating from our high schools and colleges.

A proper balance between industrial development and pollution control is necessary in order for our Nation to provide a prosperous and healthy life for its citizens.

For example, automobile exhaust emissions are a major source of air pollution. But an economic tragedy could result if the Congress were to legislate an immediate ban on the use or production of the internal combustion engine.

The Clean Air Act of 1970, recently passed by the House and Senate provides a workable compromise to achieve reductions in automobile exhaust emissions, by allowing adequate time to meet required standards. Science, business, and the Government must work and move forward together toward workable, acceptable, and timely solutions.

We can no longer ignore the problems of our environment. We must move ahead in the effort to protect our air, water, and land. Our actions must not be taken in panic, but we cannot afford to stand still.

STATEMENT ON HIGHWAY TRUST FUND BY CAROLINAS BRANCH, ASSOCIATED GENERAL CONTRACTORS OF AMERICA, INC.

Mr. THURMOND. Mr. President, this morning the South Carolina congressional delegation was privileged to meet with the representatives of the Carolinas Branch, Associated General Contractors of America. The purpose of the meeting was to discuss the future of the Federal highway program, and particularly the highway trust fund.

The highway trust fund is the backbone of our Federal highway system. We must take the necessary steps to assure the citizens of our country that this

trust fund will continue to be used for improvement of highway transportation. The money for the highway trust fund is provided through taxes imposed only on owners and users of motor vehicles. If a person does not own a motor vehicle or utilize highway transportation, he contributes no revenues to the highway program. Although everyone does not contribute, everyone benefits. At our meeting this morning, representatives of the Carolinas Branch, Associated General Contractors of America, Inc., presented an excellent statement to the congressional delegation.

Mr. President, I ask unanimous consent that this statement be printed in the RECORD.

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

STATEMENT: CAROLINAS BRANCH, ASSOCIATED GENERAL CONTRACTORS OF AMERICA, INC.

Ladies and Gentlemen: Our mission here today is relatively simple. We wish to express to our congressional delegation, in the most positive way we know, our strong concern over the future of the Federal highway program.

As you are well aware, our group does not represent just a handful of special interests. Instead, it represents a broad cross-section of South Carolina citizens and business interests.

Today, we have restricted our petition to only one area of discussion. This is the crisis that is facing the highway trust fund.

As highway taxpayers, we take a particular pride and understandable interest in this fund. This pride stems not only from the fact that we are direct beneficiaries of improved highways, but—as South Carolina citizens—we have observed first hand the great progress which comes in the wake of improved highway transportation.

Through the highway trust fund, highway users in this country pay their own way without asking for or receiving handouts or subsidies from the Federal Government. Every penny going into the highway trust fund is taken from taxes imposed only on owners and users of motor vehicles. In other words, if a person does not own a motor vehicle or utilize highway transportation, he contributes no revenues to the highway program. In spite of the fact that everyone does not contribute, everyone benefits.

Highway transportation has provided untold benefits toward every aspect of the social, economic and cultural development of our Nation and has made the "good life" possible for many that would have been bypassed otherwise. In many parts of South Carolina, modern economic progress would have been virtually impossible without the growth of our highway system. Even though we have for decades had good ports and rail service and—more recently—fine air service, there are many sections of South Carolina that depend exclusively on highways for their transportation needs. Without economical highway transportation, these localities would be isolated from the progress enjoyed by other sections of the State.

Not only are South Carolina's great industries—textiles, electronics, aero-space components, tobacco and agriculture—heavily dependent on highway transportation, but the State's most recent one, recreational travel, is almost totally dependent on it. This is an extremely lucrative market for our State's abundant natural beauty and holds tremendous growth potential.

Nationally, recreational travel generates an estimated \$32 billion annually with more than 77 million people participating. Yet, 60% of all American adults have never spent a night in a hotel or motel. And, 52% have

never traveled over 200 miles from home. On an interstate highway, this is only about one-half day of comfortable driving time.

This offers a tremendous opportunity for the palmetto State to capture a larger volume of this travel business. Much of this potential business will be turned into actual business, however, only with the completion of the interstate highway system nationwide. Little will it matter if South Carolina has a fine highway system if missing links in other sections of the country make it difficult to get there.

Of course, the key to the success of our national highway program is the highway trust fund. This fund is scheduled to expire, as you know, on September 30, 1972. If that is allowed to happen, we will no longer have an effective means of paying our own way. We will simply have to accept crowded, dangerous roads as a fact of life; or, be willing to pay higher and higher general taxes to pay for a highway system whether we use it or not. It is our understanding, however, that Congress is unlikely to let the fund lapse and is now considering enactment of appropriate legislation.

In regard to this new legislation, we believe it is in the best interest of South Carolina and most of the other States that the highway trust fund be established as a permanent instrumentality for funding the Federal highway program. We feel this way because it has proven to be one of the soundest Federal programs ever devised.

We also feel that the highway trust fund should remain inviolate to the end that no highway funds are diverted to non-highway purposes. Many people believe that once the interstate system is completed, all our highway problems will be over. Actually, the worst is yet to come in the way of highway needs. Right now, there are about 105 million vehicles and 110 million drivers on the road. According to the Secretary of Transportation, that traffic volume will have doubled by 1980. His staff has estimated that \$320 billion will be needed for highway improvements by 1985 if we are to keep pace with such astronomical growth.

In South Carolina, we will have some 1,857,000 motor vehicles by 1985 driving some 22.4 billion miles. Clearly, now is not the time for complacency. Nor, is it the time for diversion of highway revenues.

Only the highway trust fund, adequately protected from diversion, will permit the long-range, efficient planning that must go into a sound highway improvement program such as we will need to meet our growing needs. We feel it is absolutely essential that this fund survive in its present form.

As we all know, the highway trust fund is not a general sort of kitty. It is a pool of Federal taxes motorists pay on gasoline, tires and diesel fuel in addition to the excise taxes on trucks and buses and trailers and automotive parts as well as the special set of taxes just on trucks. In other words, the trust fund can be looked upon as a "fare box" in which users—in proportion to the degree of utilization—pay for their individual use of the public roads.

We are very much aware of some of the proposals in Washington these days to siphon off Federal highway revenues into a national transportation fund, which would finance all forms of transportation, including mass transit. This would be extremely inequitable and unfair. Rail transit, for instance, is feasible—at best—in only about 15 of the Nation's largest urban areas. What justification can be found for asking just the motor vehicle owners in South Carolina and elsewhere to contribute to such a program? Beyond that, the question again appears: If highway revenues are diverted to other purposes, where will we get the money needed for future highway improvements that will benefit not just 15 or so select areas but the entire country? Moreover, common sense tells us that higher costs of transportation wheth-

er through taxes to replace diverted dollars on the delays and inefficiency brought on by inadequate and congested highways will ultimately lead to the increase in the cost of goods and services to everyone.

This delegation of South Carolina citizens is not opposed to any rail transit program if the people it is to serve want it and are willing to pay for it. We do, however, vigorously object to being handed the bill for this unbelievably expensive form of transportation in which experience of failure in the market place is the rule rather than the exception.

Highway transportation, on the other hand, has had a history of unparalleled success. To divert money from such a successful program to one of proven failure would seem to us to be the worst kind of folly.

We are, of course, aware that the anti-highway forces point to a few areas such as the one we're now in—Washington, D.C.—as being an example of highway transportation's inability to handle the increasing traffic volume. They say, based on this experience, that urban freeways are not an efficient way to move large volumes of people.

This is a calculated distortion of the facts. Highway people agree that the present D.C. area system won't do the job. The problem here is that this area doesn't have a freeway system. A sixty miles per hour expressway with a stop light at the end is not really an expressway at all. We believe that if the highway network as originally planned for this area had been built, our Nation's Capital would today stand out as a viable, mobile city with a healthy economy instead of one that sees an exodus of business to locations near existing freeways outside the city. In other words, Washington, D.C. appears to us to be not a failure of highway transportation, but a failure of those charged with the responsibility to face up to reality. We mention this today, because we do not want such irrational reasoning to tarnish the image of a continuing national highway program that holds the key for economic health in South Carolina and virtually every other section of the country.

In our judgment, the interstate system should be completed at the very earliest possible date and as soon as money becomes available. The economic and humanitarian factors alone demand this. Using the value of time at its low figure of \$1.00 per hour, we estimate that the completed interstate system will bring an aggregate savings of some \$110 billion to the Nation. On an annual basis, we estimate continuous savings of \$21.7 billion per year to consumers from a reduction in operating costs and accidents not to mention the 8,000 lives per year that will be saved when the system is completed.

In summary then, our group vigorously endorses the tremendously successful interstate highway system. We likewise endorse the highway trust fund concept of financing which has become the backbone of the entire Federal-aid highway program. It has given the country this tremendous public facility without taking one penny from the general taxpayer and thus has had no adverse effect on any other Federal program. Whether they know it or not, this is probably the best bargain the American taxpayer has ever received in the form of a Federal program. We know of no other program in the past, present or proposed for the future that even suggests it can save the consumers of this country \$21.7 billion per year and at the same time annually save 8,000 lives of our fellow citizens.

We, therefore, urge our fine men in Congress to not only vote support for the highway trust fund, but to vigorously sell and promote its virtues as the *ideal* Federal program which we feel it is. I believe our presence here this morning will assure you that the great majority of our citizens of South Carolina are behind you.

THE CATHOLIC URBAN SCHOOL: THE PATTERNS OF SURVIVAL

Mr. WILLIAMS of New Jersey. Mr. President, Dr. Francesco Cordasco, professor of education, Montclair State College, and a member of the Newark, N.J., Archdiocesan Board of Education, read an important paper last April before the 67th Annual National Catholic Education Association Convention, held in Atlantic City, N.J.

Mr. President, in order that Senators may study Dr. Cordasco's significant analysis of the present and future roles of Catholic education, I ask unanimous consent that his remarks be printed in the RECORD.

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

THE CATHOLIC URBAN SCHOOL: THE PATTERNS OF SURVIVAL

(By Francesco Cordasco)

If there is agreement on anything in American Catholic education, it is the grim statistical data which delineate a symptomatology of decline in enrollments and the closing of schools. Catholic school enrollment has dropped 500,000 in two years; in June 1969, some 301 Catholic elementary and secondary schools closed throughout the nation, and some 111 more began phasing out grades and consolidating classes. In 1968, school closings numbered 445 with the heaviest attrition in the elementary sector; the school mortality pattern in American Catholic education was inexorably progressive: in 1966-67, 50 elementary schools closed; in 1967-68, 152; and in 1968-69, 225. The National Catholic Education Association has predicted that some 200 schools will close in 1969-70.¹ According to Msgr. James C. Donohue, director, Division of Elementary and Secondary Education, U.S. Catholic Conference, "Enrollment in Catholic elementary and secondary schools has dropped from 5.6 million in the 1964-65 school year to an estimated 4.86 million in the current school year (1969-70)—a decline of three quarters of a million students in only five years."² And Msgr. Donohue couples with his notice of the declination of enrollments the severe financial straits in which Catholic schools currently find themselves, and the adverse fiscal burdens which the loss of children from the Catholic schools impose on the public schools:

The reason is obvious. When children leave a Catholic school which has closed or been forced to cut back its operations for financial reasons, they do not vanish. They go to school somewhere, and "Somewhere else" means the local public school.

The dollars and cents implication for public schools are clear. The more former students of Catholic schools enroll in public schools, the more public schools will be obliged to provide additional teachers, classrooms, equipment, and materials—and this is at precisely the time when they are increasingly hard pressed for funds.

The available figures demonstrate that this is no fantasy. For instance, it is estimated that taxpayers in the Detroit area have paid some \$90 million over the past four years to accommodate in public schools some 50,000 former Catholic school students who have been forced out of Catholic schools which have closed, consolidated, or curtailed classes. This is, furthermore, a continuing expense, since these students will continue to be a drain on the taxpayers' pocketbook for as long as they remain in public schools.³

There can be no retreat before the appalling attrition in Catholic school enroll-

ments; and there can be no denial of the fiscal burdens which have rendered, in a period of the inflationary havoc, Catholic schools no less immune to the rigid and iron laws of economics. But Catholic leadership has failed to examine the total context out of which the declining enrollments have emerged. For the most part, Catholic educators have attributed the closing of their schools simplistically to severe financial drain, an equation which has assumed the force of a *post hoc, ergo propter hoc* demonstration in logic; and if they have not sought a causal connection between declining enrollments and the phenomenon of fiscal crisis, they have squandered an immeasurable prodigality in pleading the righteousness of their quest for public funds. But like Odysseus, the Catholic educator has not yet made his way home: for if he has encountered and vanquished federal interdiction (*Polyphemus*), he has been lost to the ideologies of extravagant praise for Catholic schools in America's search for a true pluralism, or to grim warnings (such as expressed by Msgr. Donohue) to the public sector as to the grave financial consequences that must follow the closing of Catholic schools.

In my judgment, Catholic educators, in their emphasis on the search for financial support, have made a twofold tragic error. First, they have attributed to the need for money, the grave and imperiled condition of Catholic schools; and second, they have failed to discern that the struggle for public support for Catholic schools can no longer be argued in the rhetoric and language which characterized the 1950's and early 1960's. And this is not to minimize the struggle of those earlier years,⁴ or to suggest that the history of public support for private schools in America has been fully written.

A survey conducted by the American Jewish Congress showed that bills to provide direct state aid to parochial and other private schools were considered by 20 state legislatures in 1969, with passage achieved in three of the legislatures, but with "a continuing effort by religious groups to win public funds for parochial schools." Whatever form public support of private schools assumes, the intricacies of the pattern it assumes will be formulated within the ensuing few years.⁵ The questions which should concern Catholic educators are those which ask: What is the quality of our schools? Whom are we (and whom should we be) educating? What are our responsibilities to the new poor in the cities in which our schools have been traditionally located? Have we a philosophic commitment and a set of clearly defined objectives which justify Catholic schools? What is to be done about the declination in religious vocations and the staffing of parish schools?

As always, history can be used as an instructive force in confronting current problems. The history of Catholic education in America has been written more as church history than as social process and as a consequence many of the dynamics which underlie the origins of a parochial school system have been adumbrated under the religious rubrics of the third Plenary Council of Baltimore (1884), religious protocol, and clerical and episcopal intransigence faced with the reputedly irreligious public school. What (in our judgment) has been paid little attention to is the struggle and social adaptation of an Irish peasant immigrant urban subcommunity out of which the parish school (fashioned in the mandates of the Third Plenary Council) emerged.⁶

It is my view that the impoverished urban Irish community created a community school system to serve its children and that its motivation was political and social; only incidentally were the strategies of a church-school system evolved, in a measure dictated, in order that the Irish community school be

Footnotes at end of article.

given cohesiveness, a *Gemeinschaft* strength, and an inviolable religious ideology. And this is not intended to demean the religious motivation: it is rather to note that an impoverished and deprived ("disadvantaged," if one prefers the current euphemism) urban community used both ethnicity and religion as the basic weapons against an oppressive establishment. Seen in this perspective, the Catholic parish schools are an historical analogue which should help explain the efforts of the contemporary urban poor (predominantly Black, Puerto Rican, and Mexican-American) to create community school systems which reflect their *ethos* and assure their cultural survival; and out of a multitudinous experience, Irish Catholic schoolmen should be, not only the best informed educators on urban education and the aspirations of ethnic enclaves, but should be (as they have not been) the most stalwart defenders of urban educational decentralization and of community control of schools.⁷ The two basic ingredients which irretrievably relate Catholic schools to the contemporary urban context are poverty and ethnicity; and the contemporary setting is an urban America in which the parish school originated and in which it has traditionally prevailed.

The contemporary urban educational scene is one of confusion, bitterness, a worsening reality which persists despite massive federal aid and a plethora of ambitiously experimental constructs: the answers to a multitude of problems are not easy, but as Daniel P. Moynihan (who is an exemplar both of ethnicity and social class) sardonically observes, it may be that the problems have not been correctly defined:

As the decade closed the New York City Master Plan was to declare: "The plain fact is that no one yet knows how to make a ghetto school work."

This statement in itself is a considerable advance, even though the problem is still poorly stated by describing the slum school as a "ghetto" school.

(The plain fact is that nobody knows how to make a real ghetto school—that is, one made up of European Jewish students—not work. The ghetto schools of Europe were where Nobel physicists first learned calculus. One of the most profound misstatements of the situation of the black in urban America—or, for that matter, that of the Irish, Italian and other agricultural immigrants who arrived in the cities in circumstances comparable to those of the blacks—has been to state it in terms of the Jewish experience.)

Nonetheless, the illusion of knowledge faded with the New York City Master Plan, and this at least is the beginning of problem solving.⁸

Characteristically, Moynihan will have infuriated some people, but with typical perspicacity, he has cut down to the root of the matter. If education is to be effective (Moynihan is saying) in urban schools (which have traditionally been the schools of the minority poor), then it must reflect the lifestyles, the mores, and the needs of its constituency: in sum, it must be both of and by the community. The public schoolmen have not yet comprehended this elemental dynamic: the complexity of the struggle for the control of public schools cannot be understood unless one sees the struggle in ethnic and community terms with all of the intricacies of a socio-economic tableau in which new destinies and power are being forged.⁹

But the Catholic schools do understand the dynamic; both their genesis and experience confirm the fact. For the Catholic urban schools, the problem has a different dimension. As community schools, the problems of community relevancy and participation would (in my view) be quickly resolved for urban Catholic schools. An Irish, Italian,

or Polish Catholic slum school which has kept intact its ethnic wellsprings and community anchorages can be equally as well a Black or Hispanic Catholic slum school with the strength which ethnicity and community afford. For Catholic schoolmen, the problem quite simply is: "Will we undertake to educate the Black and Hispanic poor who are the new constituencies of our urban parishes?"¹⁰ And the answer to this question must be forthright and honest; on it hinges the survival of the urban Catholic school.¹¹

It is not an easy question. And it cannot be dismissed by noting that the Black urban poor are, in the main, non-Catholic: for, if this imposes the need to define Catholic endeavour in apostolic terms, it cannot obscure the relatively modest efforts of American Catholicism in behalf of Black Americans.¹² But what of the Hispanic poor, traditionally Catholic, and the mission of the Catholic urban school? How are we to explain our essentially unsubstantial efforts in their behalf? Has the urban parish school retreated so far from its twin dynamics of ethnicity and community that the Hispanic poor are invisible in its midst?¹³

It is the urban *demos* which Catholic schoolmen must redefine once again. With this done, other problems will be easily resolved. If we keep in mind that it is to the urban citadels of the poor that Father McCluskey is referring in his apostrophe to the Catholic school, his words have a poignant eloquence.

Have the Catholic schools in America been a failure or a success? The first answer is a retort: Has any human institution been an unqualified failure or success? One could as easily ask: Is any marriage an unqualified failure or success? Perhaps in all fairness, we should let each generation return its own answer. In general, however, it can be readily said that in many important ways, as shall be seen, the Catholic school has been and is an outstanding success. Frankly, where it may have fallen short of its demanding ideal, a portion of the blame can be laid at the door of government whose policies on support have made the burden of financing the Catholic school such a heavy one. In any event, the Catholic school has tried to keep troth with the transcendent character of its Master's mission.¹⁴

I have prepared a seven-point check list of recommendations for Catholic schools, and they are skeletally appended; in my text I have intruded on most of them, and they might be considered an inventory for survival. No one of them is listed without a full awareness of the difficulties imposed and the uncertainties to be encountered. Yet, in my considered judgment, they point the way to a renaissance of Christian effort in behalf of children: For Catholic schools there can be no retreat from the urban centers and the contexts of socio-economic deprivation; Catholic schoolmen must define as their major constituency the urban poor; ethnicity and community must provide the animus which gives meaning and dimension to educational programs, governance, and participation; Catholic schools must draw support from all Catholic institutions (health services, etc.) to assure all needed service for the child and his family; the declination in religious vocations must be reversed, and the dominant administrative and teaching cadres of Catholic schools must be the religious; liaison between suburban and urban Catholic schools must be established with a major assumption of fiscal support borne by affluent suburban parishes, with a continuing exchange of staff, students, and an eclectic sharing of facilities; Catholic colleges and universities must be continuously involved in educational experimentation within Catholic schools and must become the major resource for innovation and advancement.

My recommendations are neither naive nor quixotic. If money is a necessary ingredient, it is not the major element which prognosticates success or failure. The major ingredient must be a commitment to the ideals of Christian education, and the tenets of an Judaic-Christian ethic. All else is, at best, relative. Catholic schoolmen in today's troubled times, should find encouragement in the words of St. Jean Baptiste de La Salle, an earlier Catholic educator of modest talents, who faced the staggering problems of his devout commitment with these words: "As our office offends the schoolmasters, we have in everyone of them a declared and inveterate enemy, and all in a body they have often armed the powers of the world to destroy us. Yet, notwithstanding all, the edifice is standing, although it was so often trembling on the brink of ruin. This is what leads me to hope that it will endure, and render to the Church the services she has a right to expect from it."¹⁵

FOOTNOTES

¹ See *Official Catholic Directory* (1969); and as a general operational and statistical compendium, see Reginald A. Neuwein, ed., *Catholic Schools in Action* (Notre Dame, Ind.: University of Notre Dame Press, 1966).

² Msgr. James C. Donohue, "Testimony before the Subcommittee on Education," [U.S. House of Representatives, Committee on Education and Labor, *Congressional Record*, December 20, 1969, p. E10880.

³ *Ibid.*

⁴ The best account of the struggle for federal aid to private schools is Leo R. Ward, *Federal Aid to Private Schools* (Westminster, Md.: Newman Press, 1964), for which cf., review-critique, Francesco Cordasco, *The Catholic Educational Review*, 63:56-57, January, 1965; a recent trenchant review of the subject and its literature is in Neil G. McCluskey, *Catholic Education Faces its Future* (New York: Doubleday, 1969), pp. 139-183; and a sourcebook is William W. Brickman and Stanley Lehrer, eds., *Religion, Government and Education* (New York: Society for the Advancement of Education, 1961).

⁵ See Donohue, *loc. cit.*, for the discussion of a number of Congressional bills which are (or have been) under consideration. The text of the Pennsylvania non-public Elementary and Secondary Education Act is available in McCluskey, *op. cit.*, pp. 291-295. This statute may well become the prototype for state support.

⁶ A good example of the neglect of social history with virtually no attention paid to power and reform, is J. A. Burns and Bernard J. Kohlbrener, *A History of Catholic Education in the United States* (New York: Benzinger Bros., 1937); nor does McCluskey, *op. cit.*, deal with the *demos* of an impoverished urban Irish subcommunity's creation of a school system as a basic leverage against a dominant old stock, white, Protestant establishment, and this failure to conceptualize a social dynamic is seen in much of the popular writing on Catholic education, e.g., John Cogley, "Catholics and their Schools," *Saturday Review*, Oct. 15, 1966, pp. 72-74, 94-96. The intensity of the struggle, and its ethno-religious character in mid-nineteenth century America (re: Archbishop John Hughes and the fight for tax support for the New York parochial schools) is vividly portrayed in Victor P. Lannie, *Public Money and Parochial Education* (Cleveland: Case Western Reserve University Press, 1968).

⁷ It is instructive to note the history and experience of other non-Irish Catholic ethnic communities, and the emergence of "nationality parishes"; it is not invidious to observe that the Catholic church in America was (and is) in essence, an Irish church and that other Catholic ethnic communities entertain(ed) a subordinate relationship to Irish dominance and power. See, in this connection, Rudolph J. Vecoli, "Prelates and Peasants: Italian Immigrants and the Catholic

Church," *Journal of Social History*, 2:217-268, Spring 1969; and for the educational experience of a subordinate Catholic ethnic community, see Leonard Covello, *The Social Background of the Italo-American School Child: A Study of the Southern Italian Mores and their Effect on the School Situation in Italy and America*, edited and with an introduction by Francesco Cordasco (Leiden: E. J. Brill, 1967).

⁸ Daniel P. Moynihan, "To Solve a Problem, First Define it," *New York Times* (Jan. 12, 1970), p. 62. See also Maurie Hillson, Francesco Cordasco, and Francis Purcell, *Education and the Urban Community: The Schools and the Crisis of the Cities* (New York: American Book Co., 1969).

⁹ See "Reconnection for Learning: The Strategies of Community Involvement," in Francesco Cordasco, Maurie Hillson, and Henry Bullock, *The School in the Social Order: A Sociological Introduction to Educational Understanding* (Scranton: International Textbook Co., 1970), pp. 309-398.

¹⁰ For the new urban demography, see David Alloway and Francesco Cordasco, *Minorities in the American City: A Sociological Primer for Educators* (New York: David McKay, 1970).

¹¹ I disagree with my colleague, Dr. Maurie Hillson, who has recommended that urban Catholic schools develop a limitedly deployed "model school" posture which would serve as a catalyst to the public educational sector; the quality which Dr. Hillson proposes should be sought, but not at the expense of the very community-wide anchorages which would assure the objectives which are to be achieved. I would opt for the expansion, not the retrenchment, of urban Catholic schools. See Maurie Hillson, "Why Catholic Schools?" *Catholic School Journal*, 8:22-24, December 1969. I would reappraise Dr. Hillson's assessment with reference to Catholic suburban schools where the case for the restructuring of Catholic schools might be postulated on his model; but the Catholic church in suburbia (and certainly, its schools) have coalesced into a cultural landscape of such homogeneity as to resist both contradistinction and definition of its elusive components. In American suburbia, Friedenberg's high school could have been Catholic or public. See Edgar Z. Friedenberg, "The Modern High School: A Profile," *Commentary*, 36:373-380, November 1963. See also Andrew M. Greeley and Peter H. Rossi, *The Education of American Catholics* (Chicago: Aldine Publishing Co., 1966).

¹² Of special note is the work of the National Catholic Conference for Interracial Justice (Chicago). See, generally, Sr. Margaret Ellen Traxler, "American Catholics and Negroes," *Phylon: The Atlanta University Review of Race and Culture*, 30:355-366, Winter, 1969.

¹³ See Patricia C. Sexton, *Spanish Harlem: Anatomy of Poverty* (New York: Harper & Row, 1965), particularly, "Chapter Six: Religious Tranquillizers and Agitators," pp. 71-91; and critique-review, Francesco Cordasco, "Nights in the Gardens of East Harlem: Patricia Sexton's *East Harlem*," *Journal of Negro Education*, 34:450-451, Fall, 1965. See, generally, Francesco Cordasco and Eugene Bucchioni, *Puerto Rican Children in Mainland Schools: A Sourcebook for Teachers* (New York: Scarecrow Press, 1968).

¹⁴ McCluskey, *op. cit.*, p. 44.

¹⁵ A. Ravelet, *Le Bienheureux Jean Baptiste de La Salle* (Paris: A. Mame, 1888), pp. 399-400.

gress in February 1970, President Nixon said:

This (treatment of prisoners of war in Vietnam) is not a political or military issue but a matter of basic humanity. There may be disagreement about other aspects of this conflict but there can be no disagreement on humane treatment for prisoners of war. I state again our readiness to proceed at once to arrangements for the release of prisoners of war on both sides.

The Communists are fully aware of the United States attitude—and indeed the attitude of the Western world—toward the treatment of prisoners of war.

We must recognize, unfortunately, that prisoners of war are used as political instruments by a number of nations in the world. The recent history of North Korea and China are cases in point. Even the Soviet Union, which we saved from Nazi conquest in World War II, has an unapetizing record in this regard.

The Communists of North Vietnam are in clear violation not only of the Geneva Convention, which Hanoi signed, but of all the internationally recognized principles of war laboriously compiled during the past two centuries. The continued maltreatment of American prisoners of war is in direct violation of the law of nations. It is in direct violation of the laws of humanity which everyone everywhere must recognize.

The total rejection by the United States of this practice should be clear to the entire world. It is totally and forever unacceptable to the United States.

THE LOOMING ENERGY CRISIS— HOW TO AVOID IT

Mr. MONTOYA. Mr. President, in the past several months there has been growing concern about an energy crisis. Voltage reductions on electricity supplied to consumers have been required in a number of States on several occasions in order that electric power service could be maintained. But equally as important, although it has not yet received major public attention, is the impending shortage of natural gas. Gas consumption in the United States in 1969 was at an all-time high of over 20 trillion cubic feet, valued at nearly \$3.5 billion. This was an increase of 7.1 percent over 1968. Consumption is expected to continue to rise sharply again in 1970.

Although average retail prices for gas for residential heating ranged from \$1.30 to \$1.50 per 1,000 cubic feet in major eastern markets, the average price at the wellhead continued to be only 16.7 cents per thousand cubic feet. Average prices at the wellhead in my State of New Mexico in 1969 were measurably less than the national average. Since December 1963, average residential heating prices for gas have increased over 20 percent, or 25 to 30 cents per thousand cubic feet for an average homeowner. At the same time, average field price has increased less than 1 cent per thousand cubic feet. There is no uniform price paid for this fuel on a national basis, and there should be one. This is the responsibility of the Federal Power Commission.

In New Mexico, there are major sources of natural gas and oil in the San Juan and Permian basins. In each of these

areas, producers are being offered significantly less than the going price. In truth, it can be called a classic case of internal colonialism.

In the face of looming shortages, it does not make sense to choke off private initiative in such prime areas. The Federal Power Commission has it within its power to create new incentives for exploration and development of resources we know we possess in these areas. Now is the time to raise the price New Mexico producers receive for their depletable resources. This argument is especially powerful in light of the known fact that some States tax this natural gas more than New Mexico producers actually receive for it. If consumers are to benefit, or be prevented from being victimized, there must be a uniform price for such fuels.

The major incentive that can be offered to reverse this trend is to permit higher field prices for natural gas. The price of natural gas used in interstate commerce is controlled at the wellhead. There has been a growing tendency on the part of producers to sell gas they do not find for intrastate commerce when they can. As a result, in an uncontrolled market, the spread between controlled and uncontrolled price is reported to be as much as 10 cents per thousand cubic feet in some cases.

Who will suffer if incentives are not found to encourage discovery of new gas sources? Customers served in intrastate commerce will be first to be affected. Testimony before the Federal Power Commission has indicated there may be major gas shortages during the 1970-71 heating season. If prices are not permitted to rise to at least the intrastate level, new discoveries will continue to find their way to that market even though it may be used for inferior purposes.

Rising concern about quality of the environment will place an added burden on the natural gas industry.

Natural gas is the "cleanest" of all fossil fuels. Upon combustion it produces little or no sulfur oxides or waste solids, and less oxides of nitrogen than coal and oil. We must assure the country of an adequate supply of energy that it needs in the form required; that will least damage our environment—land, air, and water. This will mean a greatly expanded use of gas just at a time when supplies are dwindling.

A principal reason for the shortage is that field prices are so low—that exploration has declined sharply. We must not permit unrealistically low gas prices at the wellhead to aggravate the energy crisis. Adequate gas means warm homes and cleaner air. But more important, many manufacturing industries rely on natural gas for processing. Thus any interruption in the supply can bring shutdowns and loss of work. In some instances, no substitute fuels can be used—gas is essential.

My own State of New Mexico has suffered grievously already as a result of previous penalties leveled at the oil and gas industry. The recent tax reform bill, while significant in many ways, penalized the oil and gas industry in my

PRISONERS OF WAR, THE LAW OF NATIONS AND COMMON HUMANITY

Mr. GURNEY. Mr. President, in his first annual foreign affairs message to Con-

State, stifling incentives. Now we have arrived at a point where it is imperative that we allow such incentives to be offered this industry. If not, then the entire Nation will be hurt, and soon.

The Federal Power Commission should act promptly to set a uniform price and allow it to stand at 24 cents per 1,000 cubic feet, a level that will assure the supplies our Nation needs without victimizing consumers. We have already waited too long. Further delays could result in hardships not only to individual customers who cannot be supplied, but to the economy of our entire Nation.

NATIONAL NEWSPAPER WEEK

Mr. THURMOND. Mr. President, the free press, more than any other institution, is an indication of the personal liberty which the citizens of the United States have under our representative government. National Newspaper Week reminds us that the community newspaper, of which there are more than 10,000, has played a vital role in preserving our individual rights. A recent editorial written by Thom H. Billington and published in the Sun-News of Myrtle Beach, S.C., on September 24, 1970, reminds us of this noteworthy event.

I ask unanimous consent that this editorial be printed in the RECORD.

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

NATIONAL NEWSPAPER WEEK

Very shortly—Oct. 4 to 10—the U.S. will observe National Newspaper Week.

The theme this year will be, "American Newspapers—200 Years of Freedom—1770's to 1970's."

Just to read those words denoting the theme of Newspaper Week should be enough to warm the heart of Mr. Average U.S. Citizen. During the year, editors duly take notice of many worthy and memorable observances. But, they cannot be blamed for calling attention, with a certain degree of pride, as well as humbleness, to their own special Week.

The fact that after 200 years personal liberty under representative government still prevails is due, in no small part, to the "eternal vigilance" of a free press. The community newspaper—and there are over 10,000 of them—is an institution that lends permanence and tangibility to individual rights as nothing else can.

Every nation has its national observances. In most, however, there is no occasion to celebrate a National Newspaper Week. Where there is no free press, the less said about the newspaper, the better.

National Newspaper Week is a heartwarming reminder that we have lived in freedom for 200 years and that the community newspaper has played an important role in preserving that freedom.

RABBI MORRIS LIEBERMAN

Mr. TYDINGS. Mr. President, last week the Baltimore community suffered the loss of one of its most prominent citizens—Rabbi Morris Lieberman. Spiritual leader of the Baltimore Hebrew Congregation since 1937, Rabbi Lieberman's vitality extended to numerous civic responsibilities in addition to his religious duties.

He was a member of Baltimore's Community Relations Commission; vice president of the board of governors of the United Services Organization; a member of the advisory committee of the Maryland branch of the American Civil Liberties Union; a life member of the NAACP; a member of the national executive board of the Central Conference of American Rabbis; and a past president of the Baltimore Jewish Council.

Perhaps the greatest legacy that Rabbi Lieberman leaves to the Baltimore community is his belief that humans can and must achieve peace in our shrinking, tension-ridden world. In an interview in 1967, he stated:

The world, as it advances, technologically, becomes smaller in human dimension. It is now a neighborhood. In the past, one had an option about loving one's neighbor. Today or tomorrow, we either will love our neighbor or we will bring down the whole of civilization.

Rabbi Lieberman's spirituality will remain an integral part of the Baltimore religious community. I ask unanimous consent that the article commenting on this tragic passing in the Baltimore Sun be printed in the RECORD.

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

RABBI MORRIS LIEBERMAN IS DEAD AT 61

Rabbi Morris Lieberman, spiritual leader of the Baltimore Hebrew Congregation since 1937 and an active leader in civic affairs, died yesterday afternoon at Sinai Hospital. He was 61.

Rabbi Lieberman became rabbi at the congregation, the first synagogue to be chartered in the state, when its membership consisted of 600 families. At the time of his death its membership had grown to include nearly 1,700 families.

Rabbi Lieberman attributed this growth, somewhat modestly, to an overall trend in America of church-affiliation and to the fact that his was one of the city's first Reform congregations to move from downtown to the suburbs.

OTHER OFFICES LISTED

But many others attributed the rapid growth of his congregation to his intelligence and his dynamic personality, characteristics which were not aimed solely at his congregants but to the entire community.

Besides his religious duties he was a member of the city's Community Relations Commission, vice president of the board of governors of the United Services Organization, and a member of the advisory committee of the state branch of the American Civil Liberties Union.

Born in Cincinnati, he was graduate of the University of Cincinnati and was ordained by the Hebrew Union College in 1934. He served a congregation in Winston-Salem, N.C., before coming to Baltimore.

He served in the Army as chaplain from 1942 to 1946 and participated in the landings at Normandy in 1944. He was discharged with the rank of major.

ACTIVE IN USO

But his activities with the armed forces did not end with World War II. He became active in the USO, and under the auspices of the Army and Air Force he made several trips to military installations in North Africa, England and the Far East between 1953 and 1960.

In 1962 he was presented with the Frank L. Well Award of the National Jewish Welfare Board for "distinguished contributions

to the welfare of Jewish personnel in the United States armed forces."

Despite periods of extremism and conflict Rabbi Lieberman always viewed the future with optimism and calm. On the recent growth of youthful rebellion he once observed that "the freshness and brashness of youth makes re-examination necessary," noting that "our human world isn't good enough to be static."

Above everything else he held fast to the belief that religion was the most important viable force for achieving the unification and advancement of the human race.

In an interview in 1967 he stated: "The world as it advances technologically, becomes smaller in human dimension. It is now a neighborhood. In the past, one had an option about loving one's neighbor. Today or tomorrow, we either will love our neighbor or we will bring down the whole of civilization.

"Living by human values is the indispensable condition for human survival, and religion is the major force to insure it. This means that the need for religious organizations, religious institutions and religious activities is crucial."

Among his other civic affiliations he was vice president of the National Jewish Welfare Board, a life member of the National Association for the Advancement of Colored People, a member of the national executive board of the Central Conference of American Rabbis, and a past president of the Baltimore Jewish Council, he had served as a script writer for the Voice of America.

He is survived by his wife Lillian Lieberman; a daughter, Miss Jean Waldman; a sister, Mrs. Gerald Office, of Englewood, Ohio, and a brother, Dr. Alfred T. Lieberman, of Baltimore.

Funeral services will be held at noon tomorrow at the Baltimore Hebrew Congregation, 7401 Park Heights avenue.

ELECTRONIC WARFARE—A NEEDED COMMITMENT

Mr. MONTOYA. Mr. President, in recent statements before the Senate I described the role which is currently being played by this Nation's research and development community in pursuit of a scientific fund to be allocated toward the achievement of national technological goals. In these discussions I stressed the fact that to neglect this research and development base can only foster the most malignant form of unilateral disarmament, as well as to break the back of that civilian economy which is the offspring of defense research. To emphasize this issue I would like to address a specific area of our defense that is perhaps more dependent on research and development than any other—that area is electronic warfare.

The State of New Mexico has listed electronic warfare as a major component in its research and development catalog since the earliest days of the missile age. Indeed, a large percentage of this Nation's vital electronic warfare research and development is accomplished at White Sands Missile Range. It is there that the relationships between weapon developments, operations, training, and research are brought into sharp focus.

My personal awareness of electronic warfare and its contributions to the defense of our Nation goes back to the keynote address I made at the first missile electronic warfare technical meeting at White Sands Missile Range in 1967.

In preparing that speech it was necessary to receive high level briefings from the Army, Navy, Air Force, and CIA. It was during these briefings that I realized the astounding impact which electronic warfare has on the defense posture of a nation, its applications to exploit vulnerabilities in weapons systems and its use to obtain vital intelligence information of potential adversaries' capabilities and intentions. Electronic warfare can be used to degrade or negate an entire national or international communications network; or it can be applied for defeat of widely dispersed tactical or strategic weapons. The effect of all these features on national command and control capability is enormous. Even more preponderant is the fundamental effect which electronic warfare considerations must necessarily have upon weapons systems design development, leadtime and life cycle.

Because of this critical importance I resolved to maintain a thorough ongoing knowledge of electronic warfare. Since that date I have been, and will continue to be, a strong advocate of an active, vigorous and aggressive electronic warfare program. This reasoning is based on my fundamental desire that our Nation have a defense capability second to none. I do not say this as a cliche, but as a guiding criteria for my every vote on defense matters. I will not tolerate large expenditures requested under the guise of defense when it is obvious that an area, such as electronic warfare, which necessarily relates to weapons systems effectiveness has, at best, been given only lip service, or what is worse—been completely ignored.

There is, in this period of extreme national and international crisis, a genuine requirement for the most effective allocation of our country's resources. Thus, I sense the need for a firm commitment to electronic warfare, not only by our weapon planners and our Armed Forces, but by those of us in the legislature who grant approval and appropriations to implement this commitment.

It is clearly apparent that the determination of a weapon's combat effectiveness requires performing a most thorough analysis to examine the weapon's true combat limitations in an environment no less hostile than the one for which the weapon was conceived. However, this is not always the case. It has been my experience in recent years to find that the vulnerability considerations for many major weapons system are either minimized in defiance of intelligence analyses, or bureaucratically buried in a graveyard of irresponsible command confusion.

Too often a scenario develops in which the defense planners rush precipitously toward weapons production while the production contractors vigorously defend the planner's deployment decision, regardless of the degree of program readiness. Any criticism of this approach is met with unreasonable abuse and often the removal of loyal civil servants whose only wish is to see their country properly defended and our national resources wisely allocated. Nor are we in the legislature free from such criticism. Loud is

the cry that Senator MONTOYA is undermining our defense efforts on certain key votes; but I know of no better way to implement the warnings and recommendations I have made for the last 3 years toward the strengthening of this Nation's defense programs than to withhold my approval of any program which I feel does not meet the true criteria which the weapons planners had outlined.

Those who choose to ignore these critical considerations of weapons vulnerability, for reasons of blindness or self-interest, are the figures to be castigated, since it is these individuals who allow defense efforts to be dangerously threatened by an adversary whose continued gains in this area indicate his consummate understanding of contemporary warfare.

For in modern battle, a weapon not capable of effective delivery is hardly a weapon at all. No less important than considerations for propulsion, guidance, and structural integrity are those of electronic warfare, that is, electronic countermeasures and counter-counter-measures, jamming and penetration aids. Without each of these inherent features it is not possible to consider the weapon as anything more than a numerical bluff in the weapons inventory—effective for "sabre rattling" and peace-talk politics, but of what merit in the serious and costly game of defense?

Upon further examination of the electronic warfare role in modern warfare, it is clearly evident that electronic warfare considerations cannot be attached like so many optional extras upon the already produced vehicle. Rather, they must now be considered as an inherent design feature from the onset of the development cycle. Indeed, there can be no aspect of the weapon that cannot be related to performance in an electronic warfare environment. Truly the medium and the message of modern combat are now permeated by electronic warfare.

My warnings and recommendations are meant to imply those essential steps we must take if we are to come to grips with the facts facing us. The inclusion of electronic warfare in the planning and conduct of defense places a demanding burden on our research and development community and the management of its resources. We must never forget that the edge of effectiveness in electronic warfare can only be honed by the minds of our Nation's scientists, engineers, and technical managers. Nor can inexperienced, inept leadership allow these critically important individuals to stand in unemployment lines, as many are now doing, only to be recalled later, when this Nation faces its next defense crisis.

The impetus to develop electronic warfare is drawn from our experiences, both painful and valuable, in the conduct of military and intelligence operations during the past 30 years. In reviewing this accumulated history of the development and implementation of electronic warfare one fact stands out above all—that is the unusually high cost of rebuilding the Nation's electronic warfare capability whenever hostilities break out, and the offhand manner with which the

capability is ignored or dismantled when hostilities approach a conclusion and peace is restored. Both sides of this fact begin and end with the research and development of electronic warfare techniques, hardware, and systems. We must plan ahead.

This demand for advanced planning is not a call to an arms race but rather a responsible statement to keep our scientific premiums paid to date. For this is an insurance effort to maintain the effectiveness of the resource investment in our defense structure. Electronic warfare research and development is all the more important because each advantage gained by an opponent must be countered in a sort time frame. When we talk of new missiles or aircraft, tanks, or guns, et cetera, their research and development cycle is measured in 3-10 year periods while the electronic warfare research and development cycle can be as short as 3-6 months and 2-4 orders of magnitude less expensive than a weapon system. Examined in this light, electronic warfare is not only a necessity, but is economically attractive.

In conclusion, I plead for the viability of our Nation and way of life, and that each of my distinguished colleagues carefully weigh my remarks concerning the absolute necessity of an adequately supported and purposeful research and development program designed to protect this Nation against all adversaries. Further, I ask each of you to understand the responsibilities and opportunities electronic warfare has presented us, and with the highest respect for your wisdom, that you recognize world war III as having but one battle which at this very moment is being fought in the laboratories and missile ranges of the leading technological nations of this world.

EDITORIALS ON A SPEECH BY DANIEL WEBSTER AND ON THE MEANING OF THE FLAG

Mr. THURMOND. Mr. President, I think that it is necessary for all of us to pause occasionally and reflect upon those principles and ideals which have made the United States of America a great Nation. Two excellent editorials published in the Beaufort, S.C., Gazette, on Thursday, September 24, 1970, illustrate these ideals. The first, entitled "Nothing New," shows how appropriate today are Daniel Webster's views on those who are "anti-establishment." The second, entitled "The Meaning of the Flag," depicts the symbolism of the flag and its meaning.

Mr. President, I ask unanimous consent that these two editorials be printed in the RECORD.

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

NOTHING NEW

The following words of Daniel Webster uttered in a U.S. Senate Speech on March 12, 1838, should deflate the ego of those who think they have originated something new in their crusade against "the establishment." Said the incomparable Mr. Webster, "There are persons who constantly clamor. They complain of oppression, speculation, and per-

nicious influence of wealth. They cry out loudly against all banks and corporations, and a means by which small capitalists become united in order to produce important and beneficial results. They carry on mad hostility against all established institutions. They would choke the fountain of industry and dry all streams."

Regardless of what they were called in Mr. Webster's day, they had the equivalent or the counterpart of today's campus radicals, communist inciters of violence and all the rest of the unpalatable breed whose chief aim in life is to create turmoil, rather than constructive dissent.

THE MEANING OF THE FLAG

Recently Mr. and Mrs. Bob Dee, publishers of the Greenfield (Missouri) *Vedette* invited their readers to tell "What My Country's Flag Means to Me." One of their subscribers, Mrs. Maurine Davidson, wrote:

"To me our Flag means America from her humble beginning of brave men and women who gave her birth, to present America in her strength and glory. It is our heritage from those who fought, bled and died to keep us free. It is a lump in my throat and tears of pride and joy every time I hear 'The Star Spangled Banner' or see the flag unfurled. It is anger and pity for anyone who desecrates or fails to defend it. It is thankfulness to God for permitting me to live under its protective broad stripes and bright stars."

One of the youngest readers of the paper, Miss Deanna Hargis, age 14, wrote:

"The American Flag is an emblem of a living country for which I have great respect and reverence. It represents the highest ideals of individual liberty, justice and equal opportunity for all. Not only does it represent these, but also freedom, independence, security, protection, education, progress and prosperity. It makes me proud to see that people respect and care as much about the flag as I do by displaying the flag at their homes and business places on holidays. That is just a few of the things the flag means to me."

It's not a bad idea for all of us, from time to time, to stop and consider; just what does my country, and my flag, mean to me? There are very few who will not conclude that we who have been privileged to be born in America are very fortunate, indeed.

MOTHERS OF VIETNAM'S POLITICAL PRISONERS SEND LETTER TO VICE PRESIDENT AGNEW

Mr. CHURCH. Mr. President, during the recent visit of Vice President AGNEW to Saigon, mothers of political prisoners in South Vietnam sent him a letter outlining the plight of their children. A major reason for addressing the letter to our Vice President was the subsidy we provide the Thieu-Ky regime to maintain these goals. However, these ladies were not permitted to see the Vice President, nor did anyone at the American Embassy accept their letter for delivery to the Vice President or accompanying aide.

For the interest of the Senate and the public, I ask unanimous consent that the letters be printed in the RECORD.

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

AMERICAN FRIENDS
SERVICE COMMITTEE,

APO San Francisco, September 2, 1970.
Senator FRANK CHURCH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CHURCH: Thank you very much for meeting with us in your office and

for your kind letter of July 31. We have been in Saigon nearly a month now and are beginning to get acclimated, but until we have some facility with the language we can feel only partially present.

We thought you might be interested in the enclosed letter from a committee of prisoners' mothers to Vice Pres. Agnew. A group of the ladies went to the U.S. Embassy while Mr. Agnew was there in an attempt to speak with him. However not only were they not admitted into the compound, but the guard on duty would neither accept their letter for delivery to the Vice President nor call someone from the Embassy staff to meet them.

We feel the letter is important for Americans to see, especially because of direct U.S. involvement in the prison system in Vietnam as outlined on page two of the letter, and hope you will find it of some interest.

Yours truly,

MICHAEL AND DIANE JONES.

MR. SPIRO AGNEW,
Vice President of the United States of America, c/o the U.S. Embassy, Saigon.

DEAR MR. VICE PRESIDENT: We know that your visit to Vietnam is connected with the making of important decisions. We also know that you are a father, the head of a family. As a father, you have deep love towards your children and you have experienced moments of anxiety when your children are in danger. As a leader of your country, you have many concerns on the South Vietnamese Government action. It is with this knowledge that we are taking the liberty to write to you this letter.

We are the Mothers of the political prisoners detained in the various prisons of South Vietnam. None of our children is convicted of crime or robbery. All of them are being imprisoned because they have dared speak of Peace and Independence, a most profound desire of all the Vietnamese People after years and years of war. Our children were arrested and barbarously tortured. They have been denied food and drink, even medicine when they are sick. The limited amount of medicine provided to the prisoners by the American aid have been continuously smuggled or stolen by the prisons' authorities. We only learn about the terrible living conditions of our children through statements by recently released prisoners and report made by the U.S. Representatives Anderson and Hawkins after their investigation of Con Son Tiger Cages and the living conditions of the prisoners.

However, up to the present time, we still have not been allowed to visit or keep in touch with our children despite renewed requests. We have no means to send food to them at all. Only one exception has been given to those mothers who were allowed to visit their children once on August 25th, 1970 at the Chi Hoa prison. We have witnessed our children's health situation. After continuous beatings, their bodies were swollen; when they were allowed to see us, they could not even walk and had to be helped by two guards. Such is the actual result of our government system of repression.

Most of our children were tried by the Military Field Court, a Court which was held unconstitutional by the Supreme Court. Yet, our children have not been released. Some of them have never been tried at all.

As a father, as a leader, you are coming to Vietnam to understand our people's aspirations for Peace and Justice. We, the Vietnamese Mothers, want to speak out the terrible sufferings of thousands of mothers who have their children being tortured and ill-treated in jail. We wish to directly inform you about the crimes committed under the prison system of South Vietnam. We hope to have privilege of meeting you while you are here.

You would have to agree that the U.S. Government somehow has to be held jointly responsible for the prison system in South Vietnam, since:

The police forces which arrest and repress our children are being paid by the Americans.

The equipment used by the Police to repress, torture and jail our children are part of the U.S. aid. The tear gas, the rockets used to repress them are "made in U.S.A." We actually witnessed the terrible repression being carried out right in front of the U.S. Embassy when we and our foreign friends demonstrated against the prison system on July 11th 1970.

The Phoenix operation, the result of which a great number of "suspected" Vietnamese people have been arbitrarily arrested and imprisoned directly by American authorities in Saigon.

In the military operations U.S. and Allied Forces have arrested and tortured many innocent Vietnamese farmers at the Intelligence Agencies or turned them to the South Vietnamese government for further detention without any "due process of law".

Our children witness the presence of American Advisors at the prisons. They know that more aid is being given to build more and bigger prisons.

Before such evidence it would be hard to deny and just say that the U.S. is not responsible for the prison system of South Vietnam. The role of the American advisors should be to improve the prisoners conditions not merely watch the tortures done to our children who suffer from hunger, thirst, disease, and survive in agony in jail.

We wish to meet you and let you know more specifically about our concern. May we ask you to convey to President Nixon the American Government and the U.S. Congress our requests that urgent improvement on the prison system can be done. Our requests are primarily the following:

1. No citizen shall be arrested without lawful ground.

2. All prisoners should be provided with proper food and drink, and should be given appropriate care when they are sick.

3. The prisoners relatives should be allowed to correspond, visit and send extra supply to the prisoners.

4. The prisoners should be allowed to write to their families.

5. Relatives of prisoners should be immediately reported when the prisoners are arrested.

6. Corruption practice in prison should be immediately abolished so that our children's food rations are not taken away.

7. The present policy of using non-political prisoners (criminals, thieves...) to watch political prisoners should be immediately abolished.

8. Our children should be allowed to do some reading in jail for their own culture.

9. The prisoners whose jail terms have expired must be immediately released.

10. Those prisoners who have not been tried should be released or put on further trial by a constitutional, civil court.

11. Those prisoners who were tried by the Military Field Courts should be released or retired by a civil court if they are supposed to be guilty.

12. The old, sick and under-age prisoners should be released.

13. There should be a change in the jail staff system.

14. Tiger cages, Cattle cages, mysterious caves, separate cells, discipline cells and rooms used for inhumane tortures should be abolished, not only at Con Son but also in all the prisons throughout South Vietnam.

15. The "Coolies of the Battle-fields" system used for military prisoners and "released" political prisoners should be abolished.

16. When a prisoner dies, his body should be returned to his family for proper burial.

We also ask you to urge the American authorities to immediately end their acts of cruelty toward political prisoners and instruct them about our above mentioned requests.

In short, we want our children to have enough food, drink and medicine; their physical as well as moral life to be decently dealt with. They are not criminals but young

courageous people who dared to stand up and voice for Peace. Peace is the deepest aspiration of all the Vietnamese people. Therefore, our children who are struggling for the cause of Peace and have been arrested and barbarously tortured should be considered as "Peace Heroes."

Hoping that thanks to your responsible and efficient intervention, our children will soon be removed from the present inhuman prison system of South Vietnam, may we convey to

your family our best wishes of luck and happiness.

Respectfully yours,

Representatives of the Mothers whose children are being detained in the various prisons throughout South Vietnam, in the Tiger Cages, in the Disciplinary Cells . . . without trial or tried by unconstitutional Courts, or have served their jail-term or have been arrested during military operations (US, V.N. Allied).

Mothers	Son or daughter	Cities	Prison	Mothers	Son or daughter	Cities	Prison
Dang thi Muoi	Vo van Sau	Long An	Con Son	Vo thi Khai	Vo thi Gioi	Chi Hoa	Con Son
Nguyen thi Thanh	Le thi Chi	Nha Be	Do	Phan thi Cam	Tran van Thien	Dien Ban	Do
Nguyen thi Nang	Tran thi Son	Binh Duong	Do	Khong thi Kim	Tu Thu	Vinh Long	Do
Bui thi Diep	Le thi Kim Nang	Binh Dinh	Do	Vo thi Tu	Le Anh Ton	Cho Lon	Do
Nguyen thi Van	Luu Ngoc Chan	Saigon	Do	Nguyen thi Binh	Thieu thi Tao	Saigon	Do
Vo thi Sam	Luu van An	Bien Hoa	Do	Dang thi Banh	Thieu thi Tam	do	Do
Dang Thi Ngoc	Nguyen van Cai	Ban Me Thuot	Do	Hoang thi Kim Ngan	Hoang thi Kim Ngan	do	Do
Nguyen thi Trinh	Nguyen Dinh Tau	Phu Xuan	Do	Dang cong Tam (non in law)	Cao thi Hot	do	Do
Nguyen thi Anh	Le Tan Viet Nam	Gia Dinh	Do	Phan Dinh Hoat (non in law)	Phan Dinh Hoat (non in law)	do	Do
Nguyen thi Yen	Dang Thien (sister)	Da Nang	Do	Nguyen thi Danh	Cho Lon	do	Do
Nguyen thi Nhu	Nguyen Truong Con (sister)	Hue	Do	Pham Lang (husband)	Saigon	do	Do
Nguyen thi Ban	Nguyen van Tam	Tay Ninh	Do	Le thi Ve			

PRESIDENTIAL APPOINTMENTS TO U.S. POSTAL SERVICE

Mr. DOLE. Mr. President, I commend President Nixon on the selection of a distinguished group of men to guide the new U.S. Postal Service.

I am referring, of course, to the President's appointment of nine members to a board of Governors for the new service. These members will be responsible for the overall operation of a modern postal service which will succeed the old Post Office Department.

Two things stand out as one looks over the President's selections. First, there is the assortment of talent from divergent fields. For example, we have a distinguished educator, a legal expert, and an illustrious financier.

Second, one notes that the President has reached into all regions of this Nation to tap these gentlemen for such important and dedicated service to their country and the American public in general.

Working together, this assembled team will tackle the vital task of creating a more efficient and a more effective mail service in the years ahead.

The significance of these appointments and the contributions these men will be making should not go unnoticed today.

I wish them well as they set about improving mail service for America.

I ask unanimous consent that biographical sketches of the appointees be printed in the RECORD.

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

PRESIDENT NAMES BOARD OF GOVERNORS

Following are biographical sketches of the nine men nominated Friday by President Nixon to serve on the Board of Governors of the U.S. Postal Service:

Myron Arnold Wright, 59, is a Houston, Texas, oil executive. Since 1966, he has been Chairman of the Board and chief executive officer of Humble Oil & Refining Company. Mr. Wright received his bachelor of science degree from Oklahoma A&M College in 1933. He held various engineering positions with Carter Oil Co. of Tulsa; Standard Oil Co. of New Jersey; and International Petroleum Co., Ltd. of Coral Gables, Fla., before joining Humble Oil & Refining. Nominated for 9-year term.

Patrick Eugene Haggerty, 56, rose from an electronics engineering graduate (Marquette University, 1936) to Chairman and Chief Executive Officer of Texas Instruments of Dallas. He served as a Lieutenant in the U.S. Navy Reserve during World War II. Winner of several industry awards, including the Electronics Industry Association medal of honor (1967), he has been a member of the Texas Academy of Science, council of the National Academy of Engineering, National Alliance of Businessmen, American Association for Advancement of Science and Society of Exploration Geophysicists. Nominated for 8-year term.

Charles H. Codding, Jr., of Foraker, Oklahoma, is the owner and operator of an 18,000-acre cattle ranch, and of Codding Research Company, a firm specializing in cattle breeding. Mr. Codding has been a member of the Oklahoma Board of Agriculture since 1963. He is an active member of the Oklahoma Cattlemen's Association. Mr. Codding was born in 1919. Nominated for 7-year term.

Crocker Nevin, 47, was graduated with honors from Princeton in 1946 before embarking on a distinguished banking career. He joined Marine Midland Grace Trust Co. of New York in 1952, rising to President in 1966 and Chairman of the Board and Chief Executive Officer in 1968. Mr. Nevin also has been director of CF&I Steel Corp., Crum & Foster, Marine Midland Banks, Inc., and SCM Corp. He served as Lieutenant (j.g.) in the Navy from 1942 to 1946. Nominated for 6-year term.

George E. Johnson, 42, is Founder, President and Chief Executive Officer of Johnson Products Company of Chicago. Mr. Johnson's firm, which manufactures hair preparations, had sales totaling \$10 million in 1969. He is Chairman of the Board of the Independent Bank of Chicago; Director of the Lincoln National Bank of Miami; Vice-President of the Chicago Urban League. Nominated for 5-year term.

Andrew David Holt, 66, recently retired as President of the University of Tennessee at Knoxville, Tennessee, where he still lives. Dr. Holt has a distinguished academic background. A graduate of Emory University with a Masters from Columbia and a Doctorate from Union University, he was President of the University of Tennessee for 11 years beginning in 1959. He is a director of the South Telephone and Telegraph Co.; President of the Southeastern Conference; Chairman of the Executive Council and President of the Southern Association of Colleges and Schools; Chairman of the White House Conference on Education; and a member of the National Commission to Promote Eradication of Adult Illiteracy. Dr. Holt is a 32nd Degree Shriner. Nominated for 4-year term.

Theodore William Braun, 68, is a Los Angeles public relations executive with extensive government service experience. In 1953-1954 he was assistant to the Secretary of the Treasury. He also was a staff member of the Gordon Gray Report to the President on foreign and economic policy in 1950, a member of a special commission on reorganization of the National Security Council in 1953 and a member of the advisory commission to the Secretary of Defense on general military training in 1962. Currently he is president of Braun & Co., and a limited partner of Merrill Lynch, Pierce, Fenner & Smith in Los Angeles. Mr. Braun attended Harvard. Nominated for 3-year term.

Frederick R. Kappel, former Chairman of the Board of the American Telephone and Telegraph Company, headed the President's Commission on Postal Organization. The Commission's report, known as the Kappel Report, was the basis for President Nixon's successful efforts to reform the postal service. Mr. Kappel, 68, received degrees from the University of Minnesota, Lehigh University, Knox College and Union College. He holds honorary doctorates from a number of other universities. Mr. Kappel joined the AT&T system as a ground man in Minnesota in 1924 and worked his way through the ranks to become President, Chairman of the Board and Chief Executive Officer of AT&T. He resides in Bronxville, N.Y. Nominated for 2-year term.

William J. Curtin, 39, is a practicing attorney in the District of Columbia. Mr. Curtin received a Bachelor of Science Degree from Georgetown University in 1953, a Bachelor of Laws Degree there in 1956, and his Masters in Law from Georgetown in 1957. Mr. Curtin is a member of the law firm of Morgan, Lewis and Bockius of Philadelphia and Washington, D.C. He makes his home in Chevy Chase, Md. Nominated for one-term.

SENATOR KENNEDY ASKS MODEL DEMONSTRATION COUNTY PROGRAM FOR BERKSHIRE COUNTY

Mr. NELSON. Mr. President, in Pittsfield, Mass., last night, Senator EDWARD KENNEDY delivered a major address on the environment. Speaking at Berkshire Community College in Berkshire County, one of the most beautiful and unspoiled areas of New England, Senator KENNEDY urged that a revitalized county government could become a model or demonstration county for the rest of America in solving the physical, social, economic, and human problems of the environment. With the help of Federal funds and

greater authority from the State, he said, a reorganized and strengthened local government could lead the way for the entire Nation in developing new ways to approach all aspects of the environment.

In his address, Senator KENNEDY challenged the people of Berkshire County to develop new institutions of local government, capable of dealing comprehensively at the regional level with questions of environmental protection and management. He said that the county was the natural entity to solve the problems of the Berkshire region. With the proper blend of Federal financial support, delegation of State authority, and local initiative, Berkshire County could become a laboratory for the Nation in dealing with the overall environment. Given the growing national interest in a "new federalism" and in greater autonomy for local government, the rising concern over the Nation's environment could become the catalyst for shaping a new relationship between Federal, State, and local governments, with the county at the center.

In the course of his address, Senator KENNEDY emphasized that the form of county government he envisaged should have comprehensive jurisdiction not only over the physical and natural resources of the Berkshire area, but also overall the political, social, economic, and other aspects of the region.

Senator KENNEDY said the detailed blueprint of his program would have to be filled in with the cooperation of Federal, State, and local leaders, but he noted three essential elements necessary for the program to succeed:

Imaginative Federal participation, including broad purpose grants to regional government, instead of the narrow categories of Federal programs that currently exist.

Imaginative state participation, including grants of broad new government authority by Massachusetts to Berkshire County; and greater coordination among state agencies in the region.

Imaginative county participation, including new patterns of county government determined and approved by the people of the area.

Senator KENNEDY estimated that at the beginning, it would probably cost no more than about \$1 million new Federal dollars a year for several years to launch the basic county demonstration program. He said:

The cost of not taking care of our environment, is no less real because it does not appear on any balance sheet or on any state or local budget. The cost of continuing as we are is the only cost we cannot afford.

Mr. President, I believe that Senator KENNEDY's remarks will be of interest to all who are concerned with the quality of our environment. I ask unanimous consent that it be printed in the RECORD.

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

ADDRESS BY SENATOR EDWARD M. KENNEDY

It's always a pleasure for me to come to Berkshire County, and I'm especially pleased to be with you again so soon after the magnificent events of this weekend's Fall Festival. This is the time of the year when all of us who have ever shared the splendid fall beauty of the Berkshires long to return to

this part of our Commonwealth that is so unique.

We are twice blessed in Massachusetts. To the East we have the unspoiled landscape of the seashores of Cape Cod. To the West, we have the magnificent beauty of the Berkshires. Indeed, Thoreau's description of Cape Cod applies equally to Berkshire County—"A man may stand here," he said, "and put all America behind him." Oliver Wendell Holmes also put it well when he said a century ago, "The best of all tonics is the Housatonic."

Perhaps the most eloquent testament, though, is from Frances Kemble, the great English actress of the past, who came each summer to Berkshire County for forty years. As she tells us:

"Few spots on earth can boast of a more perfect union of all the elements of natural beauty; there may be scenes of grandeur sublimity or richer and more fertile cultivation, but not many where all the charms of rock and river, woody upland and sunny meadow, bold mountain outlines and sweet valley depths, meet in such harmonious and various combinations. It is an enchanting region."

It is with thoughts like these that I am back with you in Pittsfield, and I am grateful to the County Commissioners for making this fine evening possible.

As the leading officers of the county, they have displayed great dedication and devotion to preserving the lasting beauty of Berkshire County. All of us in Massachusetts are in their debt for their efforts to safeguard this rich heritage of our fathers. They have accounted to us well for their stewardship, and we look to great leadership in the future.

Returning here this evening, after the excitement of yesterday's events, brings home again to me the special sense of responsibility I always feel in Berkshire County. We know that the county is not a scenic island, isolated from the rest of the busy world. It is very much a part of our nation, suffering the pressures of population and industrialization, the highway bulldozers and land use change, and pollution of the water, air and earth.

Experts agree that today, any region within a hundred and fifty miles or so of a great metropolitan center is vulnerable. It feels the impact of unrestrained and unplanned urban and suburban sprawl, heedless highways, pollution, and all the other ills of unregulated growth. Berkshire County itself is vulnerable. The signs of trouble are clear:

Williamstown and North Adams wonder whether to build a single sewage treatment plant to serve the needs of both communities, or to build separate plants to serve the needs of each.

The Hoosic River tells us how much is wrong in the relation between man and his environment. The Hoosic enters Berkshire County as a Class A river, suitable for all forms of recreation and human consumption. After 30 miles, it leaves the County as a Class D river—or at best Class C—unfit for other than limited industrial use.

Here in Pittsfield, the citizens know full well that their own river—the Housatonic—is badly deteriorating also.

In a few short years, as in so many other parts of the nation, the County has seen the loss of many of its elms to the blight of Dutch Elm disease. The possibility is all too real that this magnificent tree will soon be but a Berkshire memory, gone like the American Chestnut Tree from the face of the land.

In Sheffield, as you will know, plans are being made to construct the world's largest hydroelectric pump storage facility. The project has enormous implications for the Berkshire environment, and bears ominous witness to the growing pressure on the county from surrounding metropolitan areas.

And, the lack of adequate low-cost housing in Pittsfield and North Adams is a very real problem for the people of this area, a problem clearly arising out of the serious plight of the economy and the recession into which we have slipped.

Much has been said and written in recent months about the impact of our science and technology—our sheer growth—on the ecology of our planet at every level. The burden is worldwide, nationwide, statewide, but it is most acute in the small environments in which we spend our lives each day.

It is not my intention this evening, however, to reiterate these issues or to underscore the urgency to find solutions. I have not come here to review the substantial body of antipollution and environmental control measures that have been taken in recent years by the Federal Government, the states, and local communities. We know the challenge is serious, but we also know that we are beginning to respond.

Of course, true to our history, the Commonwealth of Massachusetts has pioneered in many of these problems. We have tried to teach America. In large part, we have succeeded. More than a decade ago, legislation was passed to support the Municipal Conservation Commission program, a movement which has now spread throughout the Eastern seaboard. More recently, laws regulating the use of coastal areas and inland wetlands have begun to serve as models for many other parts of the nation.

Berkshire County itself has a long and distinguished history of caring for its natural beauty. The people of the County will enjoy a close relationship with the land, a relationship that is increasingly rare in America today. Because your people have such wealth to save, they are more sensitive than most to the price we have to pay for pollution, the cost of haphazard growth. They know the values we lose through our heedless abuse of nature.

Despite victories already won, despite impressive recent gains, we also know that our current efforts and programs are far from adequate. Sweeping and pervasive change must come before we can gain effective management and control of our environment—we need changes in our laws, changes in our methods of education, changes in the style of our own lives, changes in our ways of thinking about the future. Above all, there must be change in our governmental institutions, in the procedures through which we establish our common goals and determine our public policy.

Some will say it can't be done, that Middle Class America, affluent and content, will be unwilling to accept—much less stimulate—change of the magnitude we need. I do not share this belief.

That is why I have come back to Berkshire County this evening. I have come to challenge the people of the County. I have come to seek their commitment, to enlist their effort in an innovative and difficult program of action that will help us match the goals we have begun to set.

The program I propose reflects my personal conviction that the problems of our environment, overwhelming as they are, can give birth to a new political awakening across the nation, a resurgence of involvement and participation on the part of people and communities throughout the land. In part, it will help to answer the question that so many concerned citizens have been asking wherever I travel in the State—"What can I do? What difference can I make? How can I help things change?" I believe we have the opportunity in Berkshire County to begin to give some answers.

Let us start by analyzing the reason for our failure to meet the problem of deterioration of our environment.

The reason is not lack of public interest

or concern. People everywhere are telling us as clearly as they can that they want action, and action now.

The reason is not lack of resources to meet the challenge. America can afford to put its environmental house in order. NASA put a man on the moon in the decade of the Sixties. Surely, Detroit can take the lead out of its gasoline engines in the decade of the Seventies.

Nor is the reason a lack of understanding or professional skill. America is rich in people and organizations with innovative proposals to meet the crisis of our environment.

No, the heart of the problem lies in the priorities we have set—priorities that are directly expressed in part by the shape of our governmental institutions.

Our heritage of land and water, forests and fields, mountains and beaches has a proud unity. But our government is fragmented. It is divided into national, state and local governments. It is divided further into executive, legislative, and judicial branches.

The separate fragments do not reflect the unity of the environment. Too often, they are simply incapable of answering the demands we have to make. At best, any single governmental structure can respond to the environment only in a piecemeal fashion. At worst, it cannot act at all. The response is usually too weak. Almost always, it is too slow.

Berkshire County is a case in point. One of the most striking facts about this region is its essential physical unity. Bounded by the Taconic Range on the West, and the Berkshire Plateau on the East, the geographic boundaries of Berkshire County closely parallel those of nature. The varied landscapes of the County—its woods and farms, its villages and communities—are woven together by the tributaries in the watersheds of the Hoosic and Housatonic Rivers.

Berkshire County is a single entity of nature, but man has made it into a patchwork of lesser pieces. The natural unity of the County contrasts sharply with the many disjointed, overlapping, and sometimes competitive governmental units, each in control and jealous of some aspect of the Berkshire environment.

For example, it is primarily at the town level that we deal with problems like zoning, land use, water, sewage and solid waste disposal. At the state and Federal level we deal with agriculture and forest management, transportation patterns, and water pollution control. Other critical issues vital to the quality of life, such as housing, economic development, public health, welfare, and other social services are scattered throughout every level of government.

We know, however, that none of these problems are separate or discreet. They are integral parts of the larger question of how we are to manage our human environment.

Berkshire County can take pride in the fact that its leaders have long recognized the need to deal with the environment in a unitary way. For many years, Phillip Ahern, Director of the Berkshire County Development Commission, has guided Berkshire development with a sensitive awareness to the environmental values of the region. In large part, he was responsible for bringing regional planning to this area. Today, Berkshire County can boast an aggressive Regional Planning Commission, representing most of the towns in the County.

Many private groups have joined with public agencies in the interest of the overall environment. Over a hundred years ago, the historic Laurel Hill Association was founded—the oldest civic improvement association in the United States.

Few regions in the nation can claim our high degree of active citizen participation in environmental organizations. Many of these organizations were established long before the environment reached the level of

national conscience and became a household issue. To name these groups is to chart the history of our efforts—the Housatonic Watershed Association, the Berkshire Hills Conference, the Berkshire Panel for the Public Environment, and the Natural Resources Council, with its recently established Land Trust.

In this very building—the temporary home of Massachusetts' first community college—a new certificate program has been launched to train environmental technicians. Evening courses are being held this fall to give citizens of the community an opportunity to explore their concern for the environment. In the next few years, when Berkshire Community College moves to its new campus a few miles to the west, the environment of the County will be a major focus of the mission of the college.

And, to the north, at Williams College, we have the Center for Environmental Studies, the first such center to be established at a liberal arts college anywhere in the nation. The primary focus of the center is the County of which it is a part, and the contributions it is making are well known.

These are exciting and important local efforts, but they are often frustrated by the maze of governmental units that stand astride us. Too often, by their very number and complexity, they thwart whatever progress we could make. We must do more—much more—at every level of government to support and build on these important local efforts.

I believe that we must unify the national, state and local agencies of government that deal with the many aspects of our environment. To me, the logical level of government to deal with environmental problems and opportunities is the county. This will be a surprise to those immersed in the politics of the past, since all the textbooks point out that Massachusetts, and New England generally, have a "weak" form of county government.

That may have been true in other days, but it is no longer true today. There is growing interest in Massachusetts and in the nation in strengthening county government, especially in the challenging and complex area of the environment. Recently, our Special Commission to Modernize County Government—a legislative commission of the Commonwealth under the leadership of State Senator Denis McKenna and Representative Paul Cronin—concluded that counties could become the natural entity to solve regional problems. "In this context," the commission report declared, "the county becomes the unit of government that can provide crucial areawide resources and solutions to integral problems, which need not be taken over by state or federal intervention."

As the Special Commission recognized, Berkshire County is an ideal area for regional planning, development and management of the environment. It has a firm identity arising from a long cultural heritage. To a large extent, it already has the right size communities, the right number of people, the right transportation and recreation facilities—all of which are in jeopardy unless we meet the challenge. The county also has newspapers, civic organizations, and leaders who are especially conscious of the problems and opportunities in the county. The traditions of the past are rich, and the ground is fertile for the future.

I propose that just as Berkshire County has pioneered in the past, so it should pioneer again. It should become a model for the nation, a "demonstration" county for the best in planning, development, and management of our physical, social, and human environment.

To succeed, the program will require close cooperation at all levels of government. It will need Federal financial resources, state legislative power, and a reorganized and

greatly strengthened Berkshire County government.

The detailed blueprint of the program remains to be filled out, but already we can define the broad outlines of the route we ought to take. Let me briefly suggest three of the essential elements of its structure.

The first element is imaginative Federal participation. The leaders of both political parties in Washington have made clear again and again—whether they use the phrase "the new federalism" or the phrase "strengthening local government"—that they want to turn more of the functions and activities of Washington back to the states and local units. But too often, the Federal Government is baffled and frustrated by the fragmentation, the overlapping jurisdictions, and the conflicting local policies that stifle every attempt at decentralization.

I believe that there will be wide support in Washington, in both the executive and legislative branches, for a bold experiment in regional government, capable of dealing with all the problems of the environment.

The task of the Federal Government is to provide the kind of financial support that will aid and strengthen the demonstration county experiment. Too often, Federal grants are so tightly reined that they rob a local area of the ability to guide development in a way that can be responsive to local values. Our present Federal programs are often so single-minded that it is impossible to carry out comprehensive planning and coordinated development of the sort required for adequate environmental control and management.

Our task at the Federal level is to provide new kinds of assistance for comprehensive planning and development of the environment. We need broad-purpose grants to regional government. We must recognize that we cannot succeed unless we abandon our present pattern of undermining local initiative by uncoordinated, piecemeal funding, lost in the maze of the existing Federal bureaucracy.

The second element we will need is imaginative state participation. Berkshire County itself is a creation of the Commonwealth. It can be weakened or strengthened as the state government determines.

If the demonstration county project is to succeed, Massachusetts must grant Berkshire County new legislative authority to deal with the problems of the environment. Of course, these powers could be conferred for a limited time, for a trial period. They could be revoked if the executive and legislative branches so decided. For now, however, the crucial action by the state must be the enactment of legislation to strengthen and reorganize the county government.

It is not enough, however, for the state merely to strengthen the powers of the county government. The state must also establish new relationships between its own agencies within the region. We need greater regional coordination of state agencies in areas like natural resources, transportation, pollution control, and the development of land for industry, power and housing. State administration on a purely ad hoc basis defeats the goal of managing all the physical and social resources of the region in an integrated way.

The third essential element is the response of Berkshire County to the greater freedom we propose. There must be imaginative county participation. This will be the most innovative and critical step of all. Its exact nature will depend on the people of Berkshire County, working with the executive and legislative branches of the Commonwealth.

The potential range of action is almost infinite. A number of possible alternatives were presented in the study by the Special Commission. You might establish, for example, a new kind of county executive or general manager, whose activities would be closely coordinated with the process of plan-

ning and development. Or, you might create a new public or semi-public corporation under the county commissioners, with legislative and fiscal authority over water, forests, transportation, waste disposal, economic development, and all the other areas of the environment. These new patterns of county government must be closely linked to the activities of state and local agencies, especially in the towns and cities of the county. Indeed, the most difficult—but most important—phase of the experiment will be the sensitive allocation of government authority within the county itself.

The form and power of such a new county government must be answered by you, the people of Berkshire County, but you will have the attention and support of the Commonwealth and the nation. This is a time for boldness, for innovation, for creative experimentation, because the success we achieve here can be a model for all America.

Equally important, this is a program with a price tag we can afford.

In the long run, of course, the cost of the demonstration county program will be small, whatever the price. Any change that leads to a more effective, better organized government will save money for every taxpayer. In many cases, Federal funds are already available to do the job, if only counties like Berkshire County were organized well enough to compete with states and cities to receive existing Federal sums.

We are going to pay, whatever we do. We are going to pay, either through a sensible mechanism, or through an inefficient, inequitable, unresponsive mechanism leading to ever higher costs.

The cost of not taking care of our environment is no less real because it does not appear on any balance sheet or in any state or local budget. The cost of continuing as we are is the only cost we cannot afford. More of the same is not enough, and the sooner we learn this lesson, the sooner we will be on the way to wisdom and real reform.

In the short run, I am confident that a county willing to demonstrate what regional government can really do will receive strong financial support from the Federal Government, because it will encourage a truly efficient use of limited Federal funds. At the beginning, the program I envisage would probably require no more than about one million new Federal dollars a year for several years to launch the basic county demonstration project we need.

What I am proposing, in sum, is a new, creative coalition involving Federal financial resources, state legislative power, and revitalized Berkshire County government. Such a coalition might well be unique in American government, but in the present case it is a wholly natural and appropriate response to a pressing social problem.

Berkshire County has every qualification to serve as a demonstration county. The one resource it does not have is time. We live in an age of relentless change. The only question is whether this beautiful mountainland of our fathers will be the master or the slave of the change we know must come.

I have not been talking about Berkshire County, alone, however. I have also been talking about our state and our nation. For if Berkshire County can be a model demonstration county, the success it achieves, the lessons it learns—and even the setbacks it experiences—will serve as a living example of creative control and management of the environment throughout America.

Together, we can learn to manage change. The only way to make our democracy work is by constant reassessment and experiment and improvement.

This evening, I have offered a concept, not a blueprint, to move us in the direction we must go. To achieve our goal we must find new ways to work within the flexible institutions of our democratic system. Above all, we will need a commitment of us all that rises

above any partisan interest. Together, we can move ahead in the best tradition of Berkshire County pioneers.

NEED TO UPDATE THE RETIREMENT INCOME CREDIT NOW

Mr. WILLIAMS of New Jersey. Mr. President, the retirement income credit was enacted in 1954 to place teachers, policemen, firemen, and other Government annuitants on a substantially equal basis with social security recipients.

However, the maximum amount of computing the credit has not been updated since 1962.

During this same period there have been three urgently needed social security increases.

In all probability, another social security raise will be enacted during this Congress.

As chairman of the Committee on Aging, I have enthusiastically supported these measures to increase social security benefits to a more realistic level.

But, for far too long a time, local, State, and Federal retirees have been overlooked or ignored.

And for too long they have had to struggle with a tax relief measure which is grossly outdated.

Equity in our tax system provides a compelling reason to place these taxpayers on an equal footing with social security beneficiaries.

On September 15, I introduced legislation, S. 4345, to correct this longstanding inequity.

First, my bill would raise the present maximum amount for computing the credit from \$1,524 to the same maximum benefit now payable under social security—\$2,278.

Second, it would provide for automatic adjustments of the credit, based on increases in social security benefits.

In recent testimony before the Senate Finance Committee, Mr. Ernest Giddings—legislative representative for the National Retired Teachers Association—American Association of Retired Persons and legislative chairman for the National Conference on Public Employee Retirement Systems—presented much hard-hitting and compelling information for modernizing the retirement income credit.

Moreover, he provided additional persuasive reasons for the enactment of my proposal.

Since this measure would be germane as an amendment to the 1970 social security bill, I urge the Finance Committee to incorporate this proposal when it reports out H.R. 17550.

Mr. President, I also commend the testimony of Mr. Giddings to my colleagues and ask unanimous consent that it be printed in the RECORD.

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

RETIREMENT INCOME TAX CREDIT HAS NOT BEEN UPDATED SINCE 1964
(By Ernest Giddings)

The retirement income tax credit provision, section 37, of the Internal Revenue Code of 1954, is out of date and has not been updated since 1962. Your committee, the Congress, and spokesmen for the United

States Treasury wrote the tax credit into the law fifteen years ago, in lieu of granting the pension of the retired teacher or the public employees the same tax exemption always allowed social security and railroad retirement.

As the law stands today, the tax credit is computed on the base of \$1,524. With the present lowest bracket rate of 15%, the maximum tax benefit is \$228.10. This maximum benefit was established when your committee updated the tax credit in 1962. It has remained at that figure since. In the meantime, the maximum primary social security benefit has been stepped-up on three occasions and now stands at \$2,324.40.

Mr. Chairman, with your cooperation, and with bills introduced by Senator Ribicoff, Senator Williams (of New Jersey), Senator Prouty, and others, you have been on the verge of correcting the retirement credit base on several occasions since 1962, without, however, accomplishing that result.

Part of the responsibility for the delay on these occasions was the proposal by treasury in 1964, and other years, which would have made an about-face in our tax policy, and made social security benefits taxable income.

In the meantime, more than 1,000,000 retired teachers, firemen, police, and retirees from the many other retirement systems have been discriminated against, as have those persons who have provided themselves with income in the form of pensions, interest, dividends, and rentals. They have not been permitted the same tax treatment on the retirement income they provided for themselves as that provided to recipients of social security.

It is now our hope that your committee will take action this year to update the retirement income tax credit. Two methods of obtaining that result are possible. One method is to provide that the base figure of \$1,524 in the present law be changed to \$2,324.40, the figure determined by the staff of your joint committee on internal revenue taxation as the 1970 counterpart of the figure \$1,524, which you wrote into the tax code in 1962.

Another method is to provide that the base figure for computing the income tax credit be automatically adjusted whenever social security benefits are increased. The question of which method your committee chooses is not especially critical.

However, it is our sincere hope and recommendation that the committee will agree upon one method and write it into the social security bill now before your committee. In the name of tax equity, and equal tax treatment of all retirement income, this action should be taken by the Congress this year.

In this request to your committee for action on the retirement income tax credit, I am speaking for the National Conference on Public Employee Retirement Systems, as well as for NRTA—AARP. The National Conference on Public Employee Retirement Systems consists of 130 retirement systems located in 34 States. President of the conference is Mr. Westford Robbins, executive secretary of the Massachusetts Association of Contributory Retirement Boards.

The National Council on Teacher Retirement, and the National Education Association have authorized us to say that our several organizations are in complete accord in making this request to your committee.

LETTER FROM A SERVICEMAN IN VIETNAM

Mr. PELL. Mr. President, from time to time, I receive letters from young Rhode Island men serving in the armed

¹ The 1,000,000 retirees I have mentioned above is substantiated by data supplied by the United States Treasury.

services in South Vietnam. I, and I think most of my colleagues, particularly value these letters written by young men serving their country halfway around the globe from their homes and their loved ones.

The fact that these young men take the time to sit down and write to their Senator, frequently under very difficult conditions, is to me a moving indication of their dedication in our democratic government.

What they write is also frequently informative and helpful.

Mr. President, I recently received such a letter from a Rhode Islander in South Vietnam.

I believe the sincerity of the letter speaks for itself, and I ask that portions of it be printed in the Record at the conclusion of my remarks. I would add that I have deleted only the serviceman's name and short passages that might tend to identify him.

This young serviceman's observations are evidence of the troubling questions that arise in the minds of our young servicemen who are called to take part in this semicivil war in a strange land, and the dilemma our Nation and its youth find ourselves in as we, with the best of intentions, try to fulfill what successive administrations have considered an obligation to the Government of South Vietnam.

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

AUGUST 19, 1970.

DEAR SENATOR: As an American combat troop in Viet Nam, I would like to express my current feelings concerning this conflict. [Please excuse the informality of this letter, for I am in the jungle now, and writing conditions are very poor.]

I recently requested your speech of June 29, 1970, before the U.S. Senate, and found it quite informative. I agree with your expressed views on what I believe to be an "American Tragedy." However, within your speech, you remarked that "Speaking as an American parent, Vietnamization is of course, an improvement over past policies in that it means the substitution of Vietnam fighting soldiers for American fighting Soldiers." This statement is self-evident; however, have you been made aware of the side-effects?

I can only speak as one individual soldier; from what I have seen thus far, the Vietnamization Program has produced many negative effects. The program, since its inception, has brought Americans closer to the Vietnamese people—especially the combat troop. For he is involved in the turn-overs of base camps to the Vietnamese.

Thus far, I have been taken back by the animosity displayed so openly, by American troops toward the Vietnamese people in general—civilians as well as soldiers. Recently, when I returned from the field, I was trucked from the air field to a near-by base. On the way, I saw many things that disturbed me. While passing through a village some G.I.'s threw smoke grenades into civilian places of business—much to the horror of women and young children. Further along the road, a fragmentation grenade was thrown at one farmer's ducks, killing at least ten of them.

Yet another GI threw a concussion grenade into a body of water next to a Vietnamese guard station. Luckily no one was injured.

I talked to some of the fellows who took part in these "games" and told them that acts such as they committed would surely impair the Vietnamization of the Delta. Their

reply was simply "Look, we hate all these 'Gooks.' You don't know who to trust down here in the Delta. In the daytime the people are your friends, and at night they are out to kill you." Unfortunately, this statement made sense to me in an odd way. I only saw a few of these isolated events; however, I have a strong impression that most GI's do not have any love or respect for the Vietnamese people.

Because of the nature of our missions, and the number of men NOT filling their primary military occupational specialty (P.M.O.S.), I am beginning to suspect that something is amiss. In our own platoon, half of us have M.O.S.'s other than 11B [combat] series. Also, all platoons in the field are instructed to set up "mechanical" ambushes with Claymore mines. Just setting them up is extremely dangerous . . . we had two men hurt yesterday and two others were killed when the V.C. discovered one last week, and turned our ambush into theirs.

Last week I was disturbed when elements of "B" Company were sent out in six men killer teams, one without a qualified medic—one man was simply appointed to act as a medic.

Well, I have gone on more than I had intended. I merely felt that not enough men over here write to their Senators about matters that "Fact Finding Committees" never see or hear of. I am sure that if some of the practices over here were ever disclosed in the States, people would be up in arms.

I hope you do not view this letter as exaggerated. Since I am the only fellow in the —, I guess you will have to take my word.

Respectfully yours,

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK, 1970

Mr. DOLE. Mr. President, the week of October 4 has been designated by President Nixon as "National Employ the Physically Handicapped Week." A Senate joint resolution established the national observation of this week in 1945. On September 22 of this year, the Senate amended the resolution to include all handicapped workers, not only the physically handicapped, but the mentally handicapped, as well.

For the past 25 years our Nation has been tremendously progressive in the rehabilitation and employment of our disabled citizens. The majority of these preceding years have been characterized by national prosperity which has been made the goal of restoring the handicapped to usefulness more easily accomplished. The true test of our commitment to aid the disabled, to give them the means to self-sufficiency and dignity, comes during times such as we now experience. When unemployment effects the able-bodied, employers are less inclined to employ and retain handicapped workers. Too frequently the handicapped are categorically "last hired and first fired." However, both motivation and production of most handicapped employees actually exceed that of their able-bodied coworkers. It should be noted that the handicapped do not want special privileges. They simply ask equal consideration with other employees.

Rehabilitation and employment of the handicapped have come a long way in the past quarter century. As we observe the 25th "National Employ the Physically Handicapped Week" commencing this October 4, let us consider the capa-

bilities of all handicapped Americans with a fresh perspective. Let us work to further eliminate all bias and misconception that hinder handicapped individuals from knowing lives of productivity and satisfaction.

EDITORIAL COMMENT ON HEALTH SECURITY PROGRAM

Mr. KENNEDY. Mr. President, last month, together with 16 other Senators, I introduced S. 4297, the Health Security Act, to establish a program of comprehensive national health insurance, capable of bringing the same high quality health care to every man, woman, and child in the Nation. As I indicated in my statement introducing this legislation, the key to the program—called the Health Security program—is the use of national health insurance as a lever to improve all aspects of health care in the Nation. Only the catalyst of national health insurance, I believe, will enable us to achieve the many basic reforms that are so urgently needed.

Last week, the Committee on Labor and Public Welfare held 2 days of extensive hearings on national health insurance. The issues surrounding the legislation I have introduced were extensively discussed. The movement is gaining momentum, and I look forward to early enactment of such legislation by Congress in the near future.

One sign of the growing debate on national health insurance is the large number of editorials—both pro and con—that appeared on the subject at the time I introduced the proposed Health Security Act last month. Many of these editorials—27 from newspapers in 21 different States—have come to my attention. I believe that they will be of interest to all Members of Congress who are concerned with the quality of health care in America. 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:

[From the Birmingham (Ala.) News, Aug. 28, 1970]

KENNEDY'S HEALTH INSURANCE

A proposal offered this week by Sen. Edward M. Kennedy (D-Mass.) and others is described broadly as a national health insurance plan. It might be labeled more properly as an omnibus bill which proposes to have the government oversee—and defray a large part of the cost of—a greater part of the medical expenses of all Americans, eliminate Medicare and Medicaid, and put another hefty bite on employers and the vast majority of wage earners by raising Social Security taxes.

In addition, if the Kennedy idea became reality, the socialized health plan would drive the great majority of private health plans out of business, including those financed all or in part by employers for the benefit of their employees.

Sen. Kennedy is suggesting that the federal government intrude itself further into an area in which it already has more than a foot in the door.

Kennedy said all the financing for the plan would be handled under a trust fund similar to Social Security's. The soundness of such a plan is questionable.

The senator and his fellow sponsors are proposing to create turmoil by uprooting

Medicare and Medicaid, neither of which has been in operation long enough to prove its workability. And in the case of Medicaid, Alabama only last year enacted a series of additional excise taxes with which to provide the state's share of financing for that purpose.

Kennedy proposes to do something for Americans they very likely can do much better and at less expense by themselves.

Turning to another welfare program of highly doubtful economic wisdom is not the cure-all answer to the nation's rising health bill.

[From the Sacramento (Calif.) Bee Sept. 1, 1970]

NATIONAL HEALTH CARE PROGRAM WOULD MEET LONG FELT NEED IN AMERICA

The introduction of legislation to provide national health insurance for all Americans by 1973 by a bipartisan group of 14 U.S. Senators is a responsive step.

It is indicative of a sensitive ear for a matter of growing concern among an increasing number of citizens, particularly those in their middle years.

Even the 16 million Americans who now are covered by some type of private health insurance are finding the soaring costs of medical care are leaving them unprotected against the financial drain of prolonged hospitalization or catastrophic illness.

In addition there is an intensifying din of criticism directed against a patchwork of systems which is failing to deliver adequate medical care to the nation.

The new legislation, introduced by Sen. Edward M. Kennedy of Massachusetts, would finance the national program in much the same way Social Security and Medicare are now funded—through a combination of federal contributions, employer payroll and employee income taxes.

The success and acceptance, along with the demonstrated need, of these two cornerstones in the democratic framework of social benefits should aid in the building of adequate health care for all Americans.

The proposal also recognizes the prime need for thorough reorganization of the nation's present systems for delivering health care. It would set up a \$1 billion resources fund to accomplish this before the national health care program was inaugurated.

A health care program linked to Social Security was envisioned by the late President Franklin D. Roosevelt and was sought by President Harry S. Truman 20 years ago. A similar program for Californians was vigorously advocated by Earl Warren, chief justice of the United States, retired, during his tenure as governor. All three were successfully opposed by the powerful voice of organized medicine, which termed any such program unnecessary and undemocratic.

The realities have proved otherwise. No nation which prides itself in a high standard of living and the excellence of its medical profession can allow the needs of basic health care to get beyond the reach of its work force.

[From the Wilmington (Del.) News, Sept. 2, 1970]

WHITHER HEALTH INSURANCE?

National health insurance for the entire population of the United States was a concept alien to the American way of life just a few years ago. Yet today it is being discussed widely and it is generally predicted that by the end of the decade not only the very poor and the elderly will have "health security" but also Mr. Average American and his family.

Several proposals in that direction are before Congress, with others promised. By far the most comprehensive plan to reach the legislative hopper to date is the proposed Health Security Act introduced by Sen. Ed-

ward M. Kennedy, Democrat of Massachusetts, on behalf of himself and 13 other senators from both sides of the aisle.

This bill is the direct outcome of the year-and-a-half long study conducted by the 100-man Committee for National Health Insurance, founded under the chairmanship of the late Walter Reuther, and having on its roster distinguished physicians, politicians, social scientists, businessmen, etc. What makes the Kennedy bill so significant is that it outlines not only a system of providing nationwide health services, but also sets forth concrete proposals for financing the program and ways of reforming the delivery of health care.

Furthermore, the proposed act is uniquely American in that it endeavors to set up a "working partnership" between the public and private sectors of the economy. There is no talk of nationalizing the medical profession; indeed the bill would retain much of the private enterprise system's flexibility permitting three different routes of compensation for medical expenses: Fee for service (the prevalent American practice); a per capita allowance; a retainer (which can be likened to the burgeoning prepaid medical insurance plans).

While more and more Americans carry some kind of private health insurance (and the very poor and the aged are helped by the government), only 43 per cent of the civilian population has insurance protection to help pay for physicians' visit and preventive medical care. Furthermore in 1968, the latest year for which figures are available, only 36 per cent of consumer expenditures for health care were recovered through insurance coverage. And though insurance coverages are being continuously extended (with premiums rising too, of course), so are costs for health services.

The Health Security Act is scheduled for hearings before the Senate health subcommittee next month. No doubt the discussions and arguments will be lengthy and no measure will be enacted this session or even the next. But at least the whole matter of health care for the American people who are continuously demanding more in that field is being tackled comprehensively instead of by familiar patchwork approach.

Every citizen can—and should—contribute to this national discussion by informing himself of the provisions and letting his congressman know how he feels about them. This type of legislation potentially affects each citizen as recipient or provider of health care—all should play a constructive part in formulating the most equitable plan possible.

[From the Washington (D.C.) Post, Aug. 30, 1970]

HEALTH INSURANCE FOR EVERYONE

A legislative proposal is put forward every now and then embodying an idea so natural, so reasonable and so right that one wonders how the country could have floundered along for nearly two hundred years without it. The proposal that the American people finance their inescapable and immense annual bill for medical care through a national system of insurance seems to us just such an idea. It is not, of course, a new proposal. It has been put forward in a variety of forms, and with more or less realism and seriousness, over the past 25 years. The existing Medicare program for elderly citizens embraces an important part of its purpose. The plan sponsored in the United States Senate on Thursday by Senator Kennedy on behalf of a bipartisan group of 15 senators is but the latest expression of this idea. It is unmistakably, we think, an idea whose time has come.

We do not say that the new proposal provides a final answer to the problem of providing health care for the American people. It is, however, a considered, comprehensive plan dealing realistically with the problem and providing realistic means of attaining an es-

sential goal. That goal, as Senator Kennedy expressed it, "is to insure that all persons residing in the nation have the opportunity to receive good health care—without barriers to the care they need, and without the crushing financial burdens that too often accompany the delivery of health services today."

America has medical skills and medical facilities unsurpassed and probably unequalled anywhere on the globe. For the fortunate who can bear the huge cost of obtaining them, these are readily enough available. But the health record in this country is an appalling one for the bulk of its population. "We are devoting an increasing share of our national economic resources to health care," said Senator Kennedy. "The cost is increasing but the quality is declining. Our rates of sickness, disability, and mortality already lag far behind the potential modern health care and the reality of such care in many foreign nations. Our record is getting no better. It may be getting worse."

To let the quality of health care depend upon the affluence of individuals is to belie the concept of equality of opportunity. This country long ago abandoned the notion that the education of children should depend upon the size of their parents' bankroll. It recognized that since education is a key to national security and national progress, good schools should be available to every child. Precisely the same may be said about good health; since it is essential to national well-being, high quality medical care must be made available to everyone in need of it.

The proposal put forward by Senator Kennedy and his associates stems from studies and discussions carried forward for the past year by the Committee of 100 for National Health Insurance organized by the late Walter Reuther, head of the United Automobile Workers Union. No more apt and admirable tribute to his memory could be devised than constructive action on this proposal. It is advanced at this time because it is expected to become an important issue in the next presidential election campaign. So it should be. The time is ripe for national discussion and national resolution of the national health problem.

[From the Miami (Fla.) Herald, Aug. 30, 1970]

MAJOR ISSUE FOR TAXPAYERS: NATIONAL HEALTH INSURANCE

Sooner rather than later the American people will confront the issue of national health insurance. A comprehensive nonpartisan bill supported by 15 senators and introduced by Sen. Edward M. Kennedy would establish a "Health Security Program," probably by 1973.

Since President Nixon in his 1968 campaign accepted the principle but said the time wasn't ripe, national health insurance is likely to be an issue in the 1972 Presidential elections.

If that is the case, we suggest a thorough public scrutiny not only of the desirable ends but also literally of the means, or costs.

By mid-1973 Americans who are covered by Social Security payroll deductions—and that means most of them—will be paying 5 per cent of their earnings up to \$7,800 a year. The present figure is 4.2 per cent. The tax could well go higher than the projected 5 per cent if history is any guideline.

So to that figure add 2.1 per cent of the first earned \$15,000 for health insurance (not counting what the employer pays in either instance) under the Kennedy formula for a total of 7.1 per cent in federal programs.

This is something of a shock. Since the cost of living seems headed for a high plateau, at best, the taxpayer faces significant charges on his income for services, however desirable, which he may never need or never receive personally.

This brings us to some comparisons between 1960 and 1970 which have nothing to do with census figures.

Since 1960, according to the Tax Foundation, a fairly representative \$11,000-a-year employee has seen the cost of all government he bears go up to 104 per cent. If he had to pay a state income tax (in Florida he wouldn't) the rate would have risen 161 per cent.

Meanwhile his property tax climbed 108 per cent and he was paying significantly more in sales, use and gasoline taxes.

Perhaps he gets more and better services for the 32 per cent of his income now going for taxes against 23 per cent 10 years ago. And perhaps not, to hear complainers tell it. The point is, it doesn't come free. And especially not in dollars which have shrunk in value from par in 1960 to 77 cents today.

[From the Albany (Ga.) Herald, Sept. 1, 1970]

NATIONAL HEALTH INSURANCE?

When Medicare burst upon the American political scene and was finally, after a 20-year effort, enacted into law by Congress for our senior citizens, politico-sociological experts made the point that it would be only a matter of time until a demand was voiced for total health care for Americans of all ages.

That time has arrived.

A bipartisan measure for a national health insurance plan is being introduced in Congress by Senator Edward M. Kennedy, among others, to provide most citizens with the best possible health care at the least possible cost to the individual. What it would cost the United States Treasury, no one is yet prepared to say with any accuracy. Quite probably, even with a program of individual contributions through taxes, such as under Social Security, it will be astronomical.

Still, there is no gainsaying the figures showing that America, for all its affluence, lags behind such nations as the Soviet Union and Sweden in health care for its citizens. We rank 13th among the world nations in the death rate of infants in the first year of life. A boy baby born in America will live five years less than a boy baby born on the same day in Sweden. Even Russian babies have longer life expectancies than American babies.

The country needs more doctors, more nurses, more hospitals, more technicians, more of just about everything that has to do with the establishment and maintenance of good health. But instead of gaining on the problem, we continue at best to hold our own, at worst to slip slightly backward. There are no easy answers. Money alone will not get the job done, obviously. What seems indicated is some combination of more funds without, at one and the same time, destroying the incentives that attract men and women to the health professions in the first place. National health insurance is not the total answer, certainly. Before we plunge into it, seeking some political panacea, long, hard second looks are indicated.

[From the Danville (Ill.) Commercial-News, Aug. 28, 1970]

U.S. INSURANCE PLAN—WHO PAYS?

The comprehensive national health insurance program introduced this week by Sen. Edward M. Kennedy, D-Mass., surely will require a great deal of selling before Congress is ready to buy.

The cost suggested is enormous. And the burden, as with all other government "benefits," would fall on the already overtaxed working man and woman.

The Kennedy plan—which is really the plan conceived by the late Walter Reuther of the United Auto Workers—would derive income as follows: 40 per cent from federal general income, 35 per cent from a 3.5 per cent tax on employers' payrolls, and 25 per cent from a 2.1 per cent tax on individual income up to \$15,000 annually.

Since all general federal income originates with the individual citizen in some form or

other, start out with the assumption that you and you will pay 40 per cent of the cost.

And since the tax on employers' payrolls is figured by your employer as a cost of doing business, you can count on his having less profit. Less profit means smaller dividends to stockholders and smaller or less frequent pay increases for employees. So you will contribute substantially to the 35 per cent employers would have to pay.

According to our arithmetic, if you make \$200 a week, you would be nickel for \$4.20 and your employer would shell out \$7. That would amount to \$11.20 per week.

Even at half the salary, the tax—direct tax that is—would figure \$5.60 a week.

National health care is not all that it should be.

But is the Kennedy plan the answer?

The senator says it would not create a national health service of government-owned facilities and government-employed doctors. Perhaps not. But what government finances, government controls. And we want more than the senator's declarative statement that his system would replace "the large amount of wasteful and inefficient expenditures already being made by private citizens, by employers, by voluntary private agencies, and by federal, state and local governments."

As a matter of decent concern, Americans do not begrudge helping their less fortunate fellows, especially those who are ill. And it is true that illness is becoming too expensive a luxury to be indulged by many except the affluent.

We, however, are not convinced—yet—that government needs to take over everything in the medical field and stick everybody with another tax bill. Not to be flippan, but piling tax upon tax is enough to make a great many Americans sick already.

[From the Bloomington (Ind.) Herald-Telephone, Aug. 28, 1970]

ANALYZING BUSINESS OF HEALTH

American business is inextricably involved in the problem of rising health-care costs. Employers pay massive bills for health insurance. Poor health, as it results in lowered efficiency of workers and absenteeism, is an economic debit in business.

But the experience and resources of successful business enterprise can contribute much to the improvement of the nation's system of delivering health-care—in administrative efficiency, in technological procedures, in cost-performance analysis, in use of personnel and in service to customers.

Traditionally, the U.S. Chamber of Commerce has resisted federal involvement in health insurance (except for the elderly) and has encouraged a voluntary, independent approach to insurance and health services. But the expense to business and the limitations for patients resulting from current private-insurance plans have caused the Chamber to reconsider its position. It is launching a big study into the whole subject of health care and its financing.

In other recent studies, economists, medical leaders, insurance experts and government researchers have sought better answers—with agreement, at least, that some major changes are needed to improve the health of Americans not well-served at present. Rashi Fein of Harvard University has described the existing health apparatus as "a highly disorganized, wasteful delivery nonsystem." Speakers at an American Assembly on health noted that recently-developed programs for financing health care, including both private and government insurance, have helped more people but in the process have increased demand for services without increasing the supply.

Interest in national health insurance is growing, but with any new program to put

health care within financial reach of all Americans must come also the kinds of reorganization and expansion of services which will make them available as needed.

Congress is expected to take up proposals for national health insurance and other aspects of government health programs early next year. The projected study of the Chamber of Commerce should prove to be a useful contribution on this important issue.

[From the Benton (Ky.) Courier, Aug. 25, 1970]

PUBLIC MEDICINE COSTS

Nobody stole anything, but a four-county sample of California's nursing home operations under Medicare showed plenty spent on nothing.

The bungling was due largely to federal bureaucratic overpayments. But the state's eligibility law for nursing home care lacks sharpness, too. So the waste touches the operation in more ways than one.

It's a reminder of past waste and an omen for the future of government medicine. What happened under the poverty war, which bought its gains dearly, could happen too, under national health insurance.

The nursing homes themselves, being small, followed the rules. When a patient died or checked out, the right forms were mailed off. But the Health, Education and Welfare Department kept on coughing out checks on the output end while its input end was trying to absorb news of the change.

Sometimes HEW duplicated itself, paying double on accounts—one check for Medicare, another under the sister program of Medicaid, for the same person.

The confusion touched 10% of the total cases surveyed in just four counties. What giant multiple of the mispayments made in Alameda, Los Angeles, Fresno and Santa Clara counties would express the waste nationwide?

Compared with comprehensive prepaid or tax-credited national health insurance, Medicare is pin money—but the high incidence of waste and bungling found in one sampling suggests what one socialistic mustard seed can grow into if fertilized with the billions public medicine would involve.

[From the Boston (Mass.) Globe, Sept. 1, 1970]

ANYONE FOR GOOD HEALTH?

Semi-private rooms in one of Boston's hospitals cost \$9 to \$11 per day and private rooms \$13 to \$21 per day when Oscar Ewing then head of what now is the United States Department of Health, Education and Welfare, first urged the adoption of national health insurance legislation in 1947. Costs in the same hospital today are \$75 to \$85 for semiprivate rooms and \$75 to \$100 for private with unannounced increases scheduled for Oct. 1.

It seems unfair to make the comparison. Day labor is paid about as much per hour now as per day then, a pound of round steak that cost 40 cents then costs \$1.15 today, a pound of butter that sold for 49 cents then sells for 83 cents now—and both doctors and hospital patients have to eat.

But the escalation in hospital rates and doctors' fees is at a faster clip now than at any time in that 23-year period. Blue Cross rates, for example, increased 36 percent for an individual last year, 52 percent for a family, they will go up again in some of next year's contracts by 23 and 28 percent, and hospital rates of \$500 per day are predicted by the turn of the century. Moreover, an estimated 30 million Americans have no health insurance of any kind, and those who are insured pay an estimated 60 percent of the cost of any illness out of their own pockets.

It is frightening to try to calculate the number of Americans who have died because they could not afford adequate medical care

(available only to the very poor or the very rich) or will die for the same reason—or who, even when they were in a position to pay their normal bills, were or will be driven into bankruptcy by hospital and doctors' fees. This is far from an indictment of all hospitals and doctors. It is an indictment of an inadequate and mis-managed health system whose statistics are horrifying:

Last year, according to Sen. Edward M. Kennedy, Americans spent \$63 billion in a search for good health. Yet, our infant mortality rate exceeds the rate in 12 other nations, the death rate of women in child-birth exceeds the rate in six other nations. We trail 17 nations in the life expectancy of males, 10 in the life expectancy of females, 15 in the life expectancy of middle-aged males. Almost one-third of America's young men fail the draft's physical and mental tests. The whole medical system, despite the dedication of most who work in it, is so wobbly that an estimated one-half of our hospitals would collapse were it not for the importation of foreign medical manpower, and at least half a dozen of our 91 medical schools are near closing for lack of funds.

Hence, the comprehensive health insurance program for all Americans which Sen. Kennedy and 14 other senators have introduced in the United States Senate. It would be expensive. It would cost an estimated \$40 billion a year. But it is fair to compare this with the \$63 billion which Americans and their insurers spent last year, and it would all but eliminate both Medicare and Medicaid. It would be financed through general Federal revenues (40 percent), a 3.5 percent tax on payrolls (35 percent) and a 2.1 percent tax on individual income up to \$15,000 a year (25 percent). It is not perfect. It would not cover nursing home or other custodial care, a vital essential; psychiatric and dental care, two other essentials; or certain medicines and appliances.

But it is a good bill. A difficulty in a congressional session drawing to a close is that hearings have not yet been scheduled by the health subcommittee of the Senate Labor and Public Welfare Committee, and its chances of ever getting into, let alone out of, the Senate Finance Committee, which will have to pass on it in the end, are slim indeed.

The Committee of 100 for National Health Insurance is the main driving force behind the bill, but the committee's own main driving force, Walter P. Reuther, is dead. A somewhat similar bill was introduced in the House by Rep. Martha W. Griffiths (D-Mich.) months ago and there have been no hearings on it yet. Similar bills have been introduced in almost every Congress for a quarter of a century and let die after the initial hurrah.

The main trouble is that good health, like weather, is something that everybody talks about but few legislators do anything about. A sobering fact is that national health insurance was a plank in Teddy Roosevelt's third party platform 58 years ago. There has been no dearth of talk in the interim. AMA or no AMA, what is needed now is action.

[From the Springfield (Mass.) News, Aug. 28, 1970]

HEALTH INSURANCE DESERVES AIRING

One often hears the ironic comment that the only persons who can afford good medical care are the very rich and the very poor—the first because they have the money to pay for it and the second because welfare picks up the bill.

Senator Kennedy's proposal for a comprehensive national health insurance program is aimed at providing good care for the many in the middle who find soaring medical costs an oppressive burden.

As in the case of medical care for older citizens, national health insurance is an idea whose time will come, but probably not by mid-1973 as hoped by the senator. Financing,

with new taxes needed, is a major problem in itself.

Any plan to improve medical services at reasonable cost also has to take into consideration the need for more personnel. Elaborate programs without additional doctors, for example, could merely swamp those available. Heavy bidding for available medical services could even drive costs up in some cases.

But it's none too early to give serious consideration to a national health insurance program and other steps needed to improve medical care available to the American people.

[From the Kansas City (Mo.) Star, Aug. 31, 1970]

COMPREHENSIVE HEALTH CARE: NO FREE RIDE

Whether the comprehensive national health insurance program as set out originally by the Walter Reuther group and now introduced in the Congress by Sen. Edward Kennedy is the answer for the United States will be debated and pondered over for months to come.

The Massachusetts senator says the program would pay for 70 per cent of all health expenditures in the nation (although not necessarily 70 per cent of everybody's doctor and hospital bills). He says, furthermore, that it could all be paid for with contributions of 40 per cent from the general revenue (which means the money pool that comes from your income tax and other federal payments); 35 percent from an employers' tax and 25 per cent from an individual tax which presumably would be added to Social Security (which, already, will jump to a \$452 annual maximum per individual by the end of this decade).

It should seem obvious to anyone connected with hospitals and medicine that large changes are coming over the next few years. People know what can be done to save human life and prevent suffering, and they expect it as a natural right. And who can say that this attitude is wrong? A sick child ought to get proper care whether his parents can pay for it or not. It is easy to say that sick adults ought to have saved their money in days of health and youth to pay for days of sickness and old age. But how many do? And is it less costly to society to pay for the indigent ill and aged than to come up with a humane plan to care for all?

What ought to be recognized is that true health care is going to be expensive. That is because there aren't enough physicians, nurses, and technicians to go around. If this country wants more physicians, nurses and technicians to go around, it will have to pay for them. Already \$50 is about the least that a private room can be had for in a hospital and that doesn't include all the laboratory tests that might be necessary and the doctor fees. And hospital labor still is going to raise costs.

If prepaid health care is coming to this country the existing insurance companies that have had experience in the matter can be used as intermediaries, although some say the job could be done more inexpensively. The companies simply will have to realize that they probably will become part of a better system or become extinct.

The insurance people, the medical profession and hospital administrators will have to realize that they exist to help sick people and that sick people do not exist to help them. Most are fully aware of this, but a few of the old-time hardliners are not.

The cost of comprehensive medical insurance is going to be very great. Like any insurance plan, it is a spreading of a risk, so that the unfortunate get help from the fortunate. The general revenue plan and the contribution from employers can reduce the cost pain for the ordinary individual. But in some countries the cost burden has been made more realistic by a national sales tax

which is not altogether unfair. That possibility ought to be considered by a Congress which finds it easy to dip into general revenue on appropriations but very hard to raise direct taxes to produce the money.

[From the (Nebr.) Lincoln Star, August 31, 1970]

OBSTACLES FACE HEALTH INSURANCE

With the continued introduction to bills on the subject, national health insurance moves ever closer to the American people. It is a concept, in theory, that one can find little argument with.

The program would provide the financial means for good health care on the part of everyone, an objective with which very few could really argue. But when you try to put such a program into effect, a lot of complications arise.

To begin with, the government seemingly cannot be a part to a program over which it does not exercise some control. Thus, the standards and regulations adopted by the government frequently lead to hostility on the part of participants in federal programs.

The government has made red tape so much a part of its existing health insurance plans that those plans have incurred the wrath of many people. Thus, the government is going to have to solve this problem before national health insurance receives widespread acceptance.

Then, there is the problem of abuse. What comes to people automatically and without choice is usually taken for granted or abused. With mandatory national health insurance, people would tend to take advantage, such as going to the hospital or an aspirin simply to get it paid for by the government.

The medical profession could help in this regard but it is poor in the area of policing its patients. This is not its function in life and little should be expected of it toward such an end.

Fundamentally, mandatory national health insurance simply has not yet found the means of substituting itself for the private enterprise system. Perhaps it will or perhaps the faults of the free enterprise system will become so large as to offset the liabilities of such insurance but matters at the moment leave the national program in limbo.

[From the Jersey Journal (Jersey City, N.J.), Aug. 29, 1970]

GOOD HEALTH

A bipartisan bill calling for the establishment of a national health insurance plan has been introduced in Congress by 15 senators.

It would cover three quarters of all personal health expenses for people of all ages and would be supported in large part by a trust fund into which would flow special income and payroll taxes. The rest would come from general tax revenues.

The Health Security Act would provide benefits to cover all services required for personal health except long term institutional care, psychiatric and mental care, and some drugs and medical appliances. No fees would be charged. Those who provide the service would be directly compensated by the government.

Particularly valuable is the emphasis on preventive medicine. A weakness of the present Medicare program—in addition to its age limitations—is that, like most private health programs, it helps only those who are sick instead of helping people stay healthy.

This plan is the most sweeping of any yet put before Congress. For this reason it will run into heavy opposition from entrenched medical interests and from others who fight all social legislation. Of course, it will be fairly stamped "socialized medicine." Not even its sponsors seriously expect to see it passed in this session of Congress.

But the Health Security Act—or something closely resembling it—will become law within

a few years because there is no way to meet the health needs of the nation except through massive government intervention.

[From the Newark (N.J.) Evening News. Reprinted from AMA News, Aug. 10, 1970]

NHI—NOT A CURE-ALL

Recommendations presented by the Committee for National Health Insurance for a cradle-to-grave medical program can be expected to add new fuel to the current debate over how to solve the high costs and inadequacies of our present health care system. That's all to the good.

As for whether this country is now, or ever will be, ready for a nationalized health service, that's something else.

After more than a year's study, the committee has come up with a proposal for covering doctor, hospital, drug and dental bills, plus limited psychiatric and nursing home care. Financed by payroll taxes on employers and employees, and with 40% of the cost borne out of general federal revenues, the national program would largely eliminate the need for private health insurance coverage.

Walter Reuther, who had served as the committee's chairman, conceded in a speech written just before his recent death that financing and high costs were not the only basic problems in our present health-care system. But he argued that the leverage provided by use of federal funds was required to compel changes needed to remedy the health-care manpower shortage and correct shortcomings in the application of medical services.

Therein lies plenty of room for doubt. The Medicare plan for the elderly and the Medicaid plan for the needy have poured federal billions into the health-care pipeline, but without notable effects in raising the quality or quantity of service available. Instead, one major impact has been skyrocketing costs . . .

The most vital need is to increase the supply of medical and allied personnel available and to make more efficient use of their services.

The federal government certainly can help. Medical education programs should be expanded, group practice by physicians encouraged, disease-preventive services stressed, health maintenance emphasized. Beyond that, government and private groups alike must coordinate efforts to . . . control costs.

The impetus toward federal control of our health-care system has unquestionably been growing. But a federal takeover would not provide a cure-all, any more than the welfare program is eliminating poverty.

[From the Long Island (N.Y.) Express, Aug. 29, 1970]

A NEW LOOK AT HEALTH

National health insurance—a program launched by President Truman in 1948 in the face of heavy opposition—is another good idea whose time has come.

Over a 22-year period, old fears and fables connected with government health programs have been eroded by social and economic realities, and new attitudes about how to meet them.

A good bipartisan bill has been introduced in Congress by 15 senators. It would cover three-quarters of all personal health expenses for people of all ages and be supported in large part by a trust fund into which would flow special income and payroll taxes. The rest would come from general tax revenues.

The Health Security Act would provide benefits to cover all services required for personal health except long-term institutional care, psychiatric and dental care, and some drugs and medical appliances. No fees would be charged. Those who provide the service would be directly compensated by the government, either on a fee-for-service, a per capita or on a retainer basis.

Particularly valuable is the emphasis on preventive medicine. A weakness of the present Medicare program—in addition to its age limitations—is that, like most private health programs, it helps only those who are sick instead of helping them stay healthy in the first place.

Another plus factor is the proposal to establish national standards of performance for professionals and institutions, plus a health security board to see that such standards are followed.

This plan is the most sweeping of any yet put before Congress, including Mr. Truman's eye-opener. For this reason it will run into heavy opposition from entrenched medical interests and others who fight all social legislation. It will, of course, be unfairly stamped as "socialized medicine." Not even its sponsors seriously expect to see it passed in this session of Congress.

But the Health Security Act—or something closely resembling it—will become law within a few years because there is no way to meet the health needs of the nation except through massive government intervention.

The people are ahead of their representatives in facing up to the realities. Sooner or later—sooner, we hope—the politicians will catch up.

[From the Ogdensburg (N.Y.) Journal, Sept. 2, 1970]

NATIONAL HEALTH PROGRAM NEEDED; STEP-BY-STEP APPROACH SEEMS WISE

It is predicted that a national health program will be established before the current decade is over. The need for some massive program to relieve the problem of skyrocketing costs, which can deprive a family of its life savings, is very apparent.

A number of programs are under consideration, but the most comprehensive was introduced into Congress last week by Sen. Edward Kennedy and 14 others, mainly Democrats.

The plan, drawing 60 percent of its funds from special income and payroll taxes, would aim partly at reorganizing health care services. Poor organization is blamed by the backers of the plan as being largely responsible for current high costs, which have risen twice as fast as other consumer costs in the past decade.

The plan also would scrap Medicare and Medicaid programs and provide coverage for everyone in the country, regardless of financial need.

Senator Kennedy said the program would have paid about 70 percent of the \$53 billion spent for personal health services last year. One difficulty in adopting such a sweeping plan at present, however, is that it would require the government to provide about \$10 billion out of general tax funds, which are overdrawn as it is.

A major problem with any such sweeping program, aside from the cost, is control of fees, which often rise sharply as soon as the government is footing the bill. Presumably a potential red tape problem would be resolved by not having to establish a financial need as is required under the Medicaid program.

Certainly a health program of some sort is needed, and the new proposal is the product of the impressive Committee of 100 for National Health Insurance, which includes a cross-section of experts.

Considering the broad sweep of the plan and the question of financing, however, it would probably be wise to move toward a full program in stages as has been done in the similar Social Security program.

[From the Tarrytown (N.Y.) News, Aug. 28, 1970]

UNIVERSAL HEALTH INSURANCE

Sen. Edward M. Kennedy, who by coincidence is seeking re-election this fall in Massachusetts, has introduced in Congress

blockbuster proposals that would create a comprehensive national health insurance program, with benefits effective in mid-1973.

The program would cover all citizens, without individual limit, over nearly the entire range of health services.

This would be quite a major enterprise, as Sen. Kennedy concedes in estimating that, had it been in effect last year, the plan would have cost \$37 billion.

And that cost, coupled with the glossing over of serious defects in the proposal, betray this measure for what it is—a blatant political maneuver to corral votes.

It is instead another "give-away" program of disbursing federal funds through a system of double taxation of both individuals and business enterprises.

This is disguised by the airy explanation of Sen. Kennedy and his cosponsors that the money would come from a trust fund similar to that for social security.

Forty per cent of the income would be derived from general federal revenues, 35 per cent of it from a 3.5 per cent tax on employers' payrolls and the remaining 25 per cent from a 2.1 per cent tax on individual income up to \$15,000 a year.

Not pointed out, however, is that the same taxpayers who are contributing to the 40 per cent of general federal revenues, also are to be tapped again for their payroll contributions. The employers who pay their business taxes, would be hit again as well, with unpredictable economic damage.

Anticipating cries of "socialized medicine," Sen. Kennedy pointed out that the bill would not create a national health service of government-owned facilities and government-employed doctors.

"The program proposes a working partnership between the public and private sectors," he said.

The government, in other words, would amass the revenue and pay the bills. The question is whether such a compromise could be realistically successful.

It would necessarily set up a bureaucracy that, if Medicare and Medicaid are any guide, would immerse doctors and hospitals in a deeper than ever tangle of red tape, rate wrangles and glacial reimbursement. It also would leave unsettled the problem of what would happen to nonprofit or private health care insurers that millions now using may prefer.

And the financing could become a gigantic hurdle.

Where, for instance, could the \$15 billion in federal general revenue, under the Kennedy formula, have been found for last year's budget had the plan been in effect? Where indeed, in this year's or next?

In addition, Social Security taxes go to 5 per cent next Jan. 1. That's 5 per cent on employer and 5 per cent on employee. What would the addition of another 3.5 per cent on the employer and 2.1 per cent on the employee do to operating costs and take-home pay? Is there to be no limit on the growing burden of payroll taxes?

In sum, there are many fundamental questions to be asked and answered before the Kennedy proposal can be regarded seriously.

In short, the program proves only that the medical care needs of the nation have come to the point where it has become politically palatable to start making promises about some quick and magical solution.

Hopefully, the next step will be that legislators can be induced to get down to business and develop a solution that gets to the heart of the cause of high costs and inadequate care.

[From the Punxsutawney (Pa.) Spirit, Aug. 29, 1970]

FEASIBLE—AS WELL AS LIBERAL

The present advocacy by the American Medical Association and the National Medical Association of a medicredit program

of national health insurance is not a switch in policy. U.S. medicine, now as always, opposes what it considers unworkable plans to extend health care and supports what in its wisdom and experience it believes to be workable plans.

The country is finding that merely pouring out billions of dollars on health care schemes can in no way improve the quality or availability of medical care. The health insurance plan proposed by the Nixon Administration is similar to the proposal which has been urged upon Congress by principal medical spokesmen. The health plan offered by the latter includes a three-point program which "the medical profession hopes to see the nation pursue" in efforts to provide quality health care for everyone as economically as possible.

An AMA spokesman, in describing the medicredit health insurance proposal of the American Medical Association, says, "Under our plan, each low income person or family would receive a certificate for the purchase of a qualified and comprehensive health insurance plan. The protection would be theirs without expense or contribution since the cost of the program would be borne entirely by the federal government." A second phase of the plan, "... offers tax credits, on a sliding scale based on the tax liability of a family, for the purchase of qualified health benefits coverage ..." A third phase of the plan, as proposed by the AMA, "... calls for a structured peer review mechanism to insure high quality of care and to prevent abuses of the medicare and medicaid programs."

The doctors have given assurance of the medical profession's cooperation in solving the nation's health care problems. As the nation realizes the solution to these problems must be feasible—as well as liberal—the health care picture will grow immeasurably brighter.

[From the Scranton (Pa.) Times, Aug. 29, 1970]

NATIONAL HEALTH INSURANCE

Proposals for a government-sponsored program of health insurances which would cover Americans of all ages have been under discussion for several years. In fact, the bill introduced in Congress yesterday with Sen. Edward M. Kennedy as its chief sponsor is based on the recommendations of the Committee for National Health Insurance created two years ago by the late Walter P. Reuther, president of the United Auto Workers.

Should the measure win approval by Congress and President Nixon it would mean the termination of the existing Medicare and Medicaid programs by bringing the elderly and those under 65 years under a single umbrella of protection. The current Social Security tax on earnings, which this year applied to income up to \$7,800, would be replaced by a 2.1 per cent tax on individual incomes up to \$15,000. These payments would make up 25 per cent of the money needed to operate the program. Of the balance, 40 per cent would be taken from the general revenues of the federal government and 35 per cent would come from a 3.5 per cent tax on employers' payrolls.

The old cry of the American Medical Association of "socialized medicine," heard so often when organized medicine was fighting the Medicare plan, probably prompted Sen. Kennedy to explain, after introducing the bill, that there is no thought of government-employed doctors and government-owned facilities. "On the contrary," he said, "the program proposes a working partnership between the public and private sectors.

It is widely conceded that something in the nature of a national health insurance program is needed. Whether or not the mechanics of the plan embodied in the Kennedy measure provide the right answer is some-

thing that should be determined by the debate which is certain to develop as the backers of the legislation try to move it through Congress.

[From the Somerset (Pa.) American, Aug. 22, 1970]

TREMENDOUS CHANGES

Critics are often so busy criticizing that they fail to observe changes in the tides of human affairs basically altering the premises on which their criticism rests.

It has become habitual, among many critics of the American medical system, to view doctors as a recalcitrant group holding itself apart from such harsh problems as rising health care costs and physician and medical facility shortages. The truth is quite different.

The new president of the American Medical Association, Dr. Walter C. Bornemeyer, feels that the medical profession and the AMA must do more to tell their story—to explain plans for producing qualified physicians more rapidly, for broader use of nurses in medical practice and for financing health care through tax credits and government supervised insurance programs.

As far as the decade of the 70's is concerned, he notes, "... I think this decade ... will see tremendous changes and I believe we'll have a much better system of medical care. It'll still be a private enterprise, fee-for-service system ... in 1980 and we'll have enough doctors so that we can take care of everybody, and everybody will have an insurance policy so that they can obtain the medical care that they want. I think the problems of medicine will not be over by 1980 but I think we will have solved a great many of them. And, I think the public is going to be well aware of it ..."

The simple truth is that many of medicine's critics are beginning to sound out of date. Some of them are guilty of the very charges they have leveled at the medical profession. They are failing to keep up with the times.

[From the Providence (R.I.) Journal, Sept. 1, 1970]

NO WILD-EYED DREAM

A program of national health insurance is not about to be written into the books. Even the 15 U.S. senators who favor such a program and have introduced the necessary legislation concede that years of debate will ensue before their idea takes root. Their most hopeful estimate is that national health insurance may come into being sometime "in this decade."

That is a realistic assessment. Important social advances never are achieved quickly or easily in a democratic society. They usually are achieved only after lengthy periods of study, discussion, and impassioned controversy.

For at least two decades, the idea of a national system of social security was dismissed as the wild-eyed dream of radicals on the political fringe. The same can be said for the program of unemployment compensation. Yet these wild-eyed dreams gradually attracted more responsible sponsorship and ultimately were accepted.

The same pattern prevailed in the drive to enact the program we now call Medicare. Years of discussion and debate—during which our own Rep. Aime J. Forand played an important role—and years of fierce hostility on the part of the conservative members of the medical profession preceded the enactment of Medicare.

The sponsors of a national health insurance program are concerned by the mounting evidence that the nation's health needs are not being met fairly, equitably, or efficiently. They are troubled by the shortage of doctors, the soaring costs of medical care, the lack of emphasis on preventive medicine,

and the uneven manner in which the available medical services are allocated to various segments of the public.

What they advocate, in brief, is an extension of the Medicare program to embrace the entire population, rather than just those over the age of 65. It would be financed, as are the present social programs, out of special taxes, out of general revenue, or a combination of the two.

It seems fair to say at this point, in mid-1970, that this is an idea whose time has not yet come. But the 15 sponsoring senators have put the ball in motion. They have opened the way for debate and discussion, and they are hopeful, as with Social Security and the other social advances, that the debate and discussion will lead to the day when the public understands and accepts the idea.

[From the Yankton (S. Dak.) Press and Dakotan, Aug. 22, 1970]

PLAN MUST BE FEASIBLE, LIBERAL

The present advocacy by the American Medical Association and the National Medical Association of a medicredit program of national health insurance is not a switch in policy. U.S. medicine, now as always, opposes what it considers unworkable plans to extend health care and supports what in its wisdom and experience it believes to be workable plans.

The country is finding that merely pouring out billions of dollars on health care schemes can in no way improve the quality or availability of medical care. The health insurance plan proposed by the Nixon Administration is similar to the proposal which has been urged upon Congress by principal medical spokesmen. The health plan offered by the latter includes a three-point program which "the medical profession hopes to see the nation pursue" in efforts to provide quality health care for everyone as economically as possible.

An AMA spokesman, in describing the medicredit health insurance proposal of the American Medical Association, says, "Under our plan, each low income person or family would receive a certificate for the purchase of a qualified and comprehensive health insurance plan. The protection would be theirs without expense or contribution since the cost of the program would be borne entirely by the federal government." A second phase of the plan, "... offers tax credits, on a sliding scale based on the tax liability of a family, for the purchase of qualified health benefits coverage ..." A third phase of the plan, as proposed by the AMA, "... calls for a structured peer review mechanism to insure high quality of care and to prevent abuses of the medicare and medicaid programs."

The doctors have given assurance of the medical profession's cooperation in solving the nation's health care problems. As the nation realizes the solution to these problems must be feasible—as well as liberal—the health care picture will grow immeasurably brighter.

[From the Chattanooga, (Tenn.) News-Free Press, Aug. 28, 1970]

NATIONAL HEALTH INSURANCE

Chances for its passage this session are, hopefully, not bright, but the national health insurance proposal introduced yesterday by Sen. Edward Kennedy and others is quite a disturbing element thrown in on top of a nation already beset by economic burdens and trying to extricate itself with some semblance of self-respect from a costly and frustrating war.

Other plans had already been placed before the Senate, but the new proposal has a difference—the price tag. Kennedy, who proposes that the benefits be effective in mid-1973, estimated the plan would have paid out

\$37 billion, based on 1969 figures. Its "trust fund" would be financed by some 40 per cent from federal general revenues, 35 per cent from a 3.5 per cent tax on employers' payrolls and 25 per cent from a 2.1 per cent tax on individual income up to \$15,000 per year. All of this would be footed by the already heavily-burdened taxpayer.

The senator said the bill would not establish a national health service of government-owned facilities and government-employed doctors, but would be a "working partnership between the public and private sectors." He said it would replace "the large amount of wasteful and inefficient expenditures already being made by private citizens, by employers, by voluntary private agencies and by federal, state and local governments. Kennedy said the plan is estimated to pay 70 per cent of all health expenditures in the nation, roughly twice the amount now paid by the Medicare and Medicaid programs for elderly and indigent. Those two programs would be scrapped.

Why worry about a plan that has little chance of passage in the near future? Simply this; it shows the thinking of a very influential group of people who are scrambling around with ideas supposedly to help the poor and needy. Granted that medical and hospital costs have soared, for a number of reasons, for everybody. But every time the government meddles with welfare, whether it is with food, medicine or cash, the result has been a big mess that doesn't bring benefits commensurate with cost.

And there is another very important factor to consider: the effect upon those many private health insurance companies that are such a vital part of the nation's economy as well as its over-all health program. If the Kennedy plan, or any other such all-embracing program, were adopted the result might be disastrous. When you deal a body blow to an industry worth billions to the economy, you are, in effect, booby-trapping your own paycheck. Anything that diminishes the free enterprise system diminishes you.

Be careful, Congress. Give thorough study to the problems of health care, but do it for all of us, else we all wind up poor and needy. Then who will pay?

[Bristol (Va.) Tennessean, Aug. 28, 1970]

THANKS, NO THANKS

Thanks, but no thanks to Sen. Edward M. Kennedy. We don't want to be included in a national health insurance program covering the entire range of health services.

We also don't want to be subjected to a 3.5 per cent tax on employers' payrolls or a new 2.1 per cent tax on individual income up to \$15,000 a year.

We don't want it because we are fed up with a liberal oriented, spend-happy Congress that approaches national problems from only one viewpoint: that total uniformity should be provided for all and those with earning power should completely support those who don't want to provide for themselves.

We don't need Sen. Kennedy's meddling in our personal health protection. We are capable, as are millions of Americans, of providing for our insurance needs and we are willing to work to earn the money to pay for our insurance coverage.

For those who can't or won't work, our government is more and more designed to help them anyway with everything from Medicare and Medicaid to aid for dependent children.

Thanks, but no thanks, Sen. Kennedy.

[From the Spokane (Wash.) Spokesman-Review, August 29, 1970]

HEALTH INSURANCE

Legislation to create a comprehensive national health insurance program has been introduced by Sen. Edward M. Kennedy, D-

Mass., in his effort to cover all citizens for 70 per cent of all health expenditures.

He said this would pay roughly twice the amount now paid by the Medicare and Medicaid programs for the elderly and indigent, which would be terminated.

It is possible that such a program would provide better service at a lesser cost to the taxpayer than the present programs, but it is a complex subject and should be studied at length.

Under the plan, 40 percent of the revenue needed would come from the federal general fund, 35 per cent of it from a 3.5 per cent tax on employers' payrolls and 25 per cent from a 2.1 per cent tax on individual income up to \$15,000 a year.

Since most employees now are covered by some form of health insurance paid for either entirely by an employer or jointly by employer and employee, the cost may actually be less than at present.

But by covering every citizen it may be difficult to determine what such a plan will do as far as medical costs are concerned and whether it may tend to create a national health service of government owner facilities and government-employed doctors.

Summary: Haste may well make waste and the Kennedy plan should be thoroughly studied and opinions from medical experts should be obtained before conclusions are formed.

[From the Sheboygan (Wis.) Press, Sept. 1, 1970]

NATIONAL HEALTH PLAN

Senator Edward Kennedy has introduced legislation to create a comprehensive national health insurance program with benefits effective in 1973.

Other sponsors are Senators Ralph Yarborough of Texas, John Cooper of Kentucky, and William Saxbe of Ohio. Senator Yarborough is a Democrat and the other co-sponsors are Republicans. This gives the proposed legislation a bi-partisan flavor.

The program would cover all citizens, without individual limit, over the entire range of health services except for certain nursing home care, mental and dental treatment, and certain medicines and equipment. The sponsors estimate that the program would pay 70 per cent of all health expenditures in the nation, about twice the amount currently paid by Medicare and Medicaid programs for the elderly and indigent. Once the new program is in operation, Medicare and Medicaid would be terminated.

In financing the program, 40 per cent would be derived from general revenues, 35 per cent from a 3.5 per cent tax on employers' payrolls, and 25 per cent from a 2.1 per cent tax on individual income up to \$15,000 a year. It is estimated that the plan would pay out \$37 billion a year.

The program is not intended to create a national health service of government-owned facilities and government-employed doctors. On the contrary, Sen. Kennedy said when he introduced the legislation the program proposes a working partnership between public and private sectors. He said it would replace wasteful and inefficient expenditures already being made by private citizens, employers, voluntary private agencies, and by federal, state and local governments.

No doubt, the program will undergo many changes before passage by Congress. It is possible that it will be rejected. But the proposal reflects growing public concern over the cost of medical care and the feeling that something beyond Medicare and Medicaid is necessary. The August issue of the American Legion Magazine devoted six pages to an article titled, "Better Medical Care at Less Cost Is Possible." It is unlikely that so much space would have been given to the problem if it

were not for the great concern felt by Legion officers.

We are not suggesting that the proposed new program be accepted as introduced by the four senators. We are suggesting, however, that some kind of legislation will be approved eventually and that it would be well for the young and old to give it their attention.

PALESTINE: A SEARCH FOR TRUTH

Mr. HATFIELD. Mr. President, in recent weeks public attention has been particularly focused on events taking place in the Middle East. In trying to unravel the complexities of the conflicts there, one is usually faced with an unending list of books, papers, and other reference material which could be read and studied, for one must not only look to current events but also analyze the history of the area in order to begin to get an understanding of the people and the prospects for the future of that troubled land. The Middle East has been a subject of study for many years, and numerous scholars have devoted their lifetimes to the task of separating fact from fiction, truth from falsehood. The magnitude of the problems in the Middle East and the potential threat to world peace make it mandatory for our own self-interest to understand as thoroughly as possible the realities underlying those problems.

This year Public Affairs Press published a book entitled "Palestine: A Search for Truth." Edited by Alan R. Taylor and Richard N. Tettie, both of whom have a great knowledge of and concern for the Middle East, the book includes articles and addresses by men of diversified backgrounds, but each having an acquired expertise and experience with various aspects of the Middle East. The contributors include the editors, Richard Tettie and Alan Taylor, Hans Kohn, Martin Buber, Judah L. Magnes, Morris R. Cohen, Erskine B. Childers, Michael Selzer, Anthony Nutting, George F. Hourani, Maxime Rodinson, Lawrence H. de Bivort, Albert Hourani, John S. Badeau, E. C. Hodkin, Elmer Berger, Harry N. Howard, W. T. Mallison, Jr., Edmund R. Hanauer, John Ruedy, and Arnold Toynbee. All of these individuals, it will be noted, have exceptional credentials and reputations in their respective fields, and combined in this book bring the many facets of the Middle East conflict into perspective. I commend this book to Senators and to anyone interested in the Middle East, its history, and its potential consequences for us all, in the hope for greater understanding and an eventual resolution of the problem.

WISCONSIN PRODUCT FEEDS THE WORLD'S POOR

Mr. PROXMIRE. Mr. President, more than miles separate the bustling metropolis of Milwaukee and the remote villages of the Indian subcontinent. They are worlds apart in affluence and customs as well. Yet a product of the Krause Milling Co., of Milwaukee, is at this moment feeding millions of Indian children.

The name of the product is CSM. It is a blend of cornmeal, soy flour, and non-

fat dry milk. It has a high nutritional value, a very low cost, and a high degree of acceptability around the world—even in areas where the people have traditionally lived on rice or wheat.

Now CSM is being considered for use in our Nation's domestic commodity distribution program. Pilot tests in this country have shown that it is cheap and good. In fact it is so good and so nutritious that in the pilot test counties there were many complaints when the pilot program ended and people found that they could not buy CSM in their local stores.

I think that this product is a real breakthrough in our attempt to find an acceptable food for the hungry populations of the world. I believe that Senators will agree with me when they read a well written article on CSM that was published in the Milwaukee Journal. 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:

HELP FOR THE HUNGRY

(By Jean Otto)

In a remote village in India, a small boy sat on his haunches, cavernous eyes looking up from the food in his fingers.

In Peru, people whose homes and livelihoods were destroyed by an earthquake lined up on a hillside for a daily ration.

In war torn Biafra, starving children listened for planes bringing in loads of food.

In all of these cases, the food was CSM—a mixture of three ingredients grown in the heart of America and then shipped to the world's malnourished. Cornmeal, soy flour and nonfat dried milk. Help for the hungry.

CSM is not necessarily food for poor people alone, although only the poor are getting it now. Its story is the story of government and private industry cooperating in an effort to end hunger and starvation throughout the world.

One of the leading industries making CSM is Krause Milling Co. of Milwaukee, which participated in early tests abroad and helped develop the low cost, high nutrition food. CSM is purchased by the government under Public Law 480 and sent to ports in about 120 countries around the world.

One of the ships that carried a load of CSM from Milwaukee recently was the *Jaladhan*, owned by the Scindia Steam Navigation Co., Ltd., of Bombay. Tied up at the Terminal 3 in Milwaukee Harbor, the ship, 9,000 tons deadweight, traveling at 17 knots, was scheduled to reach Bombay 18 days later.

For two days, dock workers and ship's crew moved bags stamped "Bulgar" (wheat) for Bombay and CSM for Madras and Calcutta from the dock to the gaping interior of the ship.

Each of the bags was stamped in red: "Donated by the People of the United States of America." Headed for Madras were 1,252 tons of CSM. Going to Calcutta were another 325½ tons. In 1969, 7% of all the packaged freight leaving Milwaukee Harbor was CSM, said Charles Krause, president of Krause Milling.

In India alone, according to Krause, CSM gets to 175,000 schools and 12 million children every day. Last winter, Krause saw his company's product at the far end of the line.

"In India," he said, "it's amazing to see it move from ship to rail car, to trucks, warehouses, and onto bullock carts. From there, the 50 pound sacks are carried on people's heads to the schools." One headmaster, he said, stores a month's supply in his bedroom to prevent theft, carrying it to school as needed.

HELPS PREVENT ILLNESS

What is valuable about CSM is what it is doing to feed the hungry, to halt nutrition based illnesses such as dreaded and usually fatal kwashiorkor. Since 1966, over 1½ billion pounds of CSM have been sent to feed the hungry in Africa, Asia and South America. As products go, CSM is almost brand new, its manufacture going back only four years.

But, since 1907, Krause Milling has supplied the food industry—with brewers grits, grits for breakfast foods (Krause is one of the largest of the country's corn millers) and corn flour. The firm also makes an industrial corebinder, used to hold forms together when pouring molten metal, sells crude corn oil and is in the corn hominy feed business. In plants in Milwaukee and St. Joseph, Mo., and in Dodge City, Kans. (where they process sorghum grain only), Krause employs about 325 people.

In 1963, the government, searching for a low cost, high nutrition food that would be acceptable to the hungry of the world, undertook an acceptability study on precooked cornmeal. Ten thousand pounds were donated by industry for testing in food aid programs conducted by voluntary agencies in 16 countries.

In the past, efforts to provide such a food failed because the products, however nutritious, simply didn't appeal to the tastes of the people. The flavor, the texture, adaptability or some other factor went against their eating habits. And no food, however nutrition packed it is, accomplishes anything on a shelf. But processed cornmeal was received enthusiastically, even in countries where rice was the diet staple.

After an additional test with 90,000 pounds in 25 countries in 1965, the government presented the food industry with guidelines for a cereal product. Industry spent \$1½ million on research equipment and technology before any sale of CSM was made.

STILL EXPERIMENTING

Krause's first formula called for 70% cornmeal, 15% dried milk and 15% soy flour. It has been changed along the way, so that now there is 64% processed cornmeal; 24% defatted soy flour; 5% nonfat dried milk; 5% refined soy oil and 2% mineral-vitamin premix.

What does this combination do? One-half cup provides an adult with these minimum daily requirements: vitamin A, 31%; vitamin D, 32%; vitamin C, 86%; niacin, 64%; riboflavin, 32%; thiamin, 43%; calcium, 43%; phosphorus, 32%; iodine, 32%, and iron, 120%. All at a cost of less than 8 cents a pound.

SATISFYING WORK

"It's nice to be in business and do something good," said Krause in the company's office at 611 E. Wisconsin Ave, "We hear stories," he said, "of people being able to see at night for the first time. The vitamin A cured their night blindness.

"There are many miracle stories. One Department of Agriculture man in the Bajar famine said it was easy to see which children were eating it."

In some instances, he said, the symptoms of kwashiorkor—bloating bellies and reddish hair—disappeared if the disease was not too far advanced.

EVEN IN RICE COUNTRY

Krause noted that corn is a very popular flavor in South America and Africa, less so in Asia where rice is the staple, "but there is still wide acceptance in Asia. There are significant CSM programs in India, Vietnam, Indonesia, the Philippines and Korea.

"I'm most impressed with the people in volunteer agencies in those countries," Krause said. "They know what they're doing, are businesslike and efficient." CARE, Catholic Relief Service, Church World Service "would be very proud of their people. Each pound (of CSM) is accounted for. The

same is true of AID (Agency for International Development)."

In India, Krause said, CSM distribution is limited by Indian states' ability to pay costs of shipping from the port to their own villages.

"I figure we're reaching only 10% of the children who should be getting it," Krause said. "You can see the difference in school attendance where it is served."

Traveling 350 miles by Jeep in northern India, Krause saw Indian children prepare their own lunches, mixing CSM with local spices, including curry, to make tiny balls called peccorah which were then fried in soybean oil. Some schools, he said, have a cook who works one hour a day for 24 days a month for a total salary of \$1.

According to Krause, CSM is the mainstay of relief projects in Nigeria and Biafra and the child nutrition program administered by CARE in India. But it is equally acceptable as a food in South and Central America, where the product is easily made into tortillas.

TESTED IN U.S. TOO

Such adaptability is only a start. Krause Milling conducted a four month experiment in four southern counties in three states last winter. About 20,000 persons in Chambers County, Ala.; Vance and Cumberland Counties, N.C.; Lake County, Fla., were each given one pound of CSM a month.

Working with local extension services, people in all but Vance County also took part in a nutrition education program. Used as a control, Vance County simply gave its people a recipe book and the CSM.

In reviewing questionnaires after the test, Krause found that even without further instruction people had used the product. The point of the experiment was to find out whether, without education to its use, the product would be used by welfare recipients. It was.

In fact, E. W. Williams, assistant to the chairman of the board of Krause Milling, said there were many very irate people when the test ended and people could no longer get CSM.

NOT ON MARKET

During the four months they had the food, people learned to use it as filler for meat loaf, to mix it in salisbury steak, to add it to soups and chicken pot pies, to mix it with flour for biscuits, hot breads and coffee cakes, for pancakes, as a hot breakfast cereal, in a chocolate cream dessert and in oatmeal raisin and peanut butter cookies.

They also sprinkled it over salads and thickened gravies with it. People were invited to experiment with recipes of their own and report the results.

CSM is not marketed in the U.S.

Krause appeared at hearings of the Senate Committee on Agriculture and Forestry on May 23, 1969, pointing out how experiences overseas could be used to immediately improve the nutrition of people here at home. He called—CSM a fast and economical way to provide better nutrition to the 12 million Americans who need free food and the 14 million who need partial food assistance.

Krause said that present long range goals of ending hunger and malnutrition and accompanying physical and mental retardation of children could be accomplished in months, at cost levels now being considered for doing only part of the job. He also told the senators that "we believe it can be made available in appropriate packaging for domestic distribution at less than 10 cents a pound."

COULD BE DISTRIBUTED

As soon as survey results are completed, Krause said, he and Williams will talk to representatives of the Food and Nutrition Service of the Department of Agriculture about having CSM added to the list of 22 food commodities distributed by the department. Such foods as canned meats, fruits, fresh vegetables are now on the list. CSM

would be the first convenience food to be so distributed.

About a year ago, when a local television station showed pictures of a ship being loaded with "a high protein food" for shipment to the world's hungry people and mentioned Krause Milling's name, the company was swamped with calls and letters, Williams said.

Welfare recipients wanted to know why it was shipped to hungry people overseas, but was not available in this country. Extension home economists asked about its availability and were so impressed with the samples they received that they introduced it in their instruction program for welfare recipients, even though it can't yet be obtained here.

POOR, AGED CALLED

Low income people who are having trouble stretching their food budgets called and wrote. One mother asked tearfully about "the feasibility of supplementing canned meat dog food with CSM to obtain adequate nutrition for her husband and children," Williams said. The elderly, on small pensions or Social Security, couldn't understand why a product made here and needed here was only available elsewhere.

There were calls also, Williams said, from people who have no income problems, but are concerned with family nutrition.

Williams said that Krause Milling is not geared to marketing its product here, that it has no retail sales outlet. Acceptability of the product in this country was one of the things the company wanted to find out in its Southern test, before proceeding with any plans to market CMS in this country.

The interest is there, Williams said, and "we know this will do the job—and right now. It's a new food concept. You can't treat it like cornmeal or anything else on the market. It doesn't behave that way."

TRIED IN SCHOOLS

CSM was used experimentally last semester in six elementary and secondary school lunchrooms, according to Miss Mary Kelly, a supervising dietitian for the School Food Services Division of the Milwaukee Public School System.

They started with one school, Miss Kelly said, using basic recipes in the booklet, compiled by home economist Mary Ellen Oetzel. They adapted the recipes to quantity cooking. Then they began to substitute CMS in recipes calling for cornmeal. As recipes were worked out, five other schools were brought in, each testing as they went along and eventually comparing recipes.

Thomas J. Farley, director of the Food Service Division of the Milwaukee schools, said that testing is a steady ongoing thing, that until now CMS was meant for use in home cooking and that adapting it to such huge quantities is a problem in production. "What we want to come up with is a nutritious delicious cookie, much better than hollow carbohydrates."

The acid test for any food, he said, is the way it is accepted by the clientele, in this case, the students. So far, he said, approval has been fairly good, but they are still working on it.

Krause said that the company is extremely optimistic after the southern tests. "All reports indicate the product is gaining growing acceptance as people find out what it does," Krause said. "They like it."

President Nixon last month appointed a high-level committee to make an immediate study of the fuel situation and recommend whatever measures it believed to be necessary to prevent any real shortages during the coming winter and, also, to make some long-range projections, for the next 5 years.

This committee, headed by Dr. Paul McCracken, Chairman of the Council of Economic Advisers, today reported on its findings.

In the meantime, I am advised that the petroleum industry has been making plans of its own to see that no one suffers this winter and that all home heating, industrial, and utility needs will be taken care of.

The National Petroleum Council just recently released its own short-term fuel oil outlook and its recommendations at the request of Assistant Secretary of Interior Hollis Dole.

The letter of request indicated that the Department of Interior had been closely monitoring the U.S. energy market for fuel oils since the interruptions in world oil flows beginning in May 1970, and that there had been no clear indication that supplies of residual and other fuel oils, from either domestic refineries or abroad, could meet rising market requirements foreseen. In this light, the Department requested of the National Petroleum Council an appraisal of the prospects for demand and supply of distillate and residual fuel oil for the fall and winter of 1970-71, as well as its views as to general alternatives available to the Government and possible actions which might be taken individually by various segments of the industry to alleviate the situation.

The National Petroleum Council Committee on Fuels was established under the chairmanship of Mr. Warren B. Davis, director, economics, Gulf Oil Corp., and the cochairmanship of the Honorable Hollis M. Dole. The 22 members of the Committee were selected on the basis of their training, experience, and general qualifications to deal with the matters assigned, which included petroleum industry economics, supply and distribution, production, refining, transportation, and marketing.

The time permitted to organize this committee and to prepare this report—20 days—restricted the committee to an analysis of essentially published data available at the time the request was received and severely limited the degree to which data could be thoroughly checked and evaluated. It was impracticable to attempt in depth industrywide surveys to acquire more recent or detailed statistical data or information. Time was sufficient, however, to permit the development of a consensus as to the validity of judgments based on historical data.

The McCracken Committee working with other Government agencies and the oil policy committee headed by Gen. George A. Lincoln, Director of the Office of Emergency Preparedness, undoubtedly used the National Petroleum Council report to good advantage and I am confident that the petroleum and coal industries whose members worked so as-

siduously on the investigation are fully capable of meeting the energy shortages brought on by events of the past several months in the Middle East and other factors.

It is, indeed, comforting, Mr. President, that we have a petroleum industry that is capable of handling an emergency like the one that has developed largely because of Federal policies—wellhead pricing of natural gas and overdependence on foreign residual oil that is now in tight supply.

I am also confident, Mr. President, that industries as competitive as the petroleum and coal industries will meet the basic energy needs of the Nation and meet them without any unnecessary price increases.

The petroleum industry is, in fact, the only industry capable of providing the energy to make America run. Industry spokesmen will, I am sure, now dispel any doubts about the ability of the industry to provide this energy where and when it is needed and, as it has in the past, provide it as reasonable prices.

I have no doubts that the fuel needs of New England and other parts of the country will be met this winter.

I do hope, though, that the near energy crisis the petroleum industry must now cure will convince some of the detractors of the oil and gas industry that the most dependable source of energy is the energy we control and have ready access to in this hemisphere, and not that produced, no matter how cheaply, in countries whose governments may turn hostile overnight and whose terrorist tactics may next be directed to American oil companies who have developed and still produce most of the foreign oil we import.

Mr. President, it is time for statesmanship on the part of Federal and oil company officials as well as those who have made a political issue out of an impending fuel shortage.

It can and will be handled and I hope some lessons about the future and long-term energy needs of our country will be learned in the process.

Mr. President, I ask unanimous consent that the report on the fuel situation released jointly today by Dr. Paul W. McCracken, Chairman of the Council of Economic Advisers, and Gen. George A. Lincoln, Director of the Office of Emergency Preparedness, be printed in the RECORD.

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

STATEMENT BY PAUL W. McCRAKEN, CHAIRMAN, COUNCIL OF ECONOMIC ADVISERS, AND GENERAL GEORGE A. LINCOLN, DIRECTOR, OFFICE OF EMERGENCY PREPAREDNESS ON THE FUEL SITUATION FOR THE WINTER OF 1970-71

Last May, in anticipation of the tight electric power supply in some regions of the United States this summer, the Interagency Power and Energy Committee convened by the Office of Emergency Preparedness issued a report which identified the problem areas and suggested measures which the electric utility industry, consumers, and the appropriate agencies of the state and federal government should take to avoid a breakdown in service. The power supply problems in the

THE FUEL SITUATION THIS WINTER

MR. HANSEN. Mr. President, there has been a great wave of speculation in recent weeks as to just how serious the U.S. energy crisis is and whether some of the powerplants in the Northeast will be able to obtain sufficient fuel to keep operating during the winter.

East occurred as anticipated but the contingency planning—primarily by the electric power industry itself, but assisted by federal actions—enabled the general public to continue to be served. We have had difficulties this summer, and as recently as last week, but considering the magnitude of the problem and the potential for truly disastrous consequences, the contingency planning has worked well.

We have continued to study the energy supply situation and find that as winter approaches the nation faces a potential shortage in the supplies of natural gas, residual fuel oil and bituminous coal. The potential shortage appears to be more serious in some regions of the country than in others, but no section is completely immune from concern.

The prospect of an energy shortage arises for many reasons. Demand for energy continues to grow more rapidly than in previous years. And the demand for clean fuels to meet air pollution controls has placed extraordinary demands on natural gas and low sulfur oil and coal. Some coal stockpiles are lower than normal and some electric utilities are unable to build up their inventories, in part because of railroad transport deficiencies. A sharp rise in the worldwide demand for residual fuel oil, especially low sulfur oil, and a shortage of oil tankers caused in part by production cutbacks in Libya and interruptions of an oil pipeline in Syria, have contributed to the tightness in U.S. fuel oil supply. Increased demand and inadequate exploration and development for natural gas are contributing to its scarcity. Nuclear power plants under construction as a source of electric power are behind schedule and this results in greater demands for fossil fuels.

To avert the threatened shortages and minimize their impact will require the combined efforts of all those involved in the production, distribution and consumption of fuels—which means industry, labor, consumers, and State and local governments, as well as the Federal Government. Basically, we rely upon the proven adaptability of the American economic system which must respond to the present and prospective demands for fuel by converting to the production of what is most needed and its delivery where it is most needed. The increased national requirements, and the changes in the price structure that arise from them, provide a powerful incentive to this adjustment of supply, which is in fact already taking place. We call upon the petroleum industry, the coal industry, the railroad industry and others, in the light of the national need, to increase the supply of fuels, as is made feasible by economic factors. We also ask the cooperation of the coal miners, the railroad workers and other fuel and transportation workers to help avert a fuel shortage.

While primary responsibility for fuel supply rests with the industry under our private enterprise system, responsible government should take effective action to avert a shortage of so critical a resource.

It must be recognized that solutions in which the government can play the greatest role are more long-term in nature. Those possibilities are under study by the Energy Subcommittee of the Domestic Council. For the moment we have considered what government can effectively do now—this fall—to facilitate supply.

We have concluded that certain actions by the Federal Government can help both to assure the adequacy of supplies and thereby to moderate the increase of prices. We are, therefore taking the following actions which we believe are necessary to give reasonable assurance of the adequacy of fuel supplies this winter. In view of numerous uncertainties, no one can now be sure that these steps will be adequate. We will keep the situation

under continuous observation to be prepared with further measures if they appear to be necessary.

(1) Action is being taken to:

a. Continue the importation through calendar year 1971 into the East Coast (District I) of an average of 40,000 barrels per day of No. 2 fuel oil with up to 80,000 barrels per day concentrated in the first quarter heating season.

b. Exempt natural gas liquids from the Canadian crude oil quota limitations. (These natural gas liquids are associated with the production of natural gas which we are importing from Canada.)

c. Permit the importation of liquified petroleum gas from the Western Hemisphere.

d. Permit topping of imported crude oil used for fuel into District I (East Coast) if all of the topping is used for fuel.

e. Permit topping of crude oil imported for fuel overland from Canada and the use of such topping product for fuel or for reexport to Canada.

f. Relax restrictions on viscosity requirements of crude oil used for burning.

g. Permit transportation of oil from Canada by waterway.

(It should be noted that, for all practical purposes there are currently no restrictions on importation of residual oil into District I (the East Coast) or on importation of crude oil for burning into District I and overland from Canada.)

(2) In order to increase the availability of railroad cars for moving coal, the Interstate Commerce Commission has doubled the demurrage charge for all general service and coal hopper cars standing idle in loading or unloading zones. In addition the ICC will take the following actions as conditions require:

a. Divert the use of general service hopper cars from alternative loads to the movement of coal; and

b. Require the return of all hopper cars within a specified period of time.

(3) We will continue to work closely with the electric power industry through the Federal Power Commission along the lines of our program for the summer to assure that interruptions in electric service are minimized. We urge the State and local governments to meet with the utilities in their respective service areas to review contingency plans for meeting loads this winter in those areas of tight supply identified.

(4) We are continuing to urge the consuming public to practice conservation in the use of energy. The Special Assistant to the President for Consumer Affairs will issue suggestions to the public for doing this. Federal agencies will set an example by instituting programs to conserve fuels in federal installations.

(5) We are establishing a Joint Board composed of the Director of the Office of Emergency Preparedness (Chairman), the Secretaries of Interior and Commerce, and the Chairmen of the Council of Economic Advisers, the Council on Environmental Quality, the Interstate Commerce Commission and the Federal Power Commission, to identify emergency problems in fuel supply and fuel transport and coordinate prompt and appropriate remedial action by the responsible federal agencies.

These steps are in addition to a number of measures already taken, or in the process of being prepared for implementation, to use the transportation and power systems more efficiently and respond to local shortages.

Appropriate federal agencies will be meeting with State and local authorities to discuss this winter's problems in detail. We also expect to maintain close contact with the energy industry in order to assist in averting shortages.

We are taking the actions announced to-

day to avert serious shortages. We believe that with the cooperation and initiative of industry, labor, and consumers an energy crisis can be averted. There are certain other measures we have considered. And, if the measures taken today together with the initiatives of industry fail to avert a crisis, we shall not hesitate to resort to any additional actions necessary.

THE SST AND OUR ENVIRONMENT

Mr. EAGLETON. Mr. President, on Sunday, September 13, 1970, the Senator from Wisconsin (Mr. PROXMIRE) appeared on "ABC's Issues and Answers" with Mr. William Magruder, the Department of Transportation's Director of Supersonic Transport Development.

As I read the transcript of that program, I felt that the program dealt with several of the issues involved in the SST program in a way which would be informative to the Senate.

Much of the discussion during the program involved the possible environmental effects of the SST. I ask unanimous consent that the transcript of that program be printed in the RECORD.

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

ISSUES AND ANSWERS

Mr. BERGMAN. Gentlemen, will the SST pollute the earth's atmosphere?

Senator PROXMIRE. Well, we don't know that. There is the real possibility that it may. Some of the outstanding scientists in this country are very emphatic in saying that it will. It could pollute the atmosphere by increasing cloudiness, by increasing smog, by increasing the temperature and most dangerous of all some scientists say it could increase the ultra violet radiation on the planet. It could damage plant and animal and even human life. And of course there is also the noise pollution problem which is serious too.

Mr. MAGRUDER. Well, in answer to that, I would say I don't know who these "some scientists" are, Mr. Bergman. But I have gathered some of the Free World's top scientists in this area to advise the Department of Transportation on these subjects. I have submitted all of these possibilities of pollution to these scientists and to a man they advised the Department of Transportation there is no reason to not proceed, and there is no reason to delay the SST program because of these concerns.

The available data to date indicates no danger of significant pollution of the environment from a fleet of SST's operating in the late 1970's and 1980's. Now there are some needs for more data and we always need that in the scientific community so I have gathered these scientists together in a very significant research program which will cost some \$51 million, so that before we go into production—and the government is only talking about investment in two prototypes at this time—and before we go into production we will have the kind of answers that will assure the public of no degradation in the environment. And as a matter of fact at this point in time I know of no scientists anywhere in the Free World who will say there is fear of a serious degradation of the environment from a fleet of SST's.

Senator PROXMIRE. Of course, what Mr. Magruder is saying is that we ought to go ahead and spend \$290 million on a gamble because the scientists don't know. The fact is that some of the most eminent scientists in the world met at Williams College only

about a month ago and they expressed their very deep concern that our environment could be polluted. If it is polluted, Mr. Magruder and the people in the Transportation Department say we will scrap the whole thing. Well, that is not much comfort for the taxpayer who will be required to spend \$290 million on that this year and that \$290 million, incidentally, is about the same amount that we spend this year for the whole country on vocational education.

Mr. MAGRUDER. Let me interrupt for just a moment. You mentioned the MIT conference in Williamstown at Williams College. That has been a very widely misunderstood conference, so much so that the Chairman of that Council wrote me a letter expressing his concern and even anger at the way that college result is.

"That very eminent group of scientists issued a statement clearly saying to me, the Chairman, they had no idea in mind that anybody should or that they would recommend slowing down or cancelling the SST program because of concerns of the environment. We are all concerned. There are many things about the environment that we don't know and should do better. The SST is the outstanding example of an 18-year program from its very inception that has taken the environment into account, starting in 1960."

Senator PROXMIRE. Let me just ask you, Bill. Why are you spending \$51 million this year? \$51 million is a lot of money for the taxpayer to have to pay. If there weren't some concern on your part about the environment, I am sure you would not ask to spend that amount of money. \$51 million is a lot.

Furthermore, even if everything works out and if we find this will not pollute the environment, \$290 million this year, \$1.3 billion, which is the Transportation Department's estimate, and I think it could go to two or three billion dollars, as you said at the beginning of the program is something which is a frill, something which after all will simply permit people to fly from New York to Paris a little bit faster, or fly over to Tokyo a little bit faster. It seems to me our priorities are badly misplaced when you recognize—let me make just one more point. This year we are going to spend \$105 million to combat air pollution, and \$290 million on the SST to increase it. Now, does that make any sense?

Mr. MAGRUDER. Yes, I would like to answer that. It makes a lot of sense. I did not have the privilege of voting for our illustrious Senator here today because he comes from a different state than I do. But when I vote, I vote for elected officials that look ahead and I don't know what the people were doing in the 1960's that gave us these problems today that are so serious, and we are concerned about them.

Senator PROXMIRE. We should have looked ahead.

Mr. MAGRUDER. You should have looked ahead. I am glad you said that because I agree with that. The SST is an 18-year look ahead. It has nothing to do with the priorities of the '70's. The SST is going to give this country not less than \$22 billion in balance of trade which is going to help us have a healthy economy.

Senator PROXMIRE. The Treasury Department and the Joint Economic Committee both argue that from the standpoint of our balance of payments, this is likely to come out negative. They said that before the President made a decision, then they were free to make their own determination independently. Once the President made his decision, they got back on the team and said "Well, whatever the President said, we will go along with and we will modify our position."

Mr. MAGRUDER. In other words, as long as they say something bad, you agree with them, and as long as they say something good, you don't agree with them.

Senator PROXMIRE. Well, I am certainly

going to evaluate what they say in terms of whether they say it when they are free to make a recommendation to the President, but after the President has decided—by our President of the United States, my Secretary of the Treasury would have to agree with me or get out and I think the Secretary of the Treasury recognizes this.

Mr. MAGRUDER. I don't think there is any evidence that the Nixon Administration has put a clamp on anybody and certainly the things that have happened in his cabinet to date indicate that that is a free administration. They speak out. Last year they put in your hands an ad hoc report which was quite critical but some things have changed.

Senator PROXMIRE. It was indeed. The President's decision was a big change.

Mr. MAGRUDER. The President's decision—let's go back on that. Since J.F.K., John Kennedy authorized this program in 1963, there has been 24 appropriations committees and special congressional committees that were not beholden to anybody all approved this program over a period of seven years.

Senator PROXMIRE. Let me point out that what J.F.K. said, what President Kennedy said was we will not under any circumstances spend more than \$750 million on the SST.

Mr. MAGRUDER. But that is not all he said.

Senator PROXMIRE. Robert Kennedy, who carried on, of course, for the President so well before he was assassinated, one of the last acts before he was killed was to join me on the floor of the Senate to fight the SST because he said our priorities are wrong. We are spending our money on flying overseas and speeding up the time a little bit when there are so many things to do here on earth and pollute the environment at the same time.

Mr. MAGRUDER. Senator Proxmire, you just said you did not look far enough ahead in the 1960's to U.S. problems in the seventies. The Commerce Department, the Treasury Department, the Council of Economic Advisors, everybody in the government. Have you ever been able to get the government to be completely unified on any one subject as they are on the SST and they are looking ahead to the priorities of the eighties. This is the single biggest revenue, national revenue-earner that the Commerce Department can identify in the eighties.

Senator PROXMIRE. The answer to that is because the President spoke out, they are on the President's team. The independent scientists do not agree with this at all.

Mr. MAGRUDER. The independent scientists do agree with this. I beg your pardon.

Senator PROXMIRE. The position taken by the scientists up at Williams College, the 80 scientists there—

Mr. MAGRUDER. The panel said clearly environmental hazards are not significant enough to delay or to halt the SST, but let me finish. Let's talk about the priorities of the eighties.

Senator PROXMIRE. All that study on research but certainly not going ahead with the prototypes.

Mr. MAGRUDER. In the 1980's this program will give \$6.5 billion in national revenues to taxes, the constitutional way to get them. It will pay back everything the government has invested, plus \$1 billion in profits—let me finish. It will provide 150,000 jobs. I might add in your state alone almost \$500 million worth of business potential on the production potential of the SST, which should be a very happy thing for Wisconsin.

Senator PROXMIRE. There are so many ways we could spend this kind of money and get far more jobs and a far better return. Housing is one. Housing is in desperate straits. Any time you spend \$1,300 million you are, of course, going to create jobs. But let's find out—

Mr. MAGRUDER. But housing absorbs revenues and the SST generates revenues in the eighties.

Senator PROXMIRE. Housing is going to gen-

erate revenues and generate jobs. We have ten or eleven per cent unemployment in the construction trades now and we need those jobs badly and the President has vetoed a housing bill, but goes ahead with a supersonic transport. It just does not make sense.

Mr. BERGMAN. Gentlemen, let's continue this debate in just a moment. We will be back with more issues.

Mr. BERGMAN. Gentlemen, you have been debating the merits of the SST program. I wonder from the standpoint of the average citizen, I have heard a lot of comments saying why does the government have to get involved with this? Why not let the airlines develop their own airplane? Mr. Magruder.

Mr. MAGRUDER. Yes, the SST program is an investment on the part of the government. All of the airlines have written me letters not saying they want it but that they need it and the reason they need it is they need productivity about every five to six years to keep their costs down, their revenues up and give the flying public a break on fares.

It is not widely known, but in 27 years the airlines have provided the traveling public, which is over 25 million passengers today, and as a matter of fact it is going to be 50 per cent of our public in the 1980s of whom some ten per cent will be traveling internationally on SST routes. They are traveling today five per cent cheaper than they traveled some 27 years ago primarily because this marvelous industry, the aviation industry and the airlines, have always demanded this more productive, this more efficient means of travel about every five to six years.

Senator PROXMIRE. But why is government money needed?

Mr. MAGRUDER. The reason the government must add some money in here, the SST is faced with a challenge from abroad. The SSTs are not coming; they are already here. Three other nations have invested \$4 billion in the SST. This morning I spoke with the chief test pilot of the British Concorde. They will be flying at 1400 miles an hour within the next two weeks. They have already demonstrated 1100 miles an hour. Some 13 nations have anted up money in this country—excuse me—13 airlines, for 122 orders. Those orders have risk money but no single company or consortium of companies can tangle with the economics of financing a supersonic transport. Indeed, in Europe it took France and Britain to do it. If we default on the SST, we will be defaulting on the fleet leader and for the first time in 40 years this country will not be offering a complete family of airplanes to the commercial operators of the world. We are being challenged on a \$100 billion business and, make no mistake, if we default—and I have 15 years' experience in this business—if we default on the fleet leader all those other airlines of the Free World will look to other places to buy their equipment. This is many jobs, not just a few jobs, and it is in every state in the United States. There is a lot of money at stake.

Senator PROXMIRE. May I answer that? To listen to Mr. Magruder, you would think what happened in the last 20 years has been based on government subsidies of commercial aircraft production. The fact is that the reason we are a leader is because the government has not put its bureaucratic hand into subsidizing aircraft production. This would be the first time in which we would depart from that very, very sound principle. As a matter of fact, in the '50s, Senator Moneymaker got a bill through the Senate that would have had the government subsidizing subsonic jets. Fortunately the House had the wisdom to reject that. The result is that we are dominating world aviation. It is operated on a private enterprise basis and it should continue.

Furthermore, as far as the airlines being willing to do this, for one thing, they are not putting up most of the risk money. The risk money is being put up by Uncle Sugar—might be called Uncle Sap in this case—Uncle Sam is putting up most of it.

Mr. MAGRUDER. What is the percentage?

Senator PROXMIRE. The percentage is that 75 percent to 90 percent of the development costs are being put up by the federal government. Furthermore, the million dollar down payment that the airlines are putting up per plane amounts to only two and a half percent, which is only half of what they are usually required to put up. When the airlines were asked by Senator Case at a hearing only a week or two ago whether they couldn't put up more money, they said "Senator, I wish you would not ask that question," because they don't want to put up more money and they wouldn't. This is an indication of the money they have put up they have put up under pressure from the FAA which grants of course all of the airline routes. It has been put under the circumstances of the federal government risking most of the money and in the situation where we only sell 140 SST's instead of the 500 which they hope to sell, Uncle Sam would lose almost all of his investment and the airlines would make money out of it. In that kind of proposition of course you can get the airlines to put up some.

Mr. PETERSEN. Mr. Magruder, isn't one of your contentions that the government has already paid for the 707s and subsonic airplanes, through other military developments?

Mr. MAGRUDER. Yes, I am not surprised that the Senator, who has not been in aviation, is ignorant of how the 707 and the jets and the previous commercial airplanes got started, but literally the entire commercial jet fleet was an off-the-shelf development from the B-52 program, identical engines, the same 75 ST aluminum, all of the components, all of the aerodynamics came right out of the military program.

In the case of the SST here and abroad that is no longer true, and I know quite a bit about the military airplanes in existence today.

As Dr. Ray Bisplinghoff has said, at the unit of Engineering at MIT, the SST represents the focal point in aviation for the future and our Secretary of Defense, Melvin Laird, recently wrote a letter to the President saying it is essential for the SST to go ahead; that the fallout into the military as well as the national benefits from trade balance, from jobs, from the revenue from taxes, is such that it is essential to go ahead with this program.

I want to make one other point. This is not a subsidy. The Senator used that word rather loosely. Every penny of the investment of the government in the development is going to go back to the Treasury and by the time we sell 500 airplanes, that is a very conservative market estimate. Some estimates are as high as 800 to 1,000 airplanes and the British and French estimate they can sell, without a U.S. SST, over 1200 Concorde. Then the profit to the government directly is not less than a billion dollars, not including the \$6.5 billion from taxes, 150,000 direct and indirect jobs and not less than \$22 billion in trade balance. This is truly a national effort program which is in the free enterprise system.

Senator PROXMIRE. Now, let me answer why this is not in the free enterprise system, with the government putting its money in.

For one thing, the argument that we would put in, that the Federal Government would put in this development—let me take the first point first, which Mr. Magruder has made.

When he said that you couldn't get fall-out from the military experimentation and military expenditures that would benefit the SST, he ignores the fact that the House

passed this year \$100 million for a supersonic bomber. The Senate put in \$50 million for it. We are developing a supersonic bomber. A great deal of the information from that would, of course, be usable in the SST.

Mr. MAGRUDER. Can I prompt you that it is an aluminum airplane that flies at lower speeds than the SST?

Senator PROXMIRE. Sure it is an aluminum airplane, just as the Concorde is an aluminum airplane, but it may well be that they will find further as they have found already with the SST, as the generations progress, which has happened with the SST, they will move into a perhaps different kind of—let me just finish on your argument that you said this is not a subsidy. Let me get back to that.

Some of the economic analyses I have seen is that we will not sell 500 planes; we will sell less. If we sell less, the government will lose money and a lot of it. If we sell 500 planes and it works out perfectly, what does the government get back? You know what the government gets back? They get back their investment with a 4.3 per cent interest, although the government has to pay 7 and 8 per cent for their money now. In other words, the government cannot come out whole on this. No matter what happens, it is going to lose. The contract is a contract which will benefit the airlines. They can make substantial sums, 15 per cent or 20 per cent return, but Uncle Sam cannot get that back.

Mr. MAGRUDER. I notice the Senator is noted as a fairly liberal thinker. I don't think that he would want the United States Government to go into competition on an even-Steven basis with private enterprise.

Senator PROXMIRE. I don't want them to get into this at all.

Mr. MAGRUDER. If you take the payback of a billion dollars in profit and the \$6.5 billion in revenue from taxes which is the constitutional way the government gets its revenue, then you will find a very healthy 17 per cent return on investment; not to mention the technical fallout; not to mention the \$22 billion in trade balance, and these are the things that are going to under-gird our economy in the eighties so we can take on whatever the priorities of the eighties are.

I hope they are not housing, education, welfare, transportation and pollution.

By the way, speaking of pollution, I would like to say again we have complied with the Act on the environment last week, paragraph 102, which was submitted to Chairman—

Mr. BERGMAN. Mr. Magruder, I think we are getting into a new area and let's make sure we have enough time to cover it.

We will be back in a moment, Senator, with a few more issues and answers.

Mr. BERGMAN. Mr. Magruder, will the SST meet the government's new environmental quality standards?

Mr. MAGRUDER. Yes, it will, Jules. We have recently complied with the Environmental Act by issuing the response to paragraph 102 (c), and I might add that Secretary Volpe has committed me in my job description and has said so publicly, if there is any reason why environmentally, technically, economic or financial resources reasons not to go ahead with the SST—and the facts show that—then we will so advise the Congress and the President. At this moment all of the facts, backed up by labor, 15 million members of labor, backed up by all of the airlines, including foreign airlines, backed up by the entire business community, the National Chamber of Commerce have said for example that the national benefits of the SST looking ahead to the '80's are so overwhelming that we should proceed with this program. Let me assure you we are only talking about two prototypes to prove the feasibility, to assure the public that there will be no environmental degradation. That is why I have done the research

program and that is all clearly outlined in our response to the Environmental Act.

Senator PROXMIRE. The trouble is once you get big labor involved, big business involved, profits involved, jobs involved, you get an interest group which has great force. I found this again and again in 13 years in the Senate. The fact is the polls I have seen conducted by a number of Members of Congress, including myself, the polls conducted by public educational television, show that 90 percent of the American people are opposed to the SST. Yet it gets through. The reason it gets through is because these interest groups are organized and they operate and they operate very effectively.

Now let me get back to one other point that was made by Mr. Magruder, in which he said that the federal government is going to get its money back, that it is practically assured. If this is so sure, why in the world don't the airlines and the aircraft manufacturers handle it? The fact is in the production phase far more money is going to be required. This is only \$1.3 billion so far with some additional money, a little additional money from the aircraft manufacturers and the airlines. When you get into production it is billions and billions of dollars. They assure us at this stage you wouldn't need federal money.

Mr. MAGRUDER. Would you like me to answer that question?

Senator PROXMIRE. Yes, I sure would.

Mr. MAGRUDER. I have conducted reviews with all of the key people in Wall Street and will be leaving in a week to go to the West Coast to talk to the Bank of America people. We already have the two essentials in the free enterprise system for public sector of financing to step up. We have a willing buyer. They have \$81 million and the airlines are on this program and \$59 million is risk money. We have a proven product because Secretary Volpe has said this is just a prototype program. We are not talking about going into production. Normally in the U.S. system that would be enough to bring all of the financing to the table that you need. However, at the moment we have a depressed economy in the manufacturing and in the airlines. We must turn that around. So I have met with the labor leaders. I have met with the regulating authorities, I have met with the airlines, the air transport people as well as the manufacturing people. We must do the things to make this country have a healthy air transport industry or we will have a much more serious problem in the '80's than you can foresee now and it is much more serious than just the financing. If we can have a healthy, profit-making air transport manufacturing business by the middle '70's, I have the assurance of most of the financial system with a willing buyer, a proven article and a healthy industry we should have no trouble getting people to step up to the price stand.

Senator PROXMIRE. I say we have had a healthy aircraft industry, an aircraft manufacturing, airline industry; the healthiest in the world. It is far better than these foreign countries where they subsidize their airlines or do virtually all of the work. I say this is a proven system. It works and this is the system we should rely on. To the extent that the marketplace decides that the SST is not commercially viable, the marketplace will say so. We wouldn't build it. To the extent it is, we will go ahead with it. That is the way America succeeded in the past in the airlines industry and the aircraft industry and this is the way we should continue.

Mr. PETERSEN. Is the Senate going to approve the \$290 million appropriation to continue with SST development?

Senator PROXMIRE. Roger, this is a very tough one. We have lost and lost by big margins before but we have had a very interesting number of shifts. We have had a

number of conservative Republicans who voted for this who tell me they are going to vote against it and they have said so on the floor. We have had some liberal Democrats who have shifted over. I think the main problem we are up against, in addition to the interest groups which are so forceful and so effective and so well organized, the main problem we are up against is the fact that you have two mighty potent Senators from the State of Washington. You have Senator Magnuson and Senator Jackson. If you want two arguments against the SST, there they are right there in terms of power. I think if we could vote strictly on the merits there is no question in my mind that this has a much lower priority than the law enforcement protection that gets less than \$290 million, than vocational education that gets only the same amount, or in air pollution or in any of these other areas.

Mr. MAGRUDER. I would like to say this kind of treatment where we are being advised by our elected officials to look back over our shoulder and not look ahead is probably going to default probably the most important industry, single industry, we have in this country. We have always had government help in the development of our civil transports.

As I pointed out, the jets only got started because of a \$2 billion investment in two prototypes on the B-52. We are being challenged from abroad. If we don't have more productive airplanes in the future, we are going to have congestion in the skies.

Mr. BERGMAN. Gentlemen, we could go on for hours, but we are out of time. Thank you very much, Senator Proxmire and Mr. Magruder, for being with us on Issues and Answers.

Mr. EAGLETON. Mr. President, on August 27, 1970, Senator PROXIMIRE reviewed the several expressions of concern by administration representatives and informed citizens about the environmental implications of the SST in his statement before the Subcommittee on Transportation of the Senate Appropriations Committee. I ask unanimous consent that this portion of the Senator's statement of August 27 also be printed at this point in the RECORD.

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

ENVIRONMENTAL IMPACT—AIR POLLUTION

I turn now to another aspect of potential environmental impact from the SST, that of water vapor and jet contrails in the upper atmosphere. Last year the President's Ad Hoc Committee to Review the SST spoke of possible cloud formation, and even weather modification, from the regular use of 400 SSTs flying 4 flights a day. The Committee warned of "a significant increase in cirrus clouds," and of "a significant increase in the relative humidity from a fleet of SSTs." It also cautioned that these effects could "alter the radiation balance" and possibly affect "the general circulation of atmospheric components."

That was serious enough. It was of concern. But it evidently was not enough to persuade Congress to reconsider development of the SST.

This year, however, the President's top environmental adviser has alerted us to something potentially far worse than the mere formation of a few clouds, or a change in the global weather patterns. Russell Train, Chairman of the newly-formed Council on Environmental Quality, told the Joint Economic Committee earlier this year that the water vapor emitted by the SSTs flying at 60,000 to 70,000 feet "would react so as to destroy some fraction of the ozone in this

part of the atmosphere." The effect of destroying the ozone, Chairman Train said, could be "that the shielding capacity of the atmosphere to penetrating and potentially highly dangerous ultraviolet radiation is decreased."

Subsequently, the Committee asked Dr. Gordon MacDonald, also a member of the Environmental Quality Council, about the importance of the protective layer of ozone and what would happen if it were destroyed. Dr. MacDonald's reply was chilling:

"Well, let us suppose that through some other means you stripped the ozone from the atmosphere and exposed the surface to the full force of solar ultraviolet. This would effectively wipe out life, except in the oceans, anything that would be exposed."

Subsequent to the Joint Economic Committee hearings, the Department of Transportation sought to assure the public that there was little to worry about. The Department said that "only" seven percent of the ozone might be destroyed by the SSTs, and that in any event, the Department would do research in an effort to control the SST's impact. "Only" seven percent! Is the Department asking us to trade 100 percent protection against ultraviolet radiation which could "effectively wipe out life" for only 93 percent protection? Can any project—let alone a project which benefits less than half of one percent of the population—justify toying with the environment in this fashion?

It is hardly any wonder that a group of top scientists and government officials of very considerable prestige who met at Wilmot, Massachusetts this summer to consider environmental problems, expressed great concern over the SST project:

"A feeling of genuine concern has emerged from (our) conclusions. The projected SSTs can have a clearly measurable effect in a large region of the world and quite possibly on a global scale. We must emphasize that we cannot be certain about the magnitude of the various consequences."

Mr. Chairman, how much more do we have to hear? These are responsible individuals who are talking of "altering the radiation balance", of an "effect on a global scale", and who are talking of something which could "effectively wipe out life". Shouldn't these warnings at least put us on notice that we should postpone development until we get some answers to these questions?

Mr. EAGLETON. Mr. President, subsequent to that statement and, indeed, 4 days after the ABC program was aired, the executive committee of the Federation of American Scientists expressed the federation's strong opposition to continue Government expenditures on the SST. On the point of possible upper atmospheric effects, the federation said:

The dangers of pollution of the upper atmosphere, even if in fact quite serious, could not be researched and resolved in a sufficiently decisive fashion to prevent an economically plausible SST from being produced and used. Now is the time to protect the environment.

Mr. President, at one time I took some momentary comfort from the administration's statement that the environmental effects of the SST would be thoroughly investigated. The SST program deferred or abandoned if good cause appeared from those investigations. Upon reflection, though, I saw that the environmental stakes involved in this controversy may be so high that a fall-safe philosophy should be followed—that we should not proceed with deployment of a fleet of SSTs until the SST is proved to be environmentally safe.

Now I find that a distinguished body of highly qualified scientists believes that the time to protect the upper environment, and indeed the population of the earth, from the potential environmental hazards of the SST is literally now or never—that there is no fail-safe approach to development of the SST.

Mr. President, I ask unanimous consent to have printed in the RECORD the September 17, 1970, statement of the Federation of American Scientists in opposition to continued Government funding of the SST prototype program.

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

FEDERATION OPPOSES THE SST

The Federation of American Scientists believes continued Government expenditures on the supersonic transport (SST) are a distortion of our true priorities. Even if the prototype program were successful; even if the business community could then finance the production phase; even if the SST were then found to be economically profitable; even if the SST eventually returned the Government investment; and even if the SST did no harm to the environment; the Federation would still find the project a serious misallocation of Government resources. SST proponents estimate that 10% of our population will be flying internationally in the latter part of the century. Only a well-to-do fraction of these will use the expensive SST to save only a few hours in most cases, and a half-day in others. Meanwhile, the Government is planning to spend almost three times as much on the development of the SST alone as it is planning to spend over the next 12 years for research and development of new modes of mass transit. Tens of millions of persons want to save as much total commuting time every week or two as the SST will save the wealthy on one or a few occasions a year. And mass transit is only one of several important urban problems—some of which we may fail to solve only at peril to domestic tranquility.

Further, the SST prototype program is a poor "business" investment for public monies. Since SST is not a high priority project, the same reasons that the Department of Transportation explained were an "insurmountable hurdle" to attracting private funding should preclude Government financing—the long "dry period" before profits, the "considerable technical risk", and the "amount of profit which would finally accrue". Indeed, while private parties might hope to gain a high return for their high risk, the Government return under this contract, even if all goes well, is conceded by the Department of Transportation to be "only a little over 4%". And, under this contract, if things go badly, private parties may make enormous sums while an unreimbursed Government is taking a loss on its investment.

Neither enhanced employment nor an induced balance of payments advantage is a good reason for Governmental support of this program. The employment loss due to cancellation of the prototype stage will be 20,000—negligible among millions of unemployed. The production phase might employ 50,000 workers several years hence. But even this benefit is of uncertain value, since the highly skilled workers in question would already be fully employed if we had returned to full employment by that time; and in this case, the extra demand for their skills would be inflationary. SST expenditures could be better spent in providing jobs in socially more productive areas, and in providing them to the disadvantaged hard-core unemployed who seek jobs almost all of the time.

The balance of payments advantages of the SST are speculative. We do not believe

that policy questions of this kind should be based on balance of payments estimates of periods a decade hence.

The SST is an environmental hazard. No one can doubt that Government rules on noise and on sonic booms will be bent, if necessary, to keep the finished SST aircraft economically viable. Existing testimony already foreshadows a future decision to permit the SST greater "sideline" noise on the grounds that it is less noisy by other measures than present rules permit. And testimony indicates the possibility that the boom might be permitted over "unpopulated" areas in such a way as to admit a growing number of cross-country flights. The dangers of pollution of the upper atmosphere, even if in fact quite serious, could not be researched and resolved in a sufficiently decisive fashion to prevent an economically plausible SST from being produced and used. Now is the time to protect the environment.

The Federation notes that domestic supporters of the SST have used the threat of successful construction of the British Concorde SST in an effort to get Government support, and it is evident that mirror-image pressures have been brought to bear on the British Government by supporters of the Concorde. Our military-industrial complex is now engaging the British in a contest that is as senseless as the arms race and as prone to the same kind of domestic political manipulation. We need not, as last year's Council of Economic Advisers noted, "compete in white elephants". As in the arms race, our failure to go forward with a boondoggle that excites competition might help the other side to get off the hook, relaxing, in turn, the pressures upon ourselves to make a choice that is wrong in any case.

TOURIST TRAVEL FROM ALASKA TO SIBERIA

Mr. STEVENS. Mr. President, this summer a dramatic people-to-people type of approach toward accomplishing a better understanding between the United States and the Soviet Union began on a private basis. An air bridge between our continents has made possible personal contact between our people—going West—on a scale never before attempted.

Alaskans and other Americans are now going to Siberia on special tourist charter flights inaugurated on June 6, 1970, by Alaska Airlines.

Several enlightening articles have been written by the Americans who have experienced these very special excursions. These include: "Back Door to Russia," by Stanton H. Patty, of the Seattle Times; "Hello, Ivan," an editorial published in the Anchorage Daily Times; "Siberian Adventure Offered Surprises From Start," written by Ron and Barbara Richardson, and published in the Anchorage Daily Times; and "Our New Gateway to Russia," published in the Anchorage Daily Times.

I ask unanimous consent that these items be printed in the RECORD.

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

[From the Seattle Times, June 14, 1970]

KHABAROVSK IS BUSY PLACE WITH OVERTONES OF DANGER

(By Stanton H. Patty)

KHABAROVSK, SIBERIA.—This is where Siberia begins, if you are an explorer from the Pacific.

You are in Asia, on the Far Eastern edge of the Soviet Union. This is the land of the Trans-Siberian Railway, the place where the great Amur River passes and journeys on to give Russia a valuable outlet to the Pacific Rim.

The place is young and energetic, like a frontier community in Alaska. But many times larger and burgeoning with scores of industrial plants.

It is a focal point of danger, too. Those hazy, blue hills across the river are in Red China.

There have been bloody border clashes between the Russians and Chinese just 35 miles away. Some have been reported; others have not.

A pretty Intourist guide named Irene smiles and says: "Welcome to our town."

From that moment on, you are enveloped in warm hospitality here. Few Americans visit Khabarovsk. Most of the foreign tourists are Japanese, bent on increasing trade with resources-rich Siberia.

An American is a curiosity still. And he is welcome.

Khabarovsk is where the historical first Alaska Airlines flight from Alaska to Siberia ended the other day. But it was a beginning, not an ending.

There were toasts of "enduring friendship" at a banquet the night of the arrival. Vodka and Champagne flowed as the hour grew late.

Ponomova Tubov Ivanovna, the gracious lady submayor of Khabarovsk, greeted the visitors. Charles F. Willis, Jr., Alaska Airlines' board chairman, responded.

"You are pioneers," Mrs. Ivanovna said.

Bert Nordby, an advertising executive from Seattle, strolling in a square, was surrounded by friendly, young Russians wanting to know about America. There were formidable language barriers, but this didn't seem to matter.

Aboard one of the Amur riverboats, a Russian teenager approached Lori Giersdorf, the tall, blond wife of Robert Giersdorf, an Alaska Airlines executive. With an admiring smile, he removed a pin from the lapel of his jacket and pinned it to Mrs. Giersdorf's blouse.

On the pier, other Russians waved to the Americans. Shyly at first, then with enthusiasm.

There was no question about it. Khabarovsk was an open city for the guests from the United States.

This industrial metropolis of 480,000 persons is a youthful city, by Russian standards. It was not founded until 1858, just nine years before the United States purchased Alaska from Czarist Russia.

The Amur itself forms the border between Siberia and Chinese Manchuria before emptying into the Okhotsk Sea further on. And near Khabarovsk, another river, the Ussuri, meets the Amur.

After the revolution of 1917 in which the Communists established the Soviet Union, Japanese troops landed to take over this area. Detachments of American, British and French forces aided, and soon Soviet power was overthrown.

The foreign intervention led to mass executions in Khabarovsk. Two fifths of the population, perhaps 32,000 persons, was slain. Khabarovsk was in ruins. Then in 1922, Soviet control was re-established.

The tour bus from the airport rolls past a monument recalling that episode. But Irene, the Intourist guide who is studying to be an English teacher, politely does not remind the visitors of America's role in that long-ago civil war. Instead, she talks of things like Khabarovsk's many universities and scientific institutes.

Now the tour bus enters the airport and unloads its passengers alongside a twin-jet TU-104 of Aeroflot, the Soviet airline.

Next stop: Irkutsk, in the heartland of Siberia.

Irene waves farewell at the bottom of the ramp.

"I wish you good luck and I hope you enjoy our country," she says.

[From the Seattle Times, June 21, 1970]

IZERIA: WOULD YOU BELIEVE MINI-SKIRTS AND SUNBATHING?

(By Stanton H. Patty)

IRKUTSK, SIBERIA.—The Russian jetliner circled low over the green countryside in the heart of Eastern Siberia.

Fabled Lake Baikal, deepest in the world, was off the left wingtip. Then Irkutsk, modern hub city of the vast region where the caravan of history has left indelible imprints.

Dreaded land of exile, prison camps and freezing temperatures?

Would you believe miniskirts, sunbathing on a scorching June day, cultural theaters and scientific institutes in an electrically charged city almost as large as Seattle?

This is Russia's booming land of the future, where young people set the pace and the hum of industry is theme music.

Irkutsk is a long way from Moscow—and from most everywhere else. But there is no feeling of isolation here, for the Russians or for visitors.

"We don't feel parted from the rest of the world at all," Segel Merkuriev, deputy governor of the Irkutsk region, told American tourists. "With the help of aviation technology, we consider that we are in the very suburbs of Moscow."

The Americans who traveled to Siberia on the inaugural Alaska Airlines flight from Alaska found another warm welcome awaiting them here. Over and over, the Russians are urging them to see Siberia for themselves and to meet the people.

"There is an old Russian proverb," Merkuriev said, "that says it is better to see once than hear a hundred times."

"You are the first group to travel the road here from Alaska. We wish you a very fruitful visit."

A few of the visitors walked through the sun-dappled park of Kirov Square near their hotel and found the old proverb to be true.

Mrs. Bob Spring of Seattle opened her Russian phrase book and tried to decipher a greeting. Soon she was hemmed in by a tight circle of Russian children giving her a language lesson. Her photographer husband stepped back and focused his cameras on the smiling faces.

Maybe this is what they mean by people-to-people programs.

Another scene: An American went to the little tailor shop in the hotel for some minor repairs to a pair of trousers. After the job was completed, he held out a mixed handful of Russian Kopeks and American coins so the tailor could select the right change for his work.

The tailor selected an American quarter, then reached into his own pocket and produced a worn Kennedy half dollar.

"Kenn-e-dy, Kenn-e-dy," he said with a grin.

Sergei, a representative of Intourist, the Soviet tourism agency, joked with the travelers about American soap and other supplies they had brought along for the trip "behind the Iron Curtain."

There is Communist propaganda everywhere, such as free booklets on the airplanes and in hotel lobbies with titles like "Leninist Standards of Party Life" and "Consistent Peace Policy." In many languages, including English. But never is it "pushed" in a sales way. And Irkutsk, like the rest of Russia, is ablaze with signs and posters commemorating the 100th anniversary this year of Lenin's birth.

During a visit to a technical institute, the scientific director asked barbed questions about America's involvement in Indochina. A lively but cordial debate followed.

Robert Giersdorf, an Alaska Airlines vice president, ended the discussion by telling the Soviet official:

"It is good that we can have such communication. Perhaps, in this way, we can avoid future collisions between our countries."

Today's Irkutsk began in 1651 as an outpost for the collection of tribute, payable in furs, which wilderness tribes were forced to deliver to agents of the czars. Soon Irkutsk became a center for the fur trade. It still is.

It was through Irkutsk and neighboring parts of Siberia that the explorers traveled on their way to the Pacific—and voyages that led to the discovery of Alaska in the 18th Century.

Now the Irkutsk region, an area the size of England and France combined, has a population of 2.4 million persons. The riches include minerals, forest resources and hydroelectric power.

The visitors toured one of the giant power stations here, on the swift Angara River that flows from Lake Baikal 45 miles away, and saw the world's largest dam in the vigorous new frontier city of Bratsk about 450 miles north of Irkutsk.

Back in Irkutsk, they visited ancient churches, admired the few remaining ornate log cabins which today's progress-minded Russians scorn as old fashioned, filed through the Irkutsk fur storehouse, largest in the Soviet Union, where soft sable still is the king of furs, and joined the Russians to enjoy a rollicking circus from Poland.

This is the Iron Curtain, to be sure. But somehow, mainly because of the warmth of the people, Siberia's sinister image seems out of date these days.

That old Russian proverb makes good sense.

[From the Seattle Times, June 22, 1970]

HYDROFOIL SKIMS ACROSS SIBERIA'S INLAND SEA

(By Stanton H. Patty)

LAKE BAIKAL, SIBERIA.—The sleek, white hydrofoil called Raketa (Rocket) gathered speed and flashed toward Lake Baikal, Siberia's wondrous jewel, like a wave-skimming missile.

At 50 miles an hour there was hardly an occasional bump as Raketa headed north from Irkutsk and planed over the sun-sequined water.

The route led from the man-made hydroelectric reservoir known as the Sea of Irkutsk, past timber-clad slopes and Siberian villages with chocolate-colored log cabins, to Baikal itself.

Down in the cabin, passengers stretched out in the aircraft-style seats with snacks of dark bread, cheese and Russian beer. The 12-cylinder diesel engine pushed the 150-foot-long hydrofoil to top speed.

American tourists took turns posing for photographs by the wind-whipped Soviet hammer-and-sickle flag on the stern and training their cameras on the wilderness scenery.

Someone pinned a big gold mock policeman's star on the lapel of Sergei Saltykov, the rotund, good-natured Intourist guide who has become a favorite with the travelers on the first Alaska Airlines tour of Siberia.

"What is this?" Sergei asked with a grin.

"Secret police badge," one American joked.

"How can it be secret when it is there for everyone to see?" Sergei quipped.

Then the hydrofoil rocketed into Baikal, a lake so large the Siberians refer to it as a sea.

Surprising Baikal is the deepest lake in the world—more than a mile in depth at one point. It contains one fifth of all the fresh

water on the planet—as much water as all of the Great Lakes combined or the Baltic Sea.

More than 1,800 species of marine life are found in the lake. Three fourths, including an arctic-type seal, are unique to Baikal.

Something like 336 rivers run into the 395-mile-long lake. Only one, the Angara which powers the city of Irkutsk, flows out of Baikal.

Geologists say Baikal had volcanic origins 20 million years ago. But this is an earthquake zone and the cavity still is forming. Long ago the climate here was subtropical. Fossils tell the story. There was a chain of small lakes then. Later came a period of glaciation and Baikal became one great lake.

Nobody knows for sure how the seals (there are about 40,000 in the lake now) got here. Their closest relatives are far away, in the Arctic Ocean. The most probable theory is that they migrated down the Yenisei River from the Arctic, then through the Yenisei's tributary, the Angara, into Baikal. But no seals are found anywhere in the Yenisei. It remains a mystery.

Baikal is cold the year around, with winter ice forming five feet thick. But in midsummer the surface temperature rises to about 56 degrees and some hardy Russians use it as a king-size swimming pool.

First stop on the tour is the Baikal Limnological Institute of the Soviet Academy of Sciences. The institute museum displays the fascinating fauna of remarkable Baikal.

On the opposite shore is a section of track from a previous route of the famed Trans-Siberian Railway. In the early days, they used ferries and icebreakers to span the lake for the rail system.

However, in the time of the Russo-Japanese War, when supplies and men were needed urgently at the front, they even laid railroad tracks across the ice and used horses to pull the rail cars over the ice.

It was picnic weather on the shores of Baikal today. Young Russians sunned themselves on the slopes.

The Americans paused for a lunch in a picturesque village called Listvenichnoye. You don't have to know how to pronounce the name. Just enjoy it.

There was champagne and caviar, and minor-key Russian tunes played on accordions by two music students, with the Americans clapping in tempo.

Sergei, the Intourist man, gave the visitors a lesson in how to drink—vodka—a full glass at a time. The "students" tried gamely to keep up, but Sergei was the undisputed winner.

"I have never been to Alaska, but I want to toast the very sincere people who came here with open hearts and open smiles," Sergei said, raising his glass.

Bob Atwood, a newspaper publisher from Anchorage, raised his glass of vodka and responded:

"To the day we understand each other and no longer fear each other."

There were other toasts, to Russia, to Siberia, to Baikal...

Lowell Thomas, the veteran newsman, stood to offer still another:

"To the most exciting land in the world—Alaska!" Thomas said.

The musicians took up another song, with lyrics that say, "Those were the days my friend..."

It was a lazy afternoon as the visitors strolled the birch and larch forests high above Baikal to pick bouquets of wildflowers. They waved at the Russians walking through the woods, and the Russians waved back.

Then a bus ride back to Irkutsk through the undulating taiga, the seemingly endless Siberian forest of silvery birches and evergreens.

Yes, this was a day, my friend. The Americans hoped it would never end...

[From the Seattle Times, June 28, 1970]
BACK DOOR TO RUSSIA—TASHKENT INDUSTRIAL
GIANT WITH COLORFUL HISTORY

(By Stanton H. Patty)

Tashkent is a lovely woman with roses in her hair.

This ancient city of Central Asia is the land of Marco Polo and Genghis Khan. It also is another face of Russia, muscled with industry today, yet still as exotic as its storied past.

This was where the trade routes of silk and gold linking Europe with the Orient crossed; where Arabs, Turks, Mongols and other conquerors carved empires with bloody swords. Now delighted tourists travel the caravan routes of old.

The sun was a flaming red disk low on the desert horizon as the inaugural tour of Alaska Airlines' new Alaska-to-Siberia flight arrived in Tashkent from the robust frontier of Siberia.

Soon the visitors were dining on shishbabob-like shashlik and other spicy dishes of Middle Asia, with fiery Arab-style music in the background. Fountains and neons glowed against the night sky.

Hard to believe this is the Soviet Union. But it is. Tashkent, capital of Uzbekistan, one of the 15 Soviet republics, is Russia's fourth-largest city with a population of 1.4 million persons.

Uzbekistan has been part of Russia since 1865, when Czarist troops occupied Tashkent. Now more than 100 Soviet nationalities are represented here.

Few of the ancient landmarks remain. In their places are theaters, schools, apartment complexes, monuments dedicated to Communist martyrs and a spectacular new museum all about Lenin.

But the old persists . . . in the seamed, dark-hued features of the Uzbek people with their distinctive skull caps, open-air markets piled with bright-colored fruits and vegetables, occasional mosques, and a few sun-baked clay homes of the old quarter.

The tourist guides are proud, even defensive, about the signs of progress.

Instead of showing off the area where a powerful earthquake left 100,000 persons homeless four years ago, they point to acres of apartment buildings erected by construction teams that poured into Tashkent from all over the Soviet Union after the disaster.

"It is better to take pictures of new buildings than ruins," an Intourist guide declared.

Neither are the city's 14 active Moslem mosques featured on the tour.

"Only the old people are still praying," the guide said.

The summer climate is scorching—up to 115 degrees. But nights are cool. Winter brings snow and freezing temperatures.

Even on days of blistering heat Tashkent has a cool, green feeling. The flowered city is canopied with shade trees and pleasant parks with patio-like refreshment areas. Uzbeks love their trees and enjoy their many recreation parks with holiday spirit.

This is a city of industry, too, with more than 300 factories. Cotton is the main crop. Tashkent's production ranges from colorful textiles to jet airplanes.

The average worker earns the equivalent of \$110 a month. He pays about 7 per cent of his wages for an apartment. Television sets cost \$250 and up, yet the guide says 95 per cent of the families have television.

Tashkent's charm was displayed for the visitors as they gathered for a leisurely lunch at an outdoor pavilion on an island in Komsomol Lake, a man-made playground in the heart of the city.

"Welcome to sunny Tashkent," the host said.

"We consider your visit a symbol of mutual understanding and friendship. I wish you good luck and good health."

Pretty dancers in spangled costumes right out of the Arabian Nights whirled and dipped. The orchestra, playing flute and mandolin-like Uzbek instruments strange to American ears, set a sultry tempo.

Nearby, young Russians rowed their girl friends across the lake in small boats. Others went swimming to seek relief from the hot sunshine.

The afternoon was an intermission in what for a few hours, seemed like a make-believe land of the past.

That night a few of the Americans decided to detour away from the usual Intourist restaurant and have dinner with the Russians on the rooftop of the hotel.

There were some curious stares at first as the strangers ventured into the open-air restaurant above the city. Soon, however, the stares changed to smiles and waves.

With only a Russian phrase book to help the Americans ordered their meal and settled back to enjoy the evening.

The indigo sky was sequined with stars and a slice of moon. Songbirds chorused and the fountain of Theater Square below glowed with changing colors.

It was easy to see how the poets of old could write such lyrics about exquisite Tashkent, a city with 2,000 years of history and beauty.

BACK DOOR TO RUSSIA

(By Stanton H. Patty)

The time machine unwinds for 25 centuries and suddenly you are strolling through the splendors of ancient Samarkand.

Samarkand . . . a dateline that summons up names like Genghis Khan, Tamarlane, Alexander the Great and Marco Polo. Samarkand . . . a mosaic of glistening domes, arches and minarets that took their colors from the sun and sky.

This is Central Asia, another facet of the vast Soviet Union that blends more than 100 nationalities. The borders of China's Sinkiang Province and Afghanistan are close by.

Samarkand is on the tour route for passengers on the inaugural series of Alaska-to-Siberia flights of Alaska Airlines.

Militarily, it is a sensitive area. The tourists were instructed to keep cameras and binoculars cased while flying into Samarkand in a four-engine turboprop Ilyushin-18 of Aeroflot, the Soviet airline.

But once in exotic Samarkand itself, politics of this dangerous century soon were swept away by history and enchantment. Buses carried the travelers from one panorama to another in a day when time seemed still.

Great empires rose and fell here in this city as old as Rome.

Persian archers, Macedonian phalanxes, Arabian horsemen and Mongol conquerors swept through Samarkand, leaving destruction and ageless monuments. The dust of history still swirls under the blazing sun.

Today's Samarkand, mostly a Moslem city of 300,000 persons, occupies the site of ancient Maracanda. Recent excavations are yielding finds as important as Pompeii.

But it is the indelible imprint of one warrior—Tamarlane—that threads together the vivid tapestry for today's tourists. Samarkand was his capital.

Tamarlane (also known as Timour) mounted his throne here in 1369 and soon his swordsmen were striking into Persia, India and China. He sacked Delhi and captured Baghdad and Damascus. Samarkand was the focal point of his great Asian kingdom.

But this Mongol marauder, descended from Genghis Khan, so they say, was mortal. He died of a fever in 1405 before he could complete his conquest of China.

Now Tamarlane lies in a turquoise-domed tomb here under a slab of dark-green nephrite jade. The Gur-Emir Mausoleum, the structure is called.

The self-styled "Sultan of the World" left

his cocky epitaph to be carved on his sarcophagus:

"Were I alive today, mankind would tremble."

Buried near Tamarlane is his grandson, Ulugbek, the scholar, who left another kind of mark on history.

Back in about 1428, Ulugbek built an observatory in Samarkand and cataloged more than 1,000 stars with amazing accuracy. The observatory site was lost for centuries, but now has been unearthed. The lower part of Ulugbek's marble sextant, shaped like the foundation for an underground escalator, is on view for visitors.

Another architectural treat is the ensemble of tombs and mosques known as Shah-i-Zinda. With its blazing blue domes and intricate tile work, this medley of structures dating to the 12th Century is among the most hallowed of places for Moslems.

Then there are the ruins of the giant Bibi-Khanym Mosque, built for Tamarlane's favorite wife. The stark remains of the mosque seem to be carved from cliffs of glowing rock.

The American tourists found another page from the past in Samarkand's outdoor market. There were curious stares and smiles from the brightly costumed Uzbeks—responding to American smiles as the visitors walked through the bazaar where stands were heaped with fruits and vegetables from nearby farms.

But this ancient center of civilization in the Uzbek Soviet Socialist Republic has more than history going for it.

Samarkand, which will begin its 26th century in September, also is an industrial center with colleges, theaters and blocks of modern apartment buildings.

Intourists, the Soviet tourism agency, soon will open an 11-story hotel here so overnight stays will be possible for foreign visitors. At present, Samarkand is a one-day tour from Tashkent, the Uzbek republic's capital city 45 air-minutes away.

Russia has ruled the area since the 1700s, shortly after the czars occupied the far reaches of Siberia. It was mainly a bloodless takeover.

But then the boastful Tamarlane was not around to contest it.

[From the Seattle Times, July 1, 1970]

LENINGRAD ONE OF WORLD'S SHOWCASE CITIES

(By Stanton H. Patty)

If Czar Peter the Great really was great, the lovely city he built on the Baltic Sea is one of the reasons.

It has been called St. Petersburg, Petrograd and now Leningrad. By any name, it is one of the showcase cities of the world. A northern Venice with a Russian accent.

Last night the American tourists in Alaska Airlines' first flight to Siberia were in medieval Moscow. Then they boarded the night train to Leningrad 400 miles to the northwest and discovered a different Russia.

Peter, determined to pull backward Russia into the modern world of the 18th Century, wanted his new capital to be a "window" on the West.

There was just marshland here then in the delta of the Neva River near the Gulf of Finland. Peter built his city on 101 islands laced together by canals and bridges. Then he sprinkled it with opulent palaces, roomy parks, cathedrals and museums.

The result is Leningrad, still a gracious museum-city despite the terrible damage of World War II when a million persons died of starvation here during the 900-day Nazi siege.

German troops stormed within 2.8 miles of the city, but never entered. It was a bitter disappointment for Hitler. He even had invitations printed in advance for a victory ball in Leningrad's Astoria Hotel.

Even the war scars are gone today. Leningrad, a busy seaport and industrial center of 3.9 million persons, is the Soviet Union's second-largest city.

And still a window on the West. More than 1 million tourists, most entering from neighboring Finland, visit here yearly.

It is Peter's Leningrad, as European as Paris or Vienna, they come to see.

The heart of Leningrad still is Palace Square, on the south bank of the Neva. The baroque-style winter palace, permanent residence of the czars until the Communist revolution of 1917, is open for all to visit today as part of the famed Hermitage museum.

"I'll take you to Rembrandt," the Intourist guide said as the visitors climbed the grand staircase of the gilded palace.

She wasn't kidding. For starters, the Hermitage has one room filled with 26 canvases by Rembrandt. Other halls feature works by Da Vinci, Rubens, Titian, Van Gogh, Gauguin and, you name him.

The royal family began collecting the art treasures back in 1764 and built the original Hermitage next door to the Winter Palace in 1839 to house the collection. Now, the string of palaces and the old Hermitage are joined in one incredible museum. There are more than 2.5 million exhibits.

Outside, in the square, is the lofty Alexander Column, a stone spire commemorating the Russians' victory in the war against Napoleon in 1812.

And it was across this 20-acre square that the Communists marched on the Winter Palace on that fateful day in 1917. Nearby, the cruiser Aurora, which fired the first salvo on the czar's palace, is moored as a monument to the revolution.

Then there is Smolny, once a girls' school for the nobility, then headquarters for planning the 1917 uprising. It was here that Lenin worked and where the first decrees of Soviet power were issued.

Peter the Great's first major structure was the Peter and Paul Fortress, begun in 1703 under the czar's personal supervision. But for 200 years the structure on Hare Island had a grim history as a political prison. The dungeons still are there for visitors to see.

The fortress cathedral is the burial place for Peter, Catherine the Great and most of the other royalty dating from Peter's time. The Romanov dynasty lasted more than 300 years, until the chain of events that began here in Leningrad almost 53 years ago.

About 17 miles from Leningrad is Petrodvoretz, once the czar's summer palace. It is a symphony of fountains and sculptures in a park setting.

Summertime in Leningrad is the season of the "white nights," a sort of Russian-style midnight-sun festival. This is when the Russians grow lyrical about their exquisite city of the north.

Hydrofoils flash across the breeze-ruffled waters of the Neva. The shady parks are crowded with families. Sunbathers on the beach beside Peter's fortress.

Over it all, an equestrian statue of Peter, now just a bronze cavalier, looks down on the Leningrad that was St. Petersburg.

Leningrad, by any name, had a special meaning for the Alaskans in this tour group that traveled here by way of Siberia more than 4,800 miles to the east.

For it was here that Peter wrote the orders that sent Vitus Bering on his way in a quest that resulted in the discovery of Alaska in 1741.

And it was here in 1867 that another czar, Alexander II, approved the sale of Alaska to America.

This sunny day in Leningrad, old St. Petersburg, seemed a good time to return Bering's visit of long ago.

[From the Seattle Times, July 2, 1970]

HAMBURGERS A WELCOME SIGHT AS PLANE HEADS BACK

(By Stanton H. Patty)

The Soviet Aeroflot plane climbed out of hazy Moscow and set a nonstop course for Siberia seven time zones away.

This is the way home, through once-for-

bidden Siberia, for the trailblazing participants in Alaska Airlines' first charter flight between Alaska and the Soviet Union.

They have seen the industrial heartland of Siberia, the exotic bazaars and ancient ruins of Soviet Central Asia, and European Russia from Moscow and Kiev to Leningrad.

They entered through the back door to Russia, at Khabarovsk, in Russia's Far East, and will leave the same way. The door is wide open now for tourism from America's West Coast.

The 4,800-mile flight from Moscow to Khabarovsk slices a path between a scarlet sunset on one side and a rose-gold moonrise on the other . . . across the unbroken taiga of Siberia . . . over logging operations and gold dredges . . . then the great, meandering rivers like Alaska's own Yukon.

It is hot Saturday in Khabarovsk (pronounced "ha-bar-ofsk") where unpredictable Red China is a close-by neighbor. The city is surging with off-duty Soviet military troops, a reminder that the bear and the dragon are poised in dangerous stances just a few miles away.

But if there is tension in Khabarovsk, it is not apparent. Children are dousing one another in water fights around the fountain in Lenin Square. Thousands of sun-loving Russians are strewn along the recreation-park beach on the Amur River in a Coney Island scene.

This is Siberia, grim land of ice and snow?

Take-off for Alaska is scheduled for tomorrow afternoon. There is one last treat in Khabarovsk tonight for the American visitors.

They have been invited to an amateur musical performance by employees of the diesel factory here. It will be the cast's first appearance before an American audience.

For the tourists who had seen programs ranging from Uzbek folk dances in Tashkent to the Bolshoi Ballet in Moscow, this turned out to be one of the hits of the trip.

The fresh, happy troupe from the diesel plant presented lively folk dancing and choral selections. The tempos were hot and hypnotic.

When it came time to leave the theater, the Americans boarded their buses and soon were ringed by curious Russians.

The visitors waved. The Russians waved back. The visitors smiled. The Russians smiled back. Shyly, at first, then with enthusiasm. It was a spontaneous, lump-in-the-throat moment.

Wonderful what a friendly smile can accomplish . . .

Now it is Sunday and almost the hour to depart for Alaska.

The Alaska Airlines Boeing 707 already is on the field here at Khabarovsk with another tour group from Alaska.

Now is the time for last-minute souvenir shopping, exit visas, money-changing—and a touching farewell to Sergei Saltykov, 39, the Soviet Intourist guide who has endeared himself to the Americans during the criss-crossing of Russia over the past two weeks.

"Yoo-hoo!" the Americans called, summoning Sergei with the high-pitched cry he used to gather his tourists on crowded streets from the Kremlin to storied Samarkand.

There were gifts and kisses for Sergei. The chubby Russian was brimming over with emotion.

"Thank you very much," he said.

"A fortnight ago, I met a lot of tourists who were afraid of me, our weather and of being watched—with a lot of wrong information about our country.

"Now I am with a group of very sincere and grand people. I ask only that you tell the truth when you go home. Please come again . . ."

A few minutes later the souvenir-laden travelers were back aboard their 707. They admired the pretty Alaska stewardesses in their mini-Cossack uniforms and pored over copies of The Seattle Times and Alaska newspapers only one day old.

The jetliner taxied out, the engines thundered, and soon Siberia was 33,000 feet below.

At the controls were Capt. Bill Lund and Capt. Sam Silver, both from the Seattle area—the same pilots who had delivered the inaugural-flight tourists to Siberia two weeks before.

"Just routine," they said of the new Alaska-to-Siberia run.

Welcome home.

The stewardesses moved through the aisle with hamburgers, each crowned with a tiny American flag.

Ask the travelers to name what they missed most while in the Soviet Union and hamburgers would have been near the top of the list. The Stars and Stripes looked great, too.

The 707 sped on toward Alaska, past the international dateline, the craggy island of Attu at the tip of the Aleutian Chain and then over the mountains near Anchorage.

Bob Giersdorf, the airline's vice president for traffic and sales, took over the microphone on the plane's public-address system to say:

"I am very proud of this group. You have pioneered this route and been where only a select, few Americans have visited. You have represented the United States and done it well.

"You have seen and learned a great deal. You have made many new friends. This is not only a new bridge, but a new bridge of understanding. To each of you, a sincere thank you.

"Spasiba (thank you, in Russian)."

The jetliner touched down at Anchorage at 3:09 a.m. in the blue twilight of a Sunday morning.

Flight 727, the first commercial passenger flight between Alaska and Siberia in history, was home.

The round-trip distance from Seattle and back to Seattle for the tour group totaled 27,000 miles—more than the distance around the world.

With a "red carpet" all the way. Russia's back door is wide open.

[From the Anchorage Daily Times, June 6, 1970]

HELLO, IVAN!

An example of how great spans of time are occasionally required to accomplish good things was provided today as an Alaska Airlines Boeing 707 Jet left Anchorage International Airport bound for Siberia.

More than a dozen years elapsed between the planting of the seed and the plucking of the fruit, insofar as that flight was concerned.

There is an added bit of enjoyment in this inaugural trip between Alaska and Siberia for those of us at the Times, because the proposal for such a route was first made right here in this corner of the paper.

The time was December 1957—statehood was still more than a year away—when an editorial writer, dreaming a bit about things that might be, proposed that commercial aviation link Alaska with the mysterious Russian territory across the Bering Sea.

Back then, the Times was proposing regularly scheduled air routes between America and Russia by way of Anchorage.

But it is a beginning, and an exciting one, bridging as it does a remarkably historic gap between Alaska's past and its present, while at the same time opening to tourists a spectacular view of a land little known to Americans.

There have been some objections that the schedule of special tourist flights into Russia by way of the Siberian back door represents some kind of underhanded boost to communism, doing business as it is with the Soviet Union.

But there are shortsighted views, overlooking the obvious chink that is opened for better understanding between peoples of the East and West.

Far from working against our own best interests, the opportunity being presented for people of Russia to meet everyday citizens from the United States in areas where American tourists are almost unknown should go a long way toward showing some average Ivans and Natashas what life in a democracy is all about.

The flights between Anchorage and Khabarovsk, and the connections which will take Americans on tours even deeper into Asia and on toward Russia's European approaches provide a great vehicle for good will.

The governments of the two countries had to get together finally to make the flights possible.

But the journeys themselves will involve people, not governments, and that's good.

[From the Anchorage Daily Times, July 14, 1970]

SIBERIAN ADVENTURE OFFERED SURPRISES FROM START

(NOTE.—Mr. and Mrs. W. R. Richardson of Seattle tell of their adventures on the inaugural eight-day charter trip to Siberia on Alaska Airlines. Richardson is manager of Crown Zellerbach Corp., Seattle.)

(By Ron and Barbara Richardson)

The sun rose in Anchorage one day and went down over the Amur River the next in Khabarovsk, U.S.S.R., for the 60 Americans on Alaska Airlines inaugural 8-day Siberian excursion.

During most of the eight-hour, 3900-mile flight out of Anchorage, the Boeing 707 raced the sun on even terms. But for the travelers it was the longest day in any year.

Eight Alaskans, from Anchorage, Fairbanks and Juneau, were in the tour group. For them and for the 52 other travelers from 10 states and the District of Columbia, the day that began with an Anchorage wake-up call at 5 a.m. was full of surprises.

As the clouds parted to reveal Hokkaido, northernmost island of Japan with its snow-ringed mountain peaks, the Siberia-bound Americans prepared to make entry on Russian soil. It was 3 p.m. June 21 in Khabarovsk when they stepped off the plane, but a full day's schedule of activity was ahead.

Surprise No. 1: the Americans were not in Siberia at all! Khabarovsk is a part of a rapidly-expanding region now known as the Soviet Far East. The only city in this region now open to western tourists, Khabarovsk (it begins with an "X" in Russian) is European rather than Asian in culture and population.

Surprise No. 2: the weather. It was hot, glorious summer. We quickly cleared customs and at the Centraline Hotel on Lenin Square the bus waited to take the group for a boat ride on the Amur River which a few miles upstream forms a very uneasy border with Red China.

Russian girls in bikinis and miniskirts sunned themselves on beaches as crowded as any in the United States. Rowboats, some with outboard kickers and even a few star-type sailboats cruised by. Picnickers thronged the wooded shores as the two tour boats loaded with Americans cruised up and down the river which most geographers agree is the world's eighth largest.

The passengers looked down into the rusty waters of the Amur (translated "dark") and looked up to see smoke rising from an enormous steam plant. Multi-ruddered barges laden with coal and long rafts of logs passed by.

Then back to the bus for a tour of this city of half a million where the annual population growth requires 11,000 new apartments a year, all seemingly built on the same plan: yellow, pink or blue stucco with white painted Greek columns. Hospitals, seven colleges and institutes, libraries and monuments flashed by. Stops were made for photographs. The pattern for the next seven days was already set.

Stopping in the park on the riverbank, Americans lined up with Russians to buy ice cream cones for 15 kopeks (about 14 cents), each one carefully weighed by serious girl vendors. Russian ice cream cones must weigh 100 grams (three ounces).

Naturally, the tour included Khabarovsk's huge sports complex—the best in Asiatic Russia—with facilities for 11 different competitive sports. The Lenin Stadium, built in 1956, seats 25,000 for soccer and there are two big skating rinks for Khabarovsk's favorite sport—ice hockey. Quite a few Russians were on the tennis courts. Others streamed on and off the Amur river passenger boats carrying fishing rods or with a soccer ball tucked under an arm.

Back at the hotel for dinner, the weary group climbed off the bus to unpack and search for the coolest clothing in their bags. But the long day was just reaching its climax—the Russian circus at 8. In a one-ring tent, crowded with 2,500 enthusiastic Russians, the Americans found themselves seated side by side in the front row perilously close to the frayed ropes that supported the high wires and other aerial equipment.

It was a good show but at the 10 p.m. intermission all but a handful were glad to board the bus for the trip back to the hotel. The longest day of the year was over. Early tomorrow they would board the big four engine Russian transport for an 1800-mile flight to Irkutsk in the heart of Asia, and seven more active days in Siberia were ahead.

ON TO IRKUTSK

Siberia? To most Americans the word evokes a picture of prisoners marching across a frozen desert. Few of the 60 passengers on the inaugural tour of Siberia escaped questions from friends such as "Why go there?" or "What's there to do?" or the joke about "if you come back . . ." But all 60 did come back.

In their luggage, rolls of American color film recorded the blue waters and white birches along the shores of Lake Baikal—the world's deepest lake. Filmed too, were apartment houses rising in never-ending rows in the middle of the Siberian forest in the 15-year-old planned community surrounding the Bratsk hydro-electric dam. Also recorded were the individual strolls and side-trips made with or without Russian speaking guides.

Angara, Russian for "slick chick," is the clear, cold river that flows out of Lake Baikal northward through the central Siberian city of Irkutsk and then north into the Yenesei, one of the great Russian rivers that empties into the Arctic Ocean.

Daily the Russian-built hydrofoil transports visitors from Europe, Asia, Africa and occasionally North America up the river from Irkutsk through the taiga, (a forest of red-trunked pine, white birch and larch) to the shores of Lake Baikal. As the boat picked up speed and rose on its foils, the Alaska tour group looked far down to see river bottom through the clear water. Its temperature was reported to be in icy four degree centigrade (about 38 degrees fahrenheit).

Agreed: Only the fjords of Norway, British Columbia and Alaska provide comparable scenery! In bright sunshine, the travelers disembarked an hour out of Irkutsk to snap pictures of the log and plank cabins with their intricately carved, blue-painted shutters and fishermen out on the lake rowing in oddly curved wooden boats.

Inside the Baikal museum they learned as much or as little as they pleased about the lake, fed by 336 rivers, which reaches a depth of 6,200 feet and holds as much water as all five of America's Great Lakes combined. But outside were tiny, fenced gardens where country people in successful "free enterprise" endeavor grow food for their own use or private sale. On the lake fishermen worked

hard trying to lure the omul, which most Americans identified as a Siberian steelhead.

Champagne and vodka flowed inside the charming wooden Baikal restaurant. Toasts by Russians and Americans, (a Texas lady wearing a red, white and blue American flag pin offered a toast with milk) preceded a lunch that began with black caviar and black Russian bread. The accordionist played Lara's Theme and Russian and American tunes. A sudden clap of thunder, a 10-minute downpour, then sun again.

Bratsk, 360 miles north of Irkutsk and reached by a propeller-driven Russian plane, is in the taiga too. In 1954, before one of the world's largest hydro-electric plants was built there, the town did not exist. Only 12,000 people were scattered through the present 175 square mile area of the planned townsite of eight communities. Today the population of Bratsk is 175,000 and about 10,000 are added each year, all young people.

Most exciting to the Americans, as they sat in their buses and listened to the Intourist girl guides, was the planned nature of these frontier communities: wide roads, belts of timber, with each self-contained area built around a separate industry and containing houses, apartments, shopping areas, schools, nurseries and recreation buildings known as Palaces of Lenin.

Average age of resident: 32 years. A Russian touch: there is not a single church in any of the eight Bratsk communities.

Buryat tribesmen were original residents of this forest area where Cossack fur traders arrived with guns and horses about the time the Pilgrims landed at Plymouth. "Bratsk" is a mispronunciation of Buryat.

Today's Buryats are the young Russian technicians, well educated, well paid, living in blue or green stained wooden duplexes in the pines or more likely in one of the many four or five-story balconied apartment buildings that march ever deeper into the forest.

Wild flowers and 90-degree heat made the Siberian winter seem illusory, but the bus jolted by a mammoth brick heating plant that generates steam and hot water for the underground system that heats all the houses and apartments of Bratsk nine months of the year.

Alaskans and those from the Pacific Northwest glimpsed familiar sights—logging trucks speeding back to the woods with their trailers hoisted up piggyback and the steel towers of high voltage transmission lines. But the rights-of-way cut through these forests were wide enough for three rows of towers to carry the current from the new Bratsk dam to steel mills and other industrial plants. Under the towers were hundreds of tiny vegetable plots thriving in the hot summer sun just a few feet above the permafrost that underlies Bratsk.

First stop was at the dam, comparable to Washington state's Grand Coulee but 20 years newer. The Intourist interpreter rattled off figures as the chief engineer talked on—biggest in the world until six months ago when the Siberians brought a new dam on the Yenesei (Krasnayaska) into production.

To the Americans, more interesting than the figures were the odds against completing such a project in a land where only 90 days out of 365 temperatures go to 96 degrees in summer and in winter down to -84 degrees Fahrenheit. And even the Supreme Soviet heard about the summer construction problems—"smog flies" said the guide. "You call them mosquitoes."

Padun is the Russian word for the rapids that now lie beneath the Bratsk "sea," and Padun was the name of the picturesque log restaurant in the taiga that serves what one American termed "the best food in Russia." Lunch at the long tables, then off again to the river to board three boats for a trip several miles across the man-made sea. For the hardier, busses waited at the dock bound

for the wood cellulose plant—Siberia's largest pulp mill complex located in Bratsk No. 8. (Some of the products are similar to those made at Ketchikan and Sitka.)

ECOLOGY CONCERN

Even in Siberia this is the age of ecology. Nowhere was this concern over the environment more evident to touring Americans from Alaska than in the area around beautiful Lake Baikal in the very heartland of Asiatic Russia.

What happens to water, fish and wildlife first attracted wide Soviet attention six or seven years ago when Russia's young industrial engineers began a pell-mell rush to industrialize Siberia with huge pulp mills, aluminum plants and other resource-processing factories.

Letters from prominent Soviet scientists began appearing in *Pravda* accusing the Pulp and Paper Industry Planning Committee of "wasting colossal sums of money on pulp and cellulose mills which will use Lake Baikal as an experimental reservoir for an untried water purifying system, inapplicable in such severe climatic conditions."

From what American tourists saw on their visit to Lake Baikal those Russian predictions of "environmental disaster" have not come to pass. The lake, at least those small portions of it Americans saw, is still clear, cold and unspoiled. You can even drink the water.

Presumably it still provides habitat for the 1800 types of fish, animals and plants in its waters and along its shores. The Russians say three-quarters of these are found nowhere else in the world. Certainly Lake Baikal and the 360 rivers and streams that feed into it provide important rest stops and summer nesting areas for many of the migratory birds of Europe, Asia and even Africa.

At the Slbgiprobum in Irkutsk where Russian engineers and scientists are planning and designing the wood products mills for all of Siberia, ecology gets top attention. "We're just as concerned about pollution abatement as you are in the United States," one engineer at the Irkutsk institute said.

"Every mill we build is designed with the local environment in mind. We take advantage of all the research information available from our universities and we observe what is being done to reduce air and water pollution in other parts of the world. A good idea has no international boundaries."

In Russia, just as in the United States, there is often conflict between the men charged with industrial development and those with responsibilities for fish, wildlife or public health. Sometimes these conflicts go all the way to the Council of Ministers in Moscow before they are resolved.

One of the Siberian mills that triggered conservationist concern all over the Soviet Union was built on the Angara River near Irkutsk in 1966. This mill, about the size of somewhat similar Alaskan pulp mills at Ketchikan and Sitka, aroused a storm of criticism when it was built.

The Forest Products Ministry of Moscow postponed the mill's startup until a special investigation had been carried out. Today this Baikal mill uses chemical, biological and mechanical treatment processes for its wastes. Effluents are finally released into the Angara river (which flows out of, not into, the lake).

Most Russian pulp mills try to make use of some of their chemical waste and pulping leftovers by converting them into protein yeast which is used to feed poultry and cattle. The big mill Alaskans saw at Bratsk produces 42,000 tons of yeast a year. It also burns all the bark from its pulpwood logs to create steam and electric power to run the huge cellulose plant, even though one of the world's largest hydro plants is located only a stone's throw away.

Air pollution also concerns the Russians, although at this time their scarcity of auto-

mobiles gives even the largest Siberian cities quite a clean-air edge over similar sized communities in the United States.

"When we plan a new pulp mill," the director of the Irkutsk paper institute said, "we try to avoid population centers. No homes or apartments are permitted within three kilometers (slightly less than two miles) of the mill."

While these green belts may be adequate for new mills, the suburbs of Siberia's burgeoning cities are already beginning to crowd in around some of the older plants.

Already the Russians have their national park enthusiasts. Guides mentioned that much of Lake Baikal either now is or soon will be a national park. There are already many forest preserves across southern Siberia where cutting of timber is strictly controlled.

In a cold country, where heating is a necessity nine months of the year, timber cutting restrictions can lead to "people problems." In the towns and villages around Lake Baikal most homes seemed to have a well-stocked woodpile in the backyard.

Systems may be different but the problems are much the same, is the way one Russian engineer summed up this "age of ecology" for his American audience.

Looking out a hotel window in Irkutsk at a smokestack that was belching black across the sky, or at stray sawlogs bobbing about on the surface of Bratsk Sea, or smelling the "boiled cabbage" odor of a cellulose complex, what he said was believable.

Language barriers did not permit many conversations with the fishermen rowing their boats through a ghost-like early morning fog on the Angara in front of the Trans-Siberian railway station or the hikers with packs on their backs along forest trails around Lake Baikal or the picnickers along the banks of the muddy Amur near Khabarovsk. These people didn't need to talk. You knew they were dedicated conservationists.

RUSSIANS THINK BIG

Like Alaskans, the people of Siberia think big. Nowhere was this more apparent than in the several industrial complexes visited by the Americans on the Alaska Airlines tour to the heart of Asiatic Russia.

For many, the visit to Bratsk was an eye opener. This city is actually eight different cities all called Bratsk—No. 1, No. 2, No. 3, etc. They have been cut out of the Siberian forest in an area of permafrost where winter temperatures drop to minus 84 degrees and soar to 96 degrees in summer. For the visitors from Alaska the 24-hour stay in Bratsk was all "shirt-sleeve" weather.

The heart of this huge industrial complex is one of the world's great hydro-electric plants. The huge dam rises 596 feet and forms a 3.2 mile-long concrete wall that hangs from perpendicular cliffs to block the course of the Angara river on its northward rush from Lake Baikal to the Arctic.

"We generate 4,100,000 kilowatts—that's twice the present size of your Grand Coulee," the young Russian engineer announced proudly. Russians enjoy this numbers game. In a free-wheeling question and answer session with the American tourists they quoted figures on America's big dams that were right out of the latest U.S. Department of Interior report.

"All our equipment is Russian made," the guide explained as she led the Americans through one of the two big powerhouses where a dozen 180,000 Kilowatt capacity generators hummed a symphony of power.

When it comes to hydro plants the Russians go first class. "This is the only air conditioned building in Siberia," the guide told tourists as they walked through the immaculate powerhouse.

Generally house keeping is not a strong point with Russian industry. The power plant was an exception, with spotless white

ceiling, clean black floors, orange generators and a generous use of colorful Siberian marble. Walls of the reception room were of marble mosaic design showing the location of six big dams built or planned for the Angara.

Like our own Bonneville and Tennessee Valley systems, the Siberian power plants are tied together with a network of high voltage transmission lines which carry power across much of Asiatic Russia. Within the next few years, the Americans were told, the Siberian power net will be linked to the power system of European Russia. With nine time zones across the Soviet Union it makes much economic sense to have a transmission system capable of throwing energy where it's needed when it's needed.

With all this electrical energy has come big industry. Just outside Irkutsk one group of Americans spent a morning touring a gigantic aluminum plant where endless rows of potlines used Angara river power to convert bauxite ore from the Ural Mountains into aluminum ingots. Later, in the same plant, they saw aluminum wire and cable extruded like spaghetti.

The jovial manager of the aluminum plant fielded questions from the Americans like a public relations professional. "How many of you are Communists?" he inquired after one exchange. As so often happens the perfect answer didn't come to mind until that evening.

"We should have answered him with this question," reflected a UCLA professor who teaches Russian history, "Are any of your supervisors capitalists?"

The aluminum plant, tourists were told, employs 3,000 workers, about one-third of them women.

In Siberia the Russians expect their guests to work hard just looking at industry. Most of the visitors from Alaska took an hour-long boat ride across the 10-mile wide Bratsk Sea behind the big dam for a look at Russia's largest pulp mill. The Russians called it a cellulose complex.

Started up in 1966, and still less than half completed, this huge wood processing plant today consumes about three million cubic meters of wood a year. Current production is probably about half that figure and accounts for Russia's current wood pulp production.

Most of the equipment was first class, largely of Swedish manufacture. Despite a work force of 8,000 people, maintenance seemed badly neglected. In just four years the big Siberian mill had taken on the appearance of age. Corroding pipelines, crumbling stairway steps, unmarked holes in the floors, dim lighting and an almost total lack of paint spelled poor housekeeping.

About 44 per cent of the mill's work force are women. They do everything from wearing side arms and guarding the gates to hauling heavy logs off clogged conveyor belts. Most were young.

Russian pulp mills, like their counterparts in the United States and Canada, run around the clock seven days a week.

All Bratsk workers get premium pay for living in Siberia. An average worker earns 240 rubles a month. On the exchange rate that's \$264 but these comparisons aren't very meaningful. Starting wages for a young engineer at Bratsk is 140 rubles a month. He (or she) can soon boost that to 350. There are 12 extra vacation days a year for Bratsk workers. Add those to the 24 to 30 days a year that are standard vacation time in the U.S.S.R. and the fringe benefits for Siberian employment take on new importance.

NO ICE, JUST HEAT

In frozen Siberia, who would have expected that a main problem would be too much heat and no ice?

Too much heat! Sweaters stayed in the suitcases and coats were a bother to members of the group on Alaska Airlines' Siberian

Tour. In Siberia summer temperatures are said to average around 35 degrees Centigrade, which sounds reasonable, but this translates into about 100 degree Fahrenheit.

All across Siberia the American travelers hit 94 degree weather and the farther north they went, the hotter it got! Thunder showers occasionally soaked some unwary tourist, but most of the rain was at night.

"No ice! If you want ice, come to Siberia in the winter," Sergei, the Intourist representative, told complainers. There are no bars in Siberia accessible to tourists. Drinks are served in the hotel dining room and if it's closed, that's too bad. Room service does not exist.

In the dining room in Khabarovsk, the first stop, where the Moscow-bound party had been greeted with buckets of ice, not a cube remained.

On the other hand, the tap water in the hotels of Irkutsk and Bratsk was very cold and tasty. On the restaurant tables there was nearly always cool apple juice labeled "Yablochny Natural." Coffee and tea were hot and good.

Champagne and white wines were refrigerated and vodka is vodka, the group discovered, even at room temperature. The next cube of ice the party saw was on their jet, homeward bound.

To beat the heat, women with suitcases full of long-sleeved wool knits were off to shop for cotton dresses in Irkutsk.

Irkutsk, a town of nearly half a million, has a wide, blocked-off street serving as a shopping mall, but no large department stores such as Gum in Moscow or the 3-story Pasudsy Otdel magazin in Khabarovsk. Those intent on cooling off picked up simple cotton shifts from the rack, priced at about \$6. More plentiful than ready-mades were the yard-goods displays. Russian saleswomen were cutting out patterns for customers and in some stores even stitching the seams for them.

Shoppers at the mall found much to see and photograph but little to buy. In the large jewelry store where Russian girls crowded the counter to be measured for wedding rings, nobody understood English. At the delicatessens, sign language (a sneeze) produced snuff instead of pepper, but tomato juice could be obtained by pointing.

For Americans, prices were cheaper and quality higher in the hotels and airports at the "Beriozka," or dollar stores, so called because only American dollars are accepted.

HOTEL AND HAIRCUTS

In a Russian hotel the "house detective" is the lady who sits at a desk by the elevator shaft on your floor and keeps the keys.

Key in hand, obtained via sign language from the lady who guards the second or third floor, the American couple approach their first Siberian hotel room. What awaits the typical traveler on a Siberian tour: a room furnished like a ship's cabin, tiny, twin-bedded, with built-in furniture. Small oriental rugs are under each bed. Clean, comfortable, not fancy.

Every room has a bath, but when the new tenant opens the door he is back 50 years! Intourist people have been so sensitized by American comments and complaints that nobody seems willing to solve the mystery of who designs and manufactures the Victorian plumbing which is installed even in the Tourist Hotel in Bratsk that opened this year.

Tourists must pay for souvenirs in Russian hotels, as Americans found out in a hurry. At Bratsk, the bus was already loaded when the front door opened. "Will the person who had Room 208 please tell the maid where she put the towel?" Red-faced, the girl opened her airline bag. "I've got it wrapped around a bottle of booze," she admitted. When a can opener disappeared at Irkutsk, a ruble was added to the hotel bill.

Curiosity or necessity sent American tourists in many directions:

High school student Doug Peck of Palo Alto was taken home by a young friend he met in the park, but the boy was embarrassed when his parents were afraid to let the American in. He finally persuaded a neighbor to entertain Doug. Another couple hinted so strongly to their Intourist guide that she took them home. Apartments are generally simply furnished and often overcrowded.

To visit a church or synagogue: In Irkutsk, a special visit to a working synagogue was arranged for the Jacob Browns of Cincinnati. Martin Selig of Seattle went along.

For men only: Barbers are usually women and give snappy razor cuts for about 50 cents.

To find out why tourists want to go to Siberia and Russia, all passengers on this summer's charter flights are being asked by Alaska Airlines to fill out a questionnaire. In advance of complete tabulations, an informal poll of the 60 passengers on the returning jet may indicate a trend.

Curiosity? Nine out of ten wanted to know more about Siberia and the U.S.S.R.

Adventure? Nine out of ten could be characterized as adventurous and most of them probably thought it would be fun to be the first Americans to enter Siberia from the west.

Been everywhere? A surprising six out of ten could definitely be classed as experienced travelers. One lady, who admitted having had half a dozen heart attacks, also said she had been to the headwaters of the Amazon last year.

Family or personal reasons? About one in 10 had a parent or spouse born in Russia.

Professional reasons? About one in 10 was a professional writer, photographer or teacher of Russian language or history.

[From the Anchorage Daily Times, June 5, 1970]

NEW ROUTE LINKS ALASKA TO SIBERIA

The fifth spoke in a wheel of international air routes with Anchorage as the hub will come a step closer Saturday when the first flight is made from this city to Siberia.

The flight will open a new chapter in the history of the city that has successfully claimed to be the most air-minded city under the American flag.

Anchorage will become a gateway to Siberia. As such it will on the shortest route between the United States and Russia. It will be the only route that travellers can hop from his homeland into Russia without transiting another foreign land.

It is expected that when service is established on a regular basis, a heavy volume of traffic will come from the Western states to Anchorage on the short route to Russia through Siberia.

Anchorage has enjoyed the economic and cultural benefits of four other air routes that make the city an international crossroads. They are:

1. To Japan with non-stop service to Tokyo, the largest city in the world.

2. To the Lower 48 states, with non-stop service to New York City, the world's second largest city, Chicago and Seattle.

3. To the British Isles with non-stop service to London, the world's third largest city. Also non-stop service to Copenhagen, Amsterdam, Brussels, Hamburg and Paris.

4. To the Hawaiian Islands, almost due south to Honolulu.

The existing routes have provided a basis for many proud claims by the city—air crossroads, most air-minded and such.

They have given Anchorage the distinction of being the only city in the world with scheduled, non-stop air service to the world's three largest cities.

When the Siberian route becomes a permanent reality the city will have additional distinction as the nation's only gateway to Russia.

The Siberian route is still a thing of the future because this summer's operations will be on a charter basis. The U.S. and Soviet governments have approved only 10 flights.

These are considered the forerunners, or proving flights, for permanent operations. Alaska Airlines, which will fly the charters, has applied for permanent route authority with the hope of winning approval for flights direct from Anchorage to Moscow as well as to Siberian cities.

If the Moscow route is approved it will be the first for a U.S. carrier over the North Pole region. All operations in that area are now by European airlines or Japan Air Lines.

The importance of the Siberian route is obvious to longtime residents of Anchorage. It was the local residents who made Anchorage the air-minded city that it is.

From the first beginnings of aviation, Anchorage encouraged bush operators to make this home base. Through the years the city became the hub of the wheel of air routes that extends all the way to Bethel, Nome and Kotzebue as well as to Fairbanks, Juneau and other communities.

When the U.S. planned international air routes over the North Pacific, the people of Anchorage pressed for this city to be the stopping point in Alaska. The Civil Aeronautics Board approved it for more than the city had dreamed of—direct service to Seattle and also the half-way point on an international route from the East Coast to the Orient.

That was the beginning of international operations. The people of Anchorage subsequently made their city so attractive that European airlines came here for refueling and servicing en route over the North Pole to and from the Orient.

Cultural benefits have been an interesting by-product of the aviation business. Each foreign airline has two crews in Anchorage constantly. They also have other ground personnel and service people.

Each crew numbers about 10 persons, which means the city has 160 foreigners living here. They include 20 each for Japan Air Lines, Lufthansa, Scandinavian Airline System, KLM, Air France, Sabena, British Overseas Air Corporation, and Alitalia.

With that many foreigners in Anchorage, languages from far countries are common in public places. And the airline employees participate in skiclubs and other groups, giving Anchorage social activities an interesting cosmopolitan touch that is unique.

The prospect of regular flights to Siberia and Russia open the way for still more interesting visitors, mostly travellers who can stop over, but someday Russian air crews if and when that nation has operations through the Anchorage International Airport.

[From the Anchorage Daily Times, June 5, 1970]

COLORFUL KHABAROVSK NOW NEXT DOOR

300-YEAR HISTORY IN SIBERIA

Anchorage will have some interesting new neighbors when the new air route is operated between Alaska and Siberia.

By neighbors is meant anyone who lives in a city one stop by air from Anchorage. That makes them next door jetwise even though they may be distant milewise.

Anchorage already has more interesting neighbors than most cities of the world. All the population of the world's three largest cities are neighbors because they are just the next stop by jet from here.

So are all the people of Copenhagen, Amsterdam, Paris, Hamburg, Brussels and London. They are all "next door" by jet.

The new neighbors will be residents of the ancient city of Khabarovsk where the history and background of the people are different from any of the others.

Khabarovsk dates back more than 300 years. It was started as a fort in 1652 by an explorer the history books list as Y. Khabarov. He lead the first Russians into the forests and swamps of the lower Amur River.

The fort was strategically located where the Amur River and the Ussuri meet. River transportation was important then and still is today.

In 1689 under the treaty of Nerchinsk the Russians abandoned the fort to China, an action which laid the groundwork for China to still lay claim to the area today.

It was almost 200 years later, in 1868, that the Russians returned to colonize the area. The town was founded as Khabarovka and quickly became focus of the entire Russian Far East activity.

The new town was important because of its position on the crossroads of transportation. The Amur swings around northeastward to the sea where Vladivostok is the famous harbor and naval base for the U.S.S.R.

The Trans-Siberian railroad crosses the Amur River at Khabarovsk making that city an important junction on the line that stretches over 3,800 miles from Moscow on the way to Vladivostok.

At one time the entire Soviet Far Eastern territory all the way to the shore of the Bering Strait opposite Alaska's Cape Prince of Wales, was administered from Khabarovsk but the area has been subdivided for administrative purposes in recent years.

At Khabarovsk there are many modern industries. The city's population may be approaching the 400,000 mark now. It was shown as 322,744 in 1959. The people are employed in large-scale engineering and machine building, ship repairing, oil refining (oil from Sakhalin is brought in by river tanker), timber working, furniture making and many light industries producing clothing and foodstuffs.

The city has several educational institutions that teach everything from medicine to railway operation. There are museums and interesting tours with English-speaking guides.

The city is quite different from Alaska. It has industries that give it an atmosphere quite different from Anchorage. But the huge area of 318,000 square miles around it is very similar to Alaska. Khabarovsk is the capital city for the government of the area, known as a krai.

Northern Khabarovsk krai is almost all dense Siberian taiga which looks much like the Alaska timber dominated by spruce and other evergreens. The population is sparse and development minimal.

Most of the population (1,142,535 in 1959) of the krai resides in the south where the economy is developing rapidly. Coal mining, iron ore, manganese, molybdenum, wolfram, tin and gold are all taken from there.

FEW NEON LIGHTS

One of the things you will miss in Russia is neon lights.

They are not plentiful because business establishments are not merchandizing their things the way stores do in America.

Each store is government owned. It is quite common for the store to have a modest sign—usually painted and unlighted—outside indicating what kind of a store it is. The sign might say "meat". Or it might say "milk". But that's about all.

A 1957 EDITORIAL

The idea of tourist flights from Alaska into Siberia was first proposed in an editorial of the Anchorage Daily Times on Dec. 13, 1957, under the caption, "Airlines Should Seek Routes To Siberia."

The editorial writer of that day outlined a route of travel with points of interest that are now scheduled for the 10 charter flights of Alaska Airlines this summer.

The idea was timely because the Soviet travel agency, Intourist, had just announced that foreign tourists for the first time would be allowed to travel into Siberia as far east as Irkutsk on Lake Baikal. The editorial writer pointed out that a flight from Alaska to Irkutsk would connect with the travellers from Europe to Irkutsk.

Alaska Airlines responded to the editorial immediately by announcing its application for such a route was being filed with the Civil Aeronautics Board. The airline said the route would be virtually the same as the one suggested.

For the 13 ensuing years the idea was left in suspension. It required two governments to give approval and apparently neither one was particularly interested. The airline, however, pressed for action whenever appropriate.

As the two nations made approaches for cultural and educational exchanges, the proposal for moving tourists through Alaska into Siberia came alive in the international discussions.

The original airline request was for permission to fly scheduled operations to Irkutsk. The permission granted is less than that. The Soviets have agreed only to 10 charter flights to Khabarovsk, which is north of Vladivostok.

The airline is hopeful, however, that the experience with the 10 charter flights this summer will be such that the proposal for scheduled operations all the way to Moscow from Alaska will be approved.

[From the Anchorage Daily Times, June 5, 1970]

NEW ADVENTURES IN ANCIENT RUSSIA (By Norma Spring)

For several years Alaska Airlines has been knocking on Russia's back door—Siberia.

There are reasons for feeling neighborly. At the closest point, the Diomede Islands, there are only two miles and the International Dateline separating the Soviet Union and the United States. And down the coast at Nome, home base of the airline's successful summer and winter Arctic tours, it is only about 150 miles to the Siberian mainland.

Whetted by the public interest in their "Shadow of Siberia" routing between Kotzebue and Nome, when passengers have been catching an intriguing glimpse of the misty Soviet mainland, officials periodically renewed their request. Last year, Charles Willis Jr., chairman of the board, and Robert Giersdorf, vice president of sales, took the initiative in a lively people-to-people Alaska-Soviet Union exchange program with tourism-minded Russians.

Russia's Intourist Department not only heard the knock, but now has opened that back door, and also unrolled a big welcome mat. With the blessing of the Civil Aeronautics Board, final approval was granted for Alaska Airlines to make 11 charter flights from Anchorage, 3,800 miles via the Aleutian Island chain to Khabarovsk, in Siberia.

There Aeroflot, the Soviet airline and Intourist, which handles all tourism in the U.S.S.R., lend a helping hand.

Visitors will have a choice of either an eight-day tour of Siberia at \$849 or a 15-day comprehensive tour of the U.S.S.R. at \$1,249. Both tours are priced from Anchorage, both are "all inclusive," guided and de luxe by all standards.

The first leg of the journey via Alaska Airline's Golden Samovar Service is geared to put visitors definitely in the mood for Russian adventure.

Traveling out the Aleutian Island chain is a rare and unusual experience in itself. The itinerary follows closely the route of those early rugged Russian explorers, but in the opposite direction. But it took them most of a year to cover the same distance

under hardship conditions, while a Golden Nugget Jet flies the route in eight hours in luxurious comfort.

The Aleutian Islands are a rocky archipelago dividing the Bering Sea from the Pacific Ocean. Names like Dutch Harbor, bombed by the Japanese in World War II, and Amchitka Island, controversial site of recent nuclear tests, will sound familiar. One of the last U.S. Islands is Shemya, with a modern jet-sized airport. Next the highlight—when the jet crosses the International Dateline into tomorrow, entering Russia and landing at Khabarovsk in mysterious Siberia.

The eight-day tour includes the Siberian cities of Khabarovsk, Irkutsk, Bratsk and Lake Baikal.

Today's Siberia is a far cry from the bleak land of exile under the tsars. It is Russia's vigorous Far East frontier, with extensive virgin timber stands and barely-tapped natural resources, including hydroelectric power on a grand scale.

In fact, this pristine, pioneer land is amazingly like Alaska and so are its people. They seem recharged by the challenge of the past winter, and in summer attack the season's chores with vigor, renewing themselves with outdoor recreation. The countryside flourishes with lakes, streams, flowers, and prolific bird and animal life. These tours will change the image of Siberia.

Khabarovsk is on the Amur River teeming with barges, steamers, fishing boats, tugs, and swimmers. It is the main-eastern depot for the Trans-Siberian Railroad. It is a fine introduction to frontier Russia, a growing giant of 400,000 people as its modern look emerges from the surrounding heavy forest, or taiga.

From Khabarovsk, a modern Aeroflot jet penetrates deep into the heart of wilderness Siberia. Much of the way to Irkutsk it skirts the border of Mongolia. Hopefully, there'll be a glimpse of the legendary Chinese Wall, now 1,200 years old.

Irkutsk is one of the oldest cities in Siberia, and a flourishing one over the centuries, due to its location on the Angara River. It was at the crossroads of trade routes to the Far East, European Russia, and countries to the east. During the 18th Century, explorers and merchants exchanged supplies here before making the long trek on foot or by sled across Siberia eastward to the ocean where they built small ships of green lumber and set sail for Alaska.

Included in the itinerary is a day's trip to nearby Lake Baikal, which is 5,000 feet deep—the deepest in the world—and supports hundreds of species of aquatic life found nowhere else in the world. One of its mysteries is how seals got started and still exist there thousands of miles from the Arctic Ocean.

Bratsk is the newest city. It surrounds the industrial complexes of Siberia's newest and most ambitious project, the world's largest hydro-electric plant, located on the Angara River. When the Bratsk Dam, an hour's flight from Irkutsk, was started about a dozen years ago, the first builders had to make their way from village to village over animal paths through thick forests.

These eight-day tours will depart Anchorage June 20, July 25, Aug. 29 and Sept. 19.

The 15-day tours depart June 6, June 27, July 11, Aug. 1, Aug. 15 and Sept. 15. They include, besides the Siberian frontier, two entirely different faces of Russia.

First is the fascinating European face, as found in Moscow and the optional tour cities: ancient Kiev and 18th century St. Petersburg (now Leningrad) which may be somewhat familiar to visitors.

Russia's heart is in the Kremlin. There, and in the rest of western Russia has been preserved and revered much of the old and the beautiful. It may surprise some to find that the tour includes a very complete visit through the Kremlin: the Armory,

the fantastic St. Basil's Cathedral, Lenin's Tomb.

Then there is the exotic and Oriental face, sampled in a visit to Samarkand and Tashkent, in Russia's Central Asia. Both cities, in warm, desert-like country, on the ancient camel-caravan routes are at the crossroads of traffic and history—the meeting place of many cultures since recorded history. Yes, it is most likely you'll see remnants of camel caravans from the nearby mountains. And the graceful, colorful, domed architecture, assorted national dress, old ruins and native markets are a photographer's delight.

Just about everything possible to see in the time allotted has been crammed into these Alaska Airlines pioneer tours.

RIDE ON SUBWAY IS THE BEST BUY IN RUSSIA

One of the most interesting experiences in a visit to Leningrad or Moscow is a ride in the fabulous subway trains.

The Intourist guides usually ignore the subways, so the visitor must do it on his own. Sometimes the guide can be hired at the end of the touring day to accompany one or more visitors on her own time. Some Communists moonlight.

The subway is a thrill from the time one enters the station and goes by escalator to the train level below. Some of the escalators are unusually long. One in Leningrad goes down several hundred feet. The trip takes one minute and 48 seconds, and that's a long time on an escalator.

At the foot of the moving stairway is a subway station that looks like a palace. The floors are marble and clean. The walls are plaster with decorations in white. Light fixtures are crystal chandeliers.

Some walls have painted murals that are delightful.

The Leningrad subway is newer than the Moscow underground and perhaps more beautiful. It has only 14 stations and is about 16 miles long. Each station, however, is magnificent. Its theme reflects the economic or cultural activity at the surface above it.

It is worth while to get off the subway at each station for a stopover until the next train comes, which is never very long. This affords time for an inspection of each station.

Some have beautiful statuary of bronze. Others have it of marble. Other stations are distinguished by beautiful mosaics that tell the story of that part of the city.

The station below the Baltic Sea train station was done in blue and white marble with designs that simulated ocean waves. An artist could not have done better.

Unless the government has changed it, the fare for the ride is five kopecks which is about five cents. It is probably the best buy in all of Russia.

BUT SHOPPING AT GUMS IS A TEST OF PATIENCE

Do you want to know how the Russian mother shops for her family?

Gums, the biggest department store in Moscow, is a good place to find out. Try to buy a piece of cheese.

First you walk through the crowds, being jostled here and there and sometimes pushed. If it is raining, be prepared because the roof leaks. Some people open umbrellas.

When you find the cheese booth, get in line. Check your watch to appreciate your experience. It takes up to 15 minutes to work your way up to the counter.

The clerk asks what you want. You point, and avoid the problem of language. She weighs the cheese, wraps it and sets it aside. On a small piece of paper she writes the price. She then points toward the cashier's

booth and you can readily understand she means for you to take the paper to that window and pay for the cheese.

Then you check your watch again because you are now in your second line. It takes another 15 minutes to get to the cashier's window. The girl has a huge abacus with huge beads on it. That's her adding machine.

You hand the cashier your slip of paper and a wad of rubles. She takes what she wants and hands you back the rest of your money, and she gives you a receipt.

Then you go back to the cheese counter. And once more you find yourself in line. Check your watch again. You're going to find another 15 minutes is required to get to the clerk who, when you give her the receipt, will hand you the cheese.

Thus it takes mamma 45 minutes to purchase the piece of cheese. Now she can go to another booth and buy bread to go with it.

PROBLEMS ON THE CAMPUS

MR. DOLE. Mr. President, in the Sunday Star of September 27, 1970, the Vice President addressed himself to the problems on campus with special attention to the school year just beginning. I think that the article is indeed timely and I commend it to the attention of the Senate.

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

AGNEW: "LET'S RESTORE THE IVORY TOWER ON CAMPUS"

(By SPIRO T. AGNEW)

As another fall comes to the campus, American colleges and universities are being hard-pressed—from within and without—to define the role they will play in our country's future.

No one, it seems is willing to suggest that they return to teaching students to think and to learn. As controversial as that might seem—"non-relevant" would be the term for it in today's vernacular—I herewith propose.

In other words, let's restore the Ivory Tower and the classical education that has been the bedrock of our civilization. And let's cease the endless pyramiding of irrelevant electives that give the student only "what he wants" and thus ill equip him for the demanding and competitive adult life he is about to enter.

We need more of the mental discipline that produces scholarship and the moral discipline that restores order and allows scholarship to be pursued.

Now, before I am tagged a Neanderthal who would disrupt or destroy the processes of education, or stifle dissent on the part of young people, let me assure the reader that is not my purpose. Please examine the whole argument.

First, some basic beliefs:

I believe that the current generation of young people has demonstrated that it is one of the most "concerned" generations in our history. But, while lauding their compassion and their motives to achieve justice and progress, I disagree wholeheartedly with their methods. I fear that, as far as their college education is concerned, they are losing valuable time.

I also believe that young people should involve themselves in politics and government—but not at the expense of those on the campus who are there to learn and acquire a bona fide education. The serious students of today cannot concentrate for the shouts of "Action Now!"

There is no better way to achieve "Action now" on social and environmental problems than to run for public office or work actively for the election of someone who shares your

beliefs. But I do not think that colleges should suspend their classes while this takes place; and students who are so inclined might do well to engage in such activity on their own time, even if it means removing themselves from college and getting a job.

Finally, I believe that the educated person who has had some practical working experience is much better equipped to solve the problems of this society than a classroom of students, no matter how brilliant they may be.

The problem of pollution is far more likely to be solved by the working scientist than by some present-day agitator or his well-intentioned follower from the campus who stoutly draws attention to it but offers no solution.

Working with the scientist will be the businessman who, before he began making a profit, studied humanities that now guide him to the realization that there is more to life than profit-making; the government official who won election by gaining the respect and confidence of his constituents instead of screaming obscenities at them; and the worker who builds rather than destroys.

That is who will solve the problem.

I do not mean that there is not a major role to be played by the academic community but its contribution must come from the research laboratory, the classroom and the library, rather than the street. Above all, its contribution must be the education of those who tomorrow must come to grips with these problems and further speed their solution.

* * * * *

It is in the last-mentioned, real purpose of college that I feel many of our institutions are falling down today. One of the reasons is they have lost sight of the traditional, time-honored purpose of education.

Our colleges and universities have the same responsibility as the many who have preceded them—to build upon the knowledge of mankind accumulated through the centuries, and to pass this on to their students.

It is their duty and their obligation to preserve and broaden the intellectual heritage of our nation and to educate the future leaders of this country and the world.

They cannot fulfill this role—either for the seven million young people now enrolled on our campuses or the millions more who will soon follow—if they retreat from the basic goals of higher education to become emotionally "involved" with government on issues and problems.

Let me examine for a moment the question of "relevance," this modern trend of yielding to student demands for courses that concern themselves with the major political and social issues of the day. Our major universities now offer such subjects as racial conflict, urban problems, alienation of youth, equality of women, and air pollution to name just a few. They are, in effect, courses in current events.

My feelings about these were well expressed by Bayard Rustin, the civil rights pioneer and executive director of the Philip Randolph Institute, when he commended on widely publicized demands for black-oriented subjects and separate cultural centers on campus.

"Everyone knows that education for the Negro is inferior," Mr. Rustin said. "Bring them to the university with the understanding that they must have (the) remedial work they require. The easy way out is to let them have black courses and their own dormitories and give them degrees. . . .

"What in hell are soul courses worth in the real world? No one gives a damn if you've taken soul courses. They want to know if you can do mathematics and write a correct sentence."

The same thing can be said of practically all so-called "relevant" courses which deal only with current problems out of context.

The information gained from such courses will be, for the most part, out of date—irrelevant, if you will—before the student gets out of college or soon thereafter.

It should be the purpose of the college course to teach method and character on the basis of factual information accumulated over the centuries.

Most "relevant" courses, as far as I have been able to perceive, do not give the student the historical perspective that is necessary in making sound judgments. Even in those where the historical background is considered, it is being considered for a special purpose. The student is aware of what he is looking for. This is not what I have always understood to be the broadening experience we normally think of as the purpose of higher education.

* * * * *

In the traditional history course the student learned a body of material, the immediate value of which he did not know. And he was able to make independent judgments, one way or the other, because he was not already committed to a particular viewpoint on a current issue.

That is not so in the "relevant" courses. The material is controversial; the student is more often than not a partisan, an advocate. He may learn persuasion—important, to be sure—but he will hardly be in the best position to learn accurate observation and disinterested analysis.

Yet, this is precisely what college should teach. In everything that is read or learned, what matters are the qualities of character and mind that we retain long after the concrete means to their acquisition have vanished.

The mental qualities to which I refer are the ability to observe accurately, analyze appropriately, and propose solutions to problems that are perceived.

These abilities are hard to acquire in any circumstance, almost impossible where the task is impeded by partisan emotions. Emotional commitment to the material at hand is pleasant; it renders the burdens light by stirring our emotions.

But pleasure and ease are not the goals of college courses. They can be useful, indeed, but for a college course they must be regarded not as goals, but as means. The goals toward which such courses should aim are precisely the abilities which I have mentioned. In my opinion, these goals can most effectively be reached by utilizing material that is not exclusively "hot" or currently controversial.

Such a regimen requires discipline precisely because it is not easy. Whether this discipline comes from without or within matters little. But come it must, and I believe it is the college's duty to inspire it and to nurture it.

* * * * *

The modern trend to let students follow their noses, to "do their own thing," is an irresponsible policy in higher education. This used to be what you did in your spare time. It is becoming a part of the curriculum at many institutions. The courses multiply yearly.

What if the student likes nothing but rock music and New Left cinema? If he can find a few others who feel the same way and organize an assault on the administration building, should he be given these courses?

And after a four-year, heavy diet of such courses, are we going to pronounce him Bachelor of Arts and say to all the world, "This is an educated man!"?

I do not want to indicate here that I do not think there are many matters of legitimate concern to students and reforms that are needed in all of our educational institutions. There are. But the "do your own thing" syndrome is the weakest part of the argument. It has no place in a college curriculum.

There are those who will argue that method can be learned on any material. But as I have said, the purpose of college is not only to learn method; it is also to acquire certain traits of character. In this regard, it very clearly matters what the student reads. I, for one, am not ready to substitute Allen Ginsberg for Shakespeare or Milton.

There is a difference between what is historically significant and what is currently "relevant," and it should be reflected in the sense of values we apply to college courses. The time allowed for education is limited and precious. It should be used wisely. And the faculty, not the students, are the best judges of how it should be filled.

As for the character-building aspect of education, all of us want our children to acquaint themselves with the lofty ideals and noble character that are part of our heritage. It inspires them to reach beyond themselves.

I asked a student once why he studied history, and he told me that it gave him hope, it stimulated him to rise above the petty details of his life. When he felt small—a tiny speck in a world of three billion people—he could draw inspiration from the success of the great leaders of our republic and our world, who also overcame a myriad of problems to succeed. And they came across as individual, real men.

The advocates of relevance insist that the current events themselves are of primary importance, rather than the context in which they exist. This is reminiscent of the old professor who demands that we learn all the "footnotes" of Hamlet rather than its timeless message. What place does this emphasis on the acquisition of details for their own sake have in college education?

Problems are not new in the world. They are always changing. What some may see as a big problem today may well be gone tomorrow. The student must concern himself with acquiring that which will serve him for the next 40 or 50 years, right down to the day he dies.

Some of our problems which we think so new and so momentous are as old as man. There was air pollution in the London of Samuel Johnson, and there was noise pollution in the Rome of Juvenal.

While we have added immeasurably to those problems, we also are moving toward conquering them for the first time in history. The country is concerned. Action must follow.

But again I say, if the pollution problem of today is to be solved, it will be solved by those who are educated and experienced, not by those students who have nothing to offer but their concern.

Today's students can look forward to solving problems many years from now which we cannot even imagine—if they prepare themselves now to deal with unforeseen difficulties.

Part of the preparation they will need is breadth of vision. That is what college offers . . . or what it can offer if its students, faculty and administrators disengage from trying to run the country and concentrate on the time-honored task at hand.

STATEMENT BY THE PRESIDENT'S ADVISERS CONCERNING THE CURRENT FUEL SITUATION

Mr. COOPER. Mr. President, I have read with interest the joint statement by Mr. Paul McCracken, Chairman of the President's Council of Economic Advisers, and General George A. Lincoln, Director of the Office of Emergency Preparedness, this morning making a report of action taken by the Interagency Power and Energy Committee convened by the Office

of Emergency Preparedness, methods to deal with the Nation's fuel situation for the coming winter.

In addition to recommendations for the importation of additional quantities of fuel oil on the east coast, the report makes certain recommendations dealing with one of the important causes of our present coal shortage—the unavailability of an adequate number of coal cars for loading and transporting coal. That part of the report on fuel relating to our coal supply is encouraging to Members from the coal producing States and others who are cosponsors of Senate Resolution 457.

The report states that, in addition to the Interstate Commerce Commission's action just taken doubling the demurrage charge for all open top hopper cars standing idle in loading or unloading zones, the ICC will take the following additional actions: First, divert the use of general service hopper cars from alternative loads to the movement of coal. I am informed that this would mean that cars presently carrying sand and gravel or ore, for example, could be diverted from that use to the use of loading and transporting coal; Second, direct the ICC to require the return of all hopper cars within a specified period of time.

In my floor statement last Friday, I noted that the ICC had just announced its continuation in effect of service order 1043 which was scheduled to expire on September 30. Service order 1043 requires, in substance, that all coal cars owned by the Louisville and Nashville, the Chesapeake and Ohio, the Norfolk and Western, and other coal carriers, when made empty at an off-line point, be immediately returned empty without intervening loading to the owning railroad. This order has been helpful to the above carriers, particularly to the L. & N., in expediting the return of cars and in reducing the turn-around time. I am very pleased that the ICC will continue this order in effect for another 90 days to December 31. It would seem to me that if the recommendation of the administration would also require a specified period of time for the return of coal cars this procedure would further speed the return of cars to the owning railroads and would aid the availability and supply of cars to these carriers.

Mr. President, I believe that the report and initial recommendations of the President's advisers in dealing with the serious problems that our Nation faces this winter with respect to a fuel shortage, and possible power shortages are important and helpful, and I invite the Senate's attention to this statement.

The honorable Paul McCracken and Gen. George A. Lincoln deserve credit and thanks for the steps taken to immediately ease and more permanently relieve the fuel shortage and, of course, President Nixon deserves our appreciation for setting in motion these necessary steps.

Mr. President, I ask unanimous consent that the statement of the President's advisers and an article appearing in this morning's Wall Street Journal reporting on the double demurrage charges on overdue hopper cars ordered

by the ICC be printed in the RECORD at this point.

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

STATEMENT BY PAUL W. McCRAKEN, CHAIRMAN, COUNCIL OF ECONOMIC ADVISERS, AND GEN. GEORGE A. LINCOLN, DIRECTOR, OFFICE OF EMERGENCY PREPAREDNESS ON THE FUEL SITUATION FOR THE WINTER OF 1970-71

Last May, in anticipation of the tight electric power supply in some regions of the United States this summer, the Interagency Power and Energy Committee convened by the Office of Emergency Preparedness issued a report which identified the problem areas and suggested measures which the electric utility industry, consumers, and the appropriate agencies of the state and federal government should take to avoid a breakdown in service. The power supply problems in the East occurred as anticipated but the contingency planning—primarily by the electric power industry itself, but assisted by federal actions—enabled the general public to continue to be served. We have had difficulties this summer, and as recently as last week, but considering the magnitude of the problem and the potential for truly disastrous consequences, the contingency planning has worked well.

We have continued to study the energy supply situation and find that as winter approaches the nation faces a potential shortage in the supplies of natural gas, residual fuel oil and bituminous coal. The potential shortage appears to be more serious in some regions of the country than in others, but no section is completely immune from concern.

The prospect of an energy shortage arises for many reasons. Demand for energy continues to grow more rapidly than in previous years. And the demand for clean fuels to meet air pollution controls has placed extraordinary demands on natural gas and low sulfur oil and coal. Some coal stockpiles are lower than normal and some electric utilities are unable to build up their inventories, in part because of railroad transport deficiencies. A sharp rise in the worldwide demand for residual fuel oil, especially low sulfur oil, and a shortage of oil tankers caused in part by production cutbacks in Libya and interruptions of an oil pipeline in Syria, have contributed to the tightness in U.S. fuel oil supply. Increased demand and inadequate exploration and development for natural gas are contributing to its scarcity. Nuclear power plants under construction as a source of electric power are behind schedule and this results in greater demands for fossil fuel.

To avert the threatened shortages and minimize their impact will require the combined efforts of all those involved in the production, distribution and consumption of fuels—which means industry, labor, consumers, and State and local governments, as well as the Federal Government. Basically, we rely upon the proven adaptability of the American economic system which must respond to the present and prospective demands for fuel by converting to the production of what is most needed and its delivery where it is most needed. The increased national requirements, and the changes in the price structure that arise from them, provide a powerful incentive to this adjustment of supply, which is in fact already taking place. We call upon the petroleum industry, the coal industry, the railroad industry and others, in the light of the national need, to increase the supply of fuels, as is made feasible by economic factors. We also ask the cooperation of the coal miners, the railroad workers and other fuel and transportation workers to help avert a fuel shortage.

While primary responsibility for fuel sup-

ply rests with the industry under our private enterprise system, responsible government should take effective action to avert a shortage of so critical a resource.

It must be recognized that solutions in which the government can play the greatest role are more long-term in nature. Those possibilities are under study by the Energy Subcommittee of the Domestic Council. For the moment we have considered what government can effectively do now—this fall—to facilitate supply.

We have concluded that certain actions by the Federal Government can help both assure the adequacy of supplies and thereby to moderate the increase of prices. We are, therefore, taking the following actions which we believe are necessary to give reasonable assurance of the adequacy of fuel supplies this winter. In view of numerous uncertainties, no one can now be sure that these steps will be adequate. We will keep the situation under continuous observation to be prepared with further measures if they appear to be necessary.

(1) Action is being taken to:

a. Continue the importation through calendar year 1971 into the East Coast (District I) of an average of 40,000 barrels per day of No. 2 fuel oil with up to 80,000 barrels per day concentrated in the first quarter heating season.

b. Exempt natural gas liquids from the Canadian crude oil quote limitations. (These natural gas liquids are associated with the production of natural gas which we are importing from Canada.)

c. Permit the importation of liquefied petroleum gas from the Western Hemisphere.

d. Permit topping of imported crude oil used for fuel into District I (East Coast) if all of the topping is used for fuel.

e. Permit topping of crude oil imported for fuel overland from Canada and the use of such topping product for fuel or for reexport to Canada.

f. Relax restrictions on viscosity requirements of crude oil used for burning.

g. Permit transportation of oil from Canada by waterway.

(It should be noted that for all practical purposes there are currently no restrictions on importation of residual oil into District I (the East Coast) or on importation of crude oil for burning into District I and overland from Canada.)

(2) In order to increase the availability of railroad cars for moving coal, the Interstate Commerce Commission has doubled the demurrage charge for all general service and coal hopper cars standing idle in loading or unloading zones. In addition the ICC will take the following actions as conditions require:

a. Divert the use of general service hopper cars from alternative loads to the movement of coal; and

b. Require the return of all hopper cars within a specified period of time.

(3) We will continue to work closely with the electric power industry through the Federal Power Commission along the lines of our program for the summer to assure that interruptions in electric service are minimized. We urge the State and local governments to meet with the utilities in their respective service areas to review contingency plans for meeting loads this winter in those areas of tight supply identified.

(4) We are continuing to urge the consuming public to practice conservation in the use of energy. The Special Assistant to the President for Consumer Affairs will issue suggestions to the public for doing this. Federal agencies will set an example by instituting programs to conserve fuels in federal installations.

(5) We are establishing a Joint Board composed of the Director of the Office of Emergency Preparedness (Chairman), the

Secretaries of Interior and Commerce, and the Chairmen of the Council of Economic Advisers, the Council on Environmental Quality, the Interstate Commerce Commission and the Federal Power Commission, to identify emergency problems in fuel supply and fuel transport and coordinate prompt and appropriate remedial action by the responsible federal agencies.

These steps are in addition to a number of measures already taken, or in the process of being prepared for implementation, to use the transportation and power systems more efficiently and respond to local shortages.

Appropriate federal agencies will be meeting with State and local authorities to discuss this winter's problems in detail. We also expect to maintain close contact with the energy industry in order to assist in averting shortages.

We are taking the actions announced today to avert serious shortages. We believe that with the cooperation and initiative of industry, labor, and consumers an energy crisis can be averted. There are certain other measures we have considered. And, if the measures taken today together with the initiatives of industry fail to avert a crisis, we shall not hesitate to resort to any additional actions necessary.

ICC To DOUBLE CHARGE ON OVERDUE HOPPER CARS IN WAKE OF SHORTAGE

WASHINGTON.—The Interstate Commerce Commission moved to ease a shortage of open-top hopper cars for coal shipments by ordering a temporary doubling of the charges shippers pay railroads for holding the cars too long.

The ICC said that starting Thursday all such demurrage charges for these cars beyond the specified "free" time will be doubled. The increase will expire Dec. 1, the commission said.

It said some railroads can't furnish enough of the coal-hauling hopper cars to coal mines because of an "acute" nationwide shortage of the cars. The shortage is impeding the movement of coal for use by electric-power plants at a time when power is in short supply the ICC said. It said the cars are being held beyond free time for loading, unloading or until instructions for movement are received.

Typical normal demurrage charges for the cars include a range of \$5 to \$15 a day, depending on length of time held by the shipper beyond the 48-hour free time, for general hopper car charges, and \$10 a day beyond the 24-hour free time for cars that are part of "unit" trains.

The commission a month ago put off for seven months, until April 1, 1971, a permanent doubling of demurrage penalty charges for all freight cars held beyond the free-time period by shippers. Railroads had requested that increase.

NAVAL WAR COLLEGE REVIEW ARTICLE ON DUTY, HONOR, COUNTRY

Mr. THURMOND. Mr. President, the U.S. Military Academy at West Point is our oldest service school for the training of career officers for the Army. An essential element in this education is living in the presence of great traditions, perpetuated by suitable memorializations and the occasional appearance of key war leaders. The motto of this great school is duty, honor, country.

One of the most illustrious graduates of West Point was Gen. Douglas MacArthur of the class of 1903. Returning to the Military Academy on May 12, 1962, to accept the Sylvanus Thayer Award in

what was his final rollcall, General MacArthur made an impassioned appeal in support of the patriotic values epitomized in three hallowed words: duty, honor, country.

Though not featured in the main news media of our country at the time, as it should have been, the address was recorded and has now become immortal as an inspiration to all charged with the responsibility for the protection of the United States as well as to those to whom it was addressed.

Unfortunately, today there is a tendency to forget the meaning of these values. Some of the news media and entertainment media and many of our public leaders conspire to downgrade not only the meaning but the very importance of these sacred laws. Patriotism is turned upside down and honor inside out. The very concept of duty, and of sacrifice, and of self-restraint has been eradicated from the moral culture to which so many of our young are subjected. But it is not only some of the young who fail to acknowledge these values. The older generation, too, must bear its share of blame for adopting the attitude of the cynic and for allowing themselves to be given over to the easy paths of pleasure and self-seeking.

The tremendous propaganda campaign to downgrade the military and to destroy its place in the public esteem coincides with the general relaxing of the ethical values in our moral culture. It is fitting, therefore, that we come back to the touchstones embodied in duty, honor, country, and say as General MacArthur said in his historic speech:

The code which those words perpetuate embraces the highest moral laws and will stand the test of any ethics or philosophies ever promulgated for the uplift of mankind. Its requirements are for the things that are right, and its restraints are from the things that are wrong. The soldier, above all other men, is required to practice the greatest act of religious training—sacrifice. In battle and in the face of danger and death, he discloses those divine attributes which his Maker gave when he created man in his own image. No physical courage and no brute instinct can take the place of the Divine help which alone can sustain him. However horrible the incidents of war may be, the soldier who is called upon to offer and to give his life for his country, is the noblest development of mankind.

Mr. President, in those words of General MacArthur we have summed up the answer to the moral degenerates who scream that our military posture is immoral and that our military allies are criminals. At a time when even the thought of victory has been driven from the minds of many, it is useful to reflect upon the great moral truths to which the soldier bears witness. It is highly significant that many of the violent and irrational of the war critics are precisely those who adopt physical habits and behavior which is an affront to all standards of Christian behavior. I cannot believe that such degenerates have developed a code which is superior to that of duty, honor, country.

It is singularly appropriate that the Naval War College Review, for September 1970, has published a research paper

by Maj. Richard A. Behrenhausen, U.S. Army, a 1961 graduate of the Military Academy and a 1970 alumnus of the School of Naval Command and Staff of the Naval War College, in which he analyzes and evaluates General MacArthur's 1962 address.

Mr. President, in order that Major Behrenhausen's scholarly appraisal of the indicated address may be made available to the Nation at large, especially our educational institutions, I ask unanimous consent that his article, "Duty, Honor, Courage," and General MacArthur's May 12, 1962 address by that title be printed in the RECORD at the conclusion of my remarks.

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

DUTY, HONOR, COUNTRY

(General of the Army Douglas MacArthur was not only a successful military officer, but was also one of his generation's most talented orators. One of his most eloquent speeches was "Duty, Honor, Country"—an impassioned patriotic appeal to the values of the officer corps—delivered at West Point in 1962 on the occasion of his acceptance of the Sylvanus Thayer Award. In the following article the author analyzes and evaluates this address in the light of contemporary standards of rhetorical excellence.)

(A research paper prepared by Major Richard A. Behrenhausen, U.S. Army, School of Naval Command and Staff.)

MACARTHUR OF WEST POINT

Duty, honor, country: those three hallowed words reverently dictate what you ought to be, what you can be, what you will be.

On 28 February 1962 the U.S. Military Academy announced that General of the Army Douglas MacArthur had been selected to receive the Sylvanus Thayer Award.

The award, first presented in 1958, is named for Sylvanus Thayer, known to generations of cadets as "The Father of the Military Academy." As Academy Superintendent from 1817 to 1833, Thayer instituted academic and military principles "based upon integration of character and knowledge" that remain today virtually unchanged.¹ The award is presented annually to a distinguished U.S. citizen "whose record of service to his country, accomplishments in the national interest, and manner of achievement exemplify outstanding devotion to the principles expressed in the motto of West Point—Duty, Honor, Country."²

On 12 May 1962, General MacArthur made his final journey to West Point. On that day he was to be presented with the award—"a handsome gold medal, a beautiful hand-painted scroll, and a citation."³ It was a perfect day for a parade. A brilliant sunshine highlighted the spring beauty of the Hudson Valley as the Corps formed on "The Plain" in honor of the general. The ancient parade field was surrounded by more than 30,000 spectators who broke into spontaneous applause as the Old Soldier trooped the line once again.⁴

Following the parade, the award presentation was made in the cadet messhall. Maj. Gen. William C. Westmoreland, the Academy Superintendent, opened the program with a few brief remarks. Next, Lt. Gen. Leslie R. Groves, President of the Association of Graduates, recalled some of the highlights of General MacArthur's career. Following these momentary reminiscences, General Groves then read the award citation. At the conclusion of this reading, the audience, which consisted of 70 distinguished military and civilian guests, more than 300 Academy gradu-

ates of the entire 2,400 man Corps of Cadets, rose in a standing ovation as the award was presented. Then, speaking from his heart "without reference to notes or script," General MacArthur "delivered the inspiring address which will occupy forever a prominent niche in the history of West Point."⁵ (See appendix I.)

This "moving and inspirational farewell speech"⁶ would come to be called "Duty, Honor, Country" and would take its place alongside of "Old Soldiers Never Die" as the most famous public address of General MacArthur.

The purpose of this paper is to conduct a rhetorical critique of "Duty, Honor, Country." This criticism will include investigation in the following areas: a brief sketch of the background of General MacArthur and his methods of speech preparation; an examination of the organizational structure of the speech and of the means of proof employed within the speech; an analysis of the style and delivery of the speech; and, finally, an overall evaluation of the effectiveness of "Duty, Honor, Country" as well as an interpretation of its communicative situation.

No attempt will be made to recount in detail the many and varied highlights of the career of Douglas MacArthur. Called "the greatest front line general of the war,"⁷ his daring exploits with the famous Rainbow Division during World War I are included in even the most basic history texts. Equally as familiar is his rapid rise within Army ranks to Chief of Staff. His subsequent records as Special Military Advisor to the Philippines, Commander in Chief U.S. Army Forces in the Far East, Supreme Commander of the Allied Powers for the occupation of Japan, and Commander in Chief, United Nations Forces in Korea are, again, both well known and well documented. Yet, because a speaker's "background may well contribute to his ultimate product,"⁸ certain facets of General MacArthur's life and career merit investigation.

Douglas MacArthur was born in his father's Army headquarters at Arsenal Barracks, Little Rock, Ark., on 26 January 1880.⁹ If, indeed, "the military officer raised in such a milieu since childhood might be influenced on a particular issue in a very positive way,"¹⁰ then most certainly Douglas MacArthur would have been so influenced. Though he would not officially join the Army until his entrance to West Point in 1899, he "was in and of the Regular United States Army from the day of his birth."¹¹ He was fond of saying "the first recollection I have is the sound of Army bugles."¹² "His first books had to do with soldiering; his playmates were the children of other soldiers on the post, and like young Douglas their first playground was an Army square."¹³

Douglas' father, Arthur MacArthur, a professional soldier of considerable renown,¹⁴ conducted an early education of his son. In addition to the three R's, he instilled in him "a stern sense of obligation." Douglas learned that he must "always do what was right and just" and that his country "was to come first" in his heart.¹⁵ A frequent topic of conversation between father and son during these early years was "the glories of West Point." As far back as he could remember, his father had expounded on the virtues of the Academy. He frequently brought to his home "some recently graduated young shave-tail to tell his son of the customs and regulations of the Academy."¹⁶ Many years later his father would say that "he started Douglas toward West Point the day he was born."¹⁷ General MacArthur likewise recorded in his memoirs "always before me was the goal of West Point, the greatest military academy in the world."¹⁸

Douglas MacArthur achieved "the fulfillment of all my boyish dreams"¹⁹ when he entered West Point on 18 June 1899. As the son of a famous soldier, he was singled out

in advance as a target for hazing. He quickly gained the respect of both his classmates and the upperclassmen by meeting a very rough summer camp hazing "like a man, with fortitude and dignity." In fact he emerged from the camp "with flying colors" and "showed himself a true soldier, easily mastering the military training."²⁰

With the rigors of summer camp behind him, MacArthur began to pursue "with direct, unwavering purpose his self-set goal of surpassing his classmates." Militarily he progressed from corporal in his 2d year to company first sergeant in his 3d year. In his final year he achieved the peak of West Point military aptitude—First Captain of the Corps of Cadets. Academically he ranked number one his first 2 years, dropped to fourth in his 3d year, but returned to the top his senior year. His final 4 year average of 98.14 was the highest in the history of West Point.²¹ Although not an outstanding athlete, he was proficient enough to win a starting position in the outfield of the Army baseball team and twice earned his "A." (He would wear it on his cadet bathrobe until his death in 1964).²² He was particularly proud of scoring the winning run against Navy in 1901 by "stretching" a base on balls into a homerun as a result of shoddy fielding by the midshipmen.²³

Douglas MacArthur, "a tall, slender, handsome cadet, glitteringly immaculate with maroon silk sash, plumed dress hat, glinting sword, and four gold stripes of chevrons"²⁴ was graduated from West Point on 11 June 1903 as a second lieutenant of Engineers "prepared to live—or to die—in upholding the oath. Duty, Honor, Country."²⁵ Sixteen years later he would return, as the youngest Superintendent in its history, with the mission to revitalize an Academy that was "forty years behind the times."²⁶

"West Point in 1919 was sorely in need of a leader of energy and vision."²⁷ Due to wartime demands for Army officers, the normal 4-year curriculum had been shortened to 1 year, leaving the institution in a state of disorder and confusion. In Congress and across the Nation the popular opinion seemed to be "Why have a West Point at all?" Critics of the Academy argued if World War I "was the war to end wars, the war to have democracy for all time, why go on training, at great expense, officers who would never have to fight?"²⁸ As MacArthur noted in his memoirs, "Even the proud spirit of the Academy had flagged."²⁹

The new Superintendent lost no time in beginning his "fight for the very life of the Academy."³⁰ He immediately went to Washington to plead the Academy's case before Congress. He reminded the legislators that "West Point, together with the United States Naval Academy, represents the apotheosis of the public school system" and called for "that spirit of generous foresight that has marked the educational system of the nation for the past century." Much to his relief, Congress supported his views and the Academy was returned to a 4-year curriculum.³¹

General MacArthur then turned his attention to the internal problems that were plaguing the Academy. He bluntly asked the Old Guard of traditionalists, "How long are we going on preparing for the war of 1812?"³² Although frequently opposed by many academic members of this Old Guard, MacArthur was relentless in his purpose—"to change the objective of the United States Military Academy from its hide-bound and traditional lines to the specialized preparation needed for modern soldiering."³³ In 3 short years he completely rehabilitated the Academy's administrative procedures; revitalized its academic, tactical, and physical training; and laid the long-range plans for the expansion of its physical plant and facilities.

Under General MacArthur's leadership the academic departments, formerly "isolated,

Footnotes at end of article.

tight little islands," were drawn together. Instructors were sent to colleges and universities throughout the land to take courses and observe their educational procedures. At West Point, military courses were adapted to modern needs; scientific courses were brought up to date; classical courses were instituted to be used as cultural foundations; and liberal arts courses received new and greater emphasis.³⁴

As Superintendent, MacArthur was also responsible for reviving forgotten or ignored Academy traditions. Under his hand the fourth class system was reestablished, but without the brutality of physical hazing. The old customs of the Corps were not changed, instead, "Plebes would learn them in a decent soldierly way, without arrogance or abuse."³⁵

MacArthur also eliminated the frivolous world of the cadet summer camp. In its place he substituted a rigorous military training system. Included in the new system was a program of sending cadets to Regular Army posts as a part of their summer training. In this way he insured that the prospective officers would receive training in the handling of modern weapons and would also encounter realistic field experiences.³⁶

Cadet physical training was completely revamped during MacArthur's tour as Superintendent. The old program of optional athletic participation by interested cadets was discarded. He directed that every cadet would engage in an active athletic program and thus established West Point's new famous program of intramural athletics.³⁷

Douglas MacArthur gave to and demanded from the Corps the highest standards of honor. He felt such standards were "the only solid foundation for a military career." "A code of individual conduct" was established to maintain "the reputation and well-being of the whole." To Douglas MacArthur this code was a West Pointer's "personal responsibility to his mates, to his community, and above all to his country." It was MacArthur's professed view that "In many businesses and professions the welfare of the individual is the chief object, but in the military profession the safety and the honor of the state become paramount."³⁸

Douglas MacArthur's aims as Superintendent of West Point are best described in the Academy code which he wrote. This code begins "To hold fast to those policies typified in the motto of the Academy—duty, honor, country."³⁹ It is not possible to cite here all of his accomplishments and triumphs as Superintendent in support of these aims. It is significant to note, however, that when he departed the banks of the Hudson in 1922 "the new objective of West Point had been firmly established. A new spirit had been instilled that was to grow and thrive—a new spirit that can be positively identified with MacArthur."⁴⁰ No graduate of the U.S. Military Academy would challenge William Ganoe's appraisal, "If Sylvanus Thayer was the Father of the Military Academy then MacArthur was its Savior."⁴¹

Douglas MacArthur did not like to talk extemporaneously. On those few occasions when someone pushed a microphone in front of him, he most likely had already "carefully rehearsed in his own mind just what he would say." MacArthur was most articulate in carefully prepared speeches. His normal working habit was to write out his speeches in longhand on lined legal-sized yellow paper. While writing he would edit and reedit until satisfied that his finished product would contain the message he wished to convey to his listeners.⁴² In a foreword to *A Soldier Speaks*, a textbook prepared for use at the Military Academy, Vorin E. Whan noted, "He often wrote his speeches

in longhand in order to collect his thoughts, and then delivered them almost verbatim without using his text."⁴³

The general seldom introduced his speeches or attempted to embellish them with any "that reminds me" stories. Normally, his speeches were devoid of any humor. On those occasions when he spoke, his speeches were serious.⁴⁴

General MacArthur's speeches were his own. He never used a ghostwriter.⁴⁵ His close friend Carl Mydans observed, "No one ever wrote a line for him . . . and no one ever added a word to or deleted one from anything he had written for the public record." Mydans also recalled observing MacArthur "preparing the communiques, a steady, unhesitant flow of words written in pencil on a pad of lined legal-sized paper, as though it had all been written before and was now only being copied."⁴⁶

In preparation for his famous "Old Soldiers Never Die" address to Congress in 1951, General MacArthur followed his normal habits of speech preparation. He worked "through the long day and into the night" honing the speech.⁴⁷ Yet, incredibly, "Duty, Honor, Country" does not fit this pattern. It appears to be a remarkable, extemporaneous speech spoken from the heart without any formal preparation. In commenting on the occasion, MacArthur stated simply, "I had no prepared address."⁴⁸ Dignitaries who were seated at the head table that day unanimously concur that the speech was delivered "without reference to notes or script."⁴⁹ The professional opinion of the editors of the text, *A Soldier Speaks*, that "Duty, Honor, Country" "was delivered extemporaneously and had not been written out by General MacArthur prior to its delivery at West Point"⁵⁰ remains unchallenged.

THE SETTING

"The long, gray line has never failed us. Were you to do so, a million ghosts in olive drab, in brown khaki, in blue and gray, would rise from their white crosses, thundering those magic words: duty, honor, country."

West Point is awe inspiring. "It is situated between the lofty Crow's Nest of New York's Bear Mountain and the venerable Storm King Mountain of the Highlands." Flowing below its "noble heights" is the majestic Hudson River, guarded since Revolutionary days by historic Fort Putnam, a familiar haunt of generations of cadets and their ladies.⁵¹

But the inspiration of West Point is not derived just from its magnificent physical setting or its genuine ascetic beauty. In time, the cadet exposed to these on a daily basis, comes to regard them more with pride than awe. It is, instead, the incessant, never heard yet never silent, footsteps of the Long Gray Line which stir the heart and quicken the pulse of the cadet. "For West Point is not battlements; not ivy and cloistered halls; not parades; those things are stage-setting."⁵² West Point is the joy and despair, the triumph and defeat of that ever-lengthening Long Gray Line.

Cadet parades on "The Plain" seem to be joined by those ubiquitous spirits from another day. The cadet, passing under the long, mournful shadow of Battle Monument which commemorates the Civil War, hears again the rollcall. "Grant, Lee, Jackson, Early, Sheridan, Sherman . . . all present and accounted for, sir!" There is no escape from tradition at West Point. The Long Gray Line is that tradition. The West Point cadet eats in a messhall faithfully guarded by Sylvanus Thayer. He sleeps in the same room, organized in the same manner, as did "Black Jack" Pershing. He studies under the watchful eye of George Patton—who guards the library as a lone sentry, binoculars draped jauntily around his neck, pearl-handled

pistols at his side. On those few occasions when the rigors of West Point are momentarily forgotten, the cadet enjoys a limited social life within the confines of staid old Cullum Hall—on whose walls are inscribed the names of every single graduate who has ever given his life in defense of his country.

Although every graduate of the Military Academy is considered a member of the Long Gray Line, few, if any, ever truly join its ranks until their death. Douglas MacArthur was one of those few. Returning to West Point on that lovely spring day, he was not just a graduate, albeit a distinguished one. He was one of "them." Douglas MacArthur was a living part of the tradition of West Point which is so zealously passed to each succeeding fourth class. His portrait stood guard over the stone portals of the gymnasium, saluting each cadet as they passed through or paused to read the maxim he had had carved in the stone:

Upon the fields of friendly strife,
Are sown the seeds that,
Upon other fields, on other days,
Will bear the fruits of victory.

If a cadet stopped to view the long line of official portraits of former Academy Superintendents, one striking figure of a soldier, wearing a crushed cap and proudly displaying the Rainbow Division shoulder patch, seemed to tower above all others. Much of the modern-day lore of West Point is centered about Douglas MacArthur. His deeds and words are legend at West Point and in many cases a part of the "required" tradition. Even the newest cadet knows verbatim the text of his "Beat Navy" telegram of 1949: "From the Far East I send you one single thought, one sole idea—written in red on every beach-head from Australia to Tokyo—there is no substitute for victory."

A ripple of laughter must have passed along the Long Gray Line that day when he began his speech: "As I was leaving the hotel this morning, a doorman asked me, Where are you headed for General?" And when I replied 'West Point' he remarked 'Beautiful place. Have you ever been there before?'

In analyzing a speech "to unearth the nature of the occasion is also a task of the critic."⁵³ Correct identification of the occasion can lead to "influences on the subject, the speaker, and the speaker's purpose."⁵⁴ Occasions can be categorized into such types as ceremonial, required, routine, or perhaps spontaneous. But "whatever the occasion it is significant in rhetorical analysis and evaluation."⁵⁵

Although the presentation of the Thayer Award was made to Douglas MacArthur at the end of a day of ceremonies, the occasion was not truly ceremonial. It was more than that; it was parochial. The award, named for "The Father of the Military Academy," was presented to an individual commonly called "The Savior of the Military Academy." The selection of the awardee had been made by a committee of seven distinguished Academy graduates.⁵⁶ The actual presentation was made in the historic cadet messhall before an audience of 2,800 cadets and graduates of the Academy. Finally, the award presentation, normally made in early March, was postponed until May in order to include a traditional Corps review in the occasion. (The first time this had ever been done.)⁵⁷ It would have been heresy for General MacArthur to have selected any topic other than West Point for his acceptance speech.

The occasion does not alone "mold the speaker's ideas," so too does the audience. There are four simple categories of audience reaction: completely favorable, completely opposed, apathetic, and uncommitted. "Very seldom, however, can the critic find a pure reaction in any one audience."⁵⁸ Audiences

neither come from a vacuum nor assemble in one. They come with preestablished systems of values, conditioning their perceptions."⁵⁹

These learned opinions are probably true in the large majority of rhetorical analyses, but they seem somehow out of tune with the audience that was assembled at West Point on 12 May 1962. This was an entirely homogeneous audience, tightly packed in the artfully conceived vacuum that is West Point. Together with the speaker, they formed an integral part of the day's activities. They stood tall and proud as the old general passed by their ranks to the tune of "those treasured chants of World War I . . . 'Tipperary,' 'Smile Awhile,' 'K-K-K-Katy,' and 'My Buddy.'"⁶⁰ Then, as the nostalgic sounds of "The Official West Point March" flooded The Plain, General MacArthur stood tall as the cadets passed in review. Later, as the Corps gathered in the messhall for the noon meal, they knew that that withered old man in the dark business suit had once been "the handsomest cadet that ever came into the Academy."⁶¹

The values which were dominant in that group were obvious. They were the values of "duty, honor, country"—the motto of West Point. Both General MacArthur and his audience shared these same values. Douglas MacArthur's farewell speech was not designed to introduce any new values. It was intended to reinforce the cadets' preestablished values of "duty, honor, country."⁶² The effectiveness of "Duty, Honor, Country" in accomplishing this task was significantly increased as a result of the cadet identification with MacArthur.

ORGANIZATION AND MEANS OF PROOF—
"DUTY, HONOR, COUNTRY"

"Yours is the profession of arms, the will to win, the sure knowledge that in war there is no substitute for victory, that if you lose, the nation will be destroyed, that the very obsession of your public service must be duty, honor, country."

A well-organized speech should be divided into three distinct parts: introduction, discussion, and conclusion. Each of these parts should fulfill certain specific requirements.⁶³

The introduction of the speech should serve to (1) gain attention; (2) present a clear statement of the speaker's purpose; and (3) provide a thesis which suggests the main point of the speech. These three points may be usefully summarized by the terms: attention-getter, orientation, and thesis statement.⁶⁴

The empathy between General MacArthur and his West Point audience was so strong that an attention-getter, as such, probably was not necessary in "Duty, Honor, Country." However, as a speech perfectionist, General MacArthur did choose to use an attention-getting step. The technique he employed was "reference to the occasion." Following his opening anecdote the general began "No human being could fail to be deeply moved by such a tribute as this. . . ." He continued by interpreting the award as "not intended primarily to honor a personality, but to symbolize a great moral code." MacArthur then characterized the code as "an expression of the ethics of the American soldier" while expressing his pride and humility at being thus integrated into such a noble ideal.

The orientation and thesis statement are frequently confused. The orientation should tell the audience what a speaker is going to do while the thesis statement does it. The thesis statement "is the assertion of an idea or an opinion. It is in effect a one-sentence summary, the one statement in your speech which all others support, either directly or indirectly."⁶⁵ In "Duty, Honor, Country," General MacArthur reversed the normal speech procedure, by first stating his thesis

and then explaining his purpose (orientation).

After completing his reference to the occasion, MacArthur stated his thesis, "Duty, honor, country: those three hallowed words reverently dictate what you ought to be, what you can be, what you will be." Following the statement of his thesis, the general explained the purpose of "Duty, Honor, Country." This orientation was extremely effective, because, despite the general's well-known speech talents, he chose to explain his purpose in a negative manner. "Unhappily, I possess neither that eloquence of diction, that poetry of imagination, nor that brilliance of metaphor to tell you all that they mean." In this manner MacArthur completed his rhetorically sound introduction and proceeded on to the discussion portion of "Duty, Honor, Country."

In examining the discussion or body of a speech, a first consideration is whether or not the speaker supported the idea suggested in the introduction.⁶⁶ In "Duty, Honor, Country," General MacArthur never wavered from his initial thesis statement. Four different times within the body of the speech he made specific reference to his thesis. Each time the technique of repetition and restatement was used:⁶⁷ "Always for them: duty, honor country . . . the very obsession of your public service must be duty, honor, country. . . . Your guideposts stand out like a tenfold beacon in the night: duty, honor, country . . . thundering those magic words: duty, honor, country."

Although restatement was his primary rhetorical tool in supporting the thesis of "Duty, Honor, Country," MacArthur also effectively employed other means of verbal support. The general was "a conscious speech stylist" who sprinkled his speeches with liberal use of imagery and metaphor.⁶⁸ In "Duty, Honor, Country" he made frequent use of both and in one stirring passage combined the two:

"From one end of the world to the other, he has drained deep the chalice of courage. As I listened to those songs, in memory's eye I could see those staggering columns of the First World War, bending under soggy packs on many a weary march, from dripping dusk to drizzling dawn, slogging ankle-deep through the mire of shell-packed roads; to form grimly for the attack, blue-lipped, covered with sludge, and mud, chilled by the wind and rain, driving home to their objective, and, for many, to the judgment seat of God."

The powerful effect of MacArthur's use of metaphor and imagery to create and recreate is unmistakable in that passage and throughout the speech.

An additional technique of verbal support used by General MacArthur in "Duty, Honor, Country" was comparison. Using this technique he explained to the cadets what the words "duty, honor, country" could do for them, ". . . they teach you to be proud and unbending in honest failure, but humble and gentle in success . . ."

To complement his very skillful use of verbal support, MacArthur employed one additional principle of rhetoric within the body of the speech. He began his discussion by immediately refuting any opposing points of view of his thesis. To do this he resorted to parallelism⁶⁹ to dispense with "the unbelievers" who might say that duty, honor, country "are but words, but a slogan, but a flamboyant phrase." He further warned, "Every pedant, every demagogue, every cynic, every hypocrite, every troublemaker, and, I am sorry to say, some others of an entirely different character, will try to downgrade them, even to the extent of mockery and ridicule." This identification of a very different view of duty, honor, country was used by MacArthur to begin his discussion. Having thus admitted that some persons might

challenge his concept of duty, honor, country, he pushed the thought aside and began his impassioned defense of that concept. Throughout the remainder of his discussion, the general artfully applied a variety of verbal support in reinforcing his thesis statement. As with the introduction, the discussion was a model of rhetorical organization.

"An effective conclusion generally consists of two parts: a summary and a direct indication of how the speech may be used."⁷⁰ The conclusion of "Duty, Honor, Country," does not fit the classical mold of "telling them what you told them," but it is effective nonetheless. The start of the conclusion was unmistakable as the general spoke, "The shadows are lengthening for me," as with the discussion, the conclusion is rich in imagery and metaphor. "I listen vainly, but with thirsty ear, for the witching melody of faint bugles blowing reveille, of far drums beating the long roll. In my dreams I hear again the crash of guns, the rattle of musketry, the strange mournful mutter of the battlefield." As the speech neared its denouement, MacArthur injected a very brief summary by the use of restatement—" . . . always I come back to West Point. Always there echoes and re-echoes: duty, honor, country." The aged general then ended with an emotional personal intention, "I want you to know that when I cross the river, my last conscious thoughts will be of the Corps, and the Corps, and the Corps."

It was not necessary for General MacArthur to include in his conclusion how "Duty, Honor, Country," could be put to use by the assembled audience. Throughout the discourse, its usefulness was unmistakable. It would stand, from that moment on, as an eloquent defense of the West Point motto—duty, honor, country.⁷¹

"Duty, Honor, Country" proved to be an excellent example of how a good speech should be organized. It follows the established pattern of introduction, discussion, and conclusion. Both the introduction and the discussion are models of textbook accuracy in their application of rhetorical principles of organization. While the conclusion deviates somewhat from this type accuracy, it is still superb in its impact and adds to rather than detracts from the overall effectiveness of the speech.

"Whatever end the speaker has in mind, his specific purpose is to speak with persuasive effect toward that end."⁷² There are three methods available to a speaker to achieve his specific purpose. These methods are usually referred to as means of proof and are categorized as ethical, logical, and emotional.

"Ethical proof refers to the observable references in a speech that tend to indicate the character and the integrity of the speaker."⁷³ In employing the techniques of ethical proof, or ethos, the speaker is simply saying "listen to me because of who I am."⁷⁴

Unquestionably MacArthur "enjoyed high ethos with the cadets."⁷⁵ To those young men who accepted the rigors of West Point for the sole purpose of embarking on a military career, Douglas MacArthur was the epitome of the military profession.

It would be impossible to say whether West Point or the Army was closer to General MacArthur's heart. "He lived in and for the Army" and "for the abstractions in the West Point motto—Duty, Honor, Country."⁷⁶ Most likely he himself could not truly have made such a judgment. He spoke eloquently of both. "No West Pointer had more loudly acclaimed or more forcefully demonstrated his love for his Alma Mater than did Douglas MacArthur."⁷⁷ MacArthur was also always lavish in his praise of the soldier, "the noblest development of mankind."⁷⁸ In his autobiography he would describe his "faithful men-at-arms" as "the driving soul of Americanism."⁷⁹ Such a judgment is not necessary. A cadet is a soldier. A West Point-

er's first oath of allegiance is to the Army and his country. When MacArthur spoke of "the soldier" in "Duty, Honor, Country" he was speaking of those in the messhall, those they would lead and those they would follow.

The dominant ethical proof in "Duty, Honor, Country" is credibility of source.⁵⁰ The general, whose personal integrity and sincerity were unchallenged by the audience, "was fully aware of ethos factors."⁵¹ He used his credibility throughout the speech, and in this passage it is classic: "In 20 campaigns on a hundred battlefields, around a thousand campfires, I have witnessed that enduring fortitude, that patriotic self-abnegation and that invincible determination which has carved his statue in the hearts of his people."

General MacArthur further strengthened his ethos with the audience by using the ethical appeal of reference to the Deity. He reminded the cadets that in war many drive home not only "to their objective" but "to the judgment seat of God." Later, in describing "the soldier" he spoke these words, "In battle and in the face of danger and death he discloses those divine attributes which his Maker gave when he created man in his own image. No physical courage and no brute instinct can take the place of the divine help, which alone can sustain him."

Emotional proof, "to convince and stimulate through appeals to emotion"⁵² is a second means of proof. Here the speaker is saying "listen to me because, as a human being, I share certain motives, certain emotions, certain ambitions, with you."⁵³ A speech needs emotional appeal if it is to stir its audience. The speaker is able to develop this proof "by using words which refer the hearers to specific emotion or by describing and/or suggesting the emotions, moods, and feelings he wishes his audience to feel."⁵⁴

In "Duty, Honor, Country" both types of emotional proofs are evident. In the introduction MacArthur admitted, "no human being could fail to be deeply moved by such a tribute." Again he struck an early emotional chord with the declaration, "it fills me with an emotion I cannot express." As he described the values of duty, honor, country, MacArthur included the phrase, "a vigor of the emotions." The general also clearly spelled out those emotions he wanted the audience to feel, "they create in your heart the sense of wonder, the unfailing hope of what next, and the joy and inspiration of life."

As discussed earlier, the conclusion of "Duty, Honor, Country" is overwhelming in its emotional impact. When the legendary Old Soldier soliloquized, "My days of old have vanished tone and tint. They have gone glimmering through the dreams of things that were. Their memory is one of wondrous beauty watered by tears and coaxed and caressed by the smiles of yesterday" both he and his audience reached the emotional breaking point. Many in the audience were moved to tears.⁵⁵

"Duty, Honor, Country" was delivered in an emotion-packed atmosphere. It was spoken from the heart and with unabashed sentiment. It would not be a mistake to conclude that every single word of the speech was touched by emotion.

Even though a speech is strong in ethical and emotional proofs, a speaker should not neglect "the logical presentation of facts, using sound modes of support." Such logical support "gives credence to the thesis of the speech" as well as adding to audience acceptance.⁵⁶ When a speaker employs logical proof he is telling an audience "listen to me because of what I know."⁵⁷ Common types of logical support include events, statistics, examples, comparisons and contrasts, definitions, and testimony.⁵⁸

Footnotes at end of article.

"Duty, Honor, Country" contains several good examples of logical proof. The general used comparison in defining what duty, honor, country can do. "They teach you . . . to learn to laugh, you never forget how to weep. . . ." Metaphors, short, compressed comparisons, were used throughout the speech by MacArthur. "You are the leaven which binds together the entire fabric of our national system of defense." Also used frequently by General MacArthur were imagery or hypothetical examples. In "Duty, Honor, Country" it is sometimes difficult to determine where imagery ends and empirical evidence begins. Both, however, are examples of logical proof. A final example of MacArthur's use of logical support is his continual definition and redefinition of the concept of duty, honor, country during the speech.

"Duty, Honor, Country" is replete with correct examples of rhetorical means of proof. The speech is primarily ethical and emotional in its appeal, but General MacArthur also effectively interspersed logical proof. The worth and validity of these proofs are exceptional in "Duty, Honor, Country."

Style and evaluation—always victory, always through the bloody haze of their last reverberating shot, the vision of gaunt, ghastly men, reverently following your password of duty, honor, country.

Two additional rhetorical aspects remain to be examined before determining the final evaluation of "Duty, Honor, Country." They are style and delivery.

"Delivery is concerned with two areas of evaluation: voice and bodily action."⁵⁹ "Duty, Honor, Country" was delivered in 39 minutes. During a large majority of this time, General MacArthur spoke from behind a lectern making only an infrequent hand gesture.⁶⁰ This was his normal speaking pattern. "His voice is never loud but there is a pulse in it that holds the listener far more effectively than heavily accented perorations or gestures. MacArthur never gestures."⁶¹ It should be pointed out that MacArthur did not need to resort to gestures to make his speeches effective for he possessed that great quality of charisma. Although "he grew, eventually, physically, weak, his powers were undiminished, his august presence unmistakable."⁶² Even at age 82 he was still capable of producing a "throat-catching sense of excitement."⁶³

General MacArthur spoke slowly and deliberately without an accent to mark him as a native of any particular part of the country.⁶⁴ His voice had a "low, compelling resonance."⁶⁵ The general was twice gassed during World War I. His larynx never recovered from these gassings, and, as a consequence, although its tone was sonorous, his voice had a "curious tremolo, a manner of delivery which those who did not understand the background would wrongly attribute to affection."⁶⁶

MacArthur's voice was clear and distinct as he began "Duty, Honor, Country." He related the doorman anecdote with a tone of levity. (Such use of humor was extremely uncharacteristic of MacArthur's normal speech pattern.) When the laughter had subsided, however, his voice turned serious. The general now spoke slowly and deliberately without inflection. As he spoke his thesis statement he emphasized the words "duty-honor-country" pausing slightly between each as if for strength.

MacArthur then continued in a slow and deliberate manner. He departed from his monotone when he warned with rising inflection that some "unbelievers will say they are but words." As he continued "pedant," "demagogue," "cynic," "hypocrite," and "troublemaker" all received speaker emphasis. His voice then trailed off, becoming somewhat hoarse and with the words "officer and gentleman."

The general's voice took on renewed vigor as he told the cadets of the troops they would one day command. The phrases, "American man-at-arms," and "that invincible determination" both received powerful emphasis in a resonant, rich voice. Listening to this portion of the speech is like hearing the Douglas MacArthur of an earlier, more glorious day.

When MacArthur began to paint his vivid imagery of "those staggering columns," his voice wavered almost as if he himself was "bending under soggy packs." At this point he appeared to be saving his emphasis for the words, "duty, honor, country." Each time he spoke them his voice was resonant, his enunciation clear. Once more, the words, "duty, honor, country" were heavily emphasized and then suddenly in dramatic, whispered tones "Only the dead have seen the end of war."

Pausing once more, "General MacArthur stepped to the side of the lectern, his hand resting on it."⁶⁷ After 18 seconds of unearthly silence, he began the emotional conclusion in a low, almost hushed, voice. As Douglas MacArthur uttered the words, "duty, honor, country," for the last time, it was as if he had lovingly caressed each with his voice. Then having pledged his "last conscious thoughts" to "the Corps, and the Corps, and the Corps," General of the Army Douglas MacArthur whispered softly, but with an unmistakable tone of finality, "I bid you farewell."

The delivery of "Duty, Honor, Country" was masterful. It was a perfect complement to a well-organized, emotion-packed speech. To have expected anything less than an extremely effective delivery would have been foolish for "MacArthur understood the uses of theater; as he once put it, it is sometimes good to be 'a bit of a ham' in order to convince large audience."⁶⁸

"Style is intrinsically woven to the effect the speaker desires."⁶⁹ Definitions of style run the gauntlet from Jonathan Swift's "proper words in proper places" to Buffon's "Style is the man himself." For the purpose of this discourse, style will be defined as an individual's "unique way of using the resources of the English language."⁷⁰ However, regardless of its definition, to be effective, a speaker's style must be clear, appropriate, and vivid.⁷¹

It has been said of Douglas MacArthur that "fancy language came to him as readily as Cherokee to a Cherokee."⁷² MacArthur possessed an extraordinary vocabulary. He also had a gift for making impressive phrases into slogans that would be remembered. The MacArthur speeches had "a touch of poetic phraseology and rhythm."⁷³ In "Duty, Honor, Country" such language and phrases are abundant. "They give you a temper of the will . . . a freshness of the deep springs of life, a temperamental predominance of courage over timidity . . ."

When the general spoke "there were no 'uhs' or 'ohs' to halt or clog his almost classical sentences, which flowed steadily like a smooth river without the splash or splatter of rapids."⁷⁴ Douglas MacArthur enjoyed talking to the degree that he monopolized most conversations. John Gunther referred to him as "an old-fashioned monologist, par excellence." Gunther admitted, however, "I have seldom met anybody who gives such a sense of the richness and flexibility of the English language; he draws out of it—like Winston Churchill—as out of some inexhaustible reservoir."⁷⁵

The MacArthur style, as with the man himself, was not without its critics. Charles Marshall believes "Words often got out of

hand." He also writes that MacArthur "was prodigal with such terms as insurmountable, unsurpassed, eternal and supreme—where strong, good, long-lasting and high would have served better." It is Marshall's judgment that "the Byronic streak needed curbing."¹⁰⁸ It should be noted, however, that a style that uses such words as divine, eternal, supreme, et cetera, adds to the ethical appeal of the speech.

Unlike Marshall, most critics of the MacArthur style fail to realize the fact that his style never varied. Whether he was delivering a prepared address or simply engaging in polite conversation it was "always an experience to hear MacArthur talk." Even in his private talks the general was "a spellbinder" who "used archaic words and terms as one might a rare spice—for extraordinary flavor."¹⁰⁹ Tommy Davis, aide and confidant to MacArthur for over a decade, remembers numerous instances of the general's "spontaneous grandiloquence." Once, surprising an unauthorized dalliance, MacArthur ordered, "Eject that strumpet forthwith." Davis recalls on another occasion the general sent a bewildered subordinate scurrying to the dictionary by informing him, "You have given me umbrage."¹¹⁰ The MacArthur style was very apparent when he "faded away" in his speech to Congress. His critics accused him of "hamming," "but in truth he was simply using the legitimate postures of oratory to express what he himself felt."¹¹¹

The text of "Duty, Honor, Country" illustrates the fact that, indeed, "MacArthur was a conscious speech stylist." Throughout the speech, "imagery, metaphor and elegance of language are pronounced."¹¹² For many speakers, "the eloquence of a Churchill may not be appropriate."¹¹³ For MacArthur such speech eloquence was both in character and fitting for the occasion. Douglas MacArthur would never have said, "I can still remember the noise of the battlefield." The MacArthur description would be, "In my dreams I hear again the crash of guns, the rattle of musketry, the strange, mournful mutter of the battlefield." That was the MacArthur style. Without it, "Duty, Honor, Country" would have long since been deposited in some forgotten repository of forgettable speeches.

In a critique of "Old Soldiers Never Die," Craig Baird, a noted evaluator of rhetoric, observed that "General Douglas MacArthur will be ranked as one of America's outstanding military orators. . . . He is an orator by temperament, by habit, and by long exercise." Baird also concluded that despite its logical texture, "Old Soldiers Never Die" was primarily personal and ethical.¹¹⁴ That same comment is entirely applicable to "Duty, Honor, Country." The general's limitations were also essentially the same in both speeches. MacArthur's delivery was sometimes too sonorous. On occasion, his phrasing was more volatile than meaningful.¹¹⁵ But these few shortcomings did not detract from the manifold skills Douglas MacArthur brought to the lectern on 12 May 1962. Such minor defects could not penetrate the empathy that existed between the general and his audience nor could they break the spell that his manner and eloquence created. "In manner and bearing he went back to principles symbolized by aspiring young men, flashing swords, and the shiver of bugles in the air." A man of eloquence he spoke words like Honor, Courage, and Country without embarrassment."¹¹⁶

Many of the thoughts and much of the same verbiage of "Duty, Honor, Country" can be found in earlier MacArthur speeches and communiques. In a 1936 speech in Manila, General MacArthur eulogized "the soldier" in much the same manner and with similar words as he did in "Duty, Honor, Country." At one point the general used the exact same

phrase, "I do not know the dignity of his birth, but I do know the glory of his death."¹¹⁷ This phrase had first appeared in his lexicon during a speech given to the 1935 reunion of the Rainbow Division. It would be used again in posthumously decorating Capt. Colin Kelly in 1941¹¹⁸ and at Punchbowl National Memorial Cemetery, Honolulu, in 1951 while delivering an address en route to Washington. (Most likely General MacArthur first came upon the words in his wife's hometown of Murfreesboro, Tenn., where they are engraved on a battle memorial.)¹¹⁹

MacArthur liked to tug at the strings of emotion by announcing he was in "the twilight" of his life. As early as 1941 he wrote to a friend that he was fortunate to have had a son "in the twilight period of my life." Ten years later the general informed Congress, "I address you with neither rancor nor bitterness in the fading twilight of my life."¹²⁰ In "Duty, Honor, Country" he spoke simply, "the twilight is here."

It would be fallacious to expect Douglas MacArthur not to repeat or paraphrase old familiar thoughts and utterances on an occasion so fraught with emotion as was the presentation of the Thayer Award. MacArthur's love and devotion for West Point never wavered. In a 1951 Academy Sesquicentennial message he stated, "And as I near the end of the road, what I felt when I was sworn in on the Plain so long ago, I can still feel and say—that is my greatest honor." Again, in a 1953 address commemorating Founder's Day, MacArthur said, "This anniversary stirs many poignant memories in me—memories which in many respects are common to all graduates of the Military Academy. They take each one back to that ceremony on The Plain at West Point when he entered the military service and dedicated himself to duty, honor, country."¹²¹ His mind must have been flooded with these and many more memories when he accepted the Thayer Award, the highest accolade of his beloved alma mater.

"Duty, Honor, Country" had a profound effect on those who were privileged to hear it. The speech was intended to reinforce cadet values which occasionally become hazy as a result of the strain placed on the cadet by the normal rigors of the military Academy. The organization, style, and delivery of the address were all exceptional. Each in its own way contributed mightily to the extraordinary effectiveness of "Duty, Honor, Country." Douglas MacArthur was eminently successful in imbuing the cadets with renewed and positive determination to devote their lives to the motto of West Point—Duty, Honor, Country.

On 15 October 1969, a Boston television channel simultaneously broadcasted a recording of "Duty, Honor, Country" against a backdrop of the day's Moratorium events. To the casual viewer this may have seemed a rather quixotic gesture done, perhaps, solely for artistic merit. Such is not the case. In evaluating "Duty, Honor, Country" it becomes apparent that Douglas MacArthur was speaking not just to his West Point audience but to all.

In 1962 the United States had not yet become mired in the quagmire of Vietnam, but, as in any peacetime situation, critics of the military were numerous.¹²² Answering the old charge of warmonger, General MacArthur sounded "the ominous words of Plato . . . 'Only the dead have seen the end of war.'" Three decades earlier MacArthur had performed his duties as Chief of Staff in a similar climate of public opinion. In 1933 he warned the graduating seniors of West Point, "Pacifist habits do not insure peace nor immunity from national insult or aggression." The general also decried the "unabashed and unsound propaganda" produced by the "muddled thinking" of "peace cranks."¹²³

It is not possible to evaluate the effect

that "Duty, Honor, Country" had on the 1969 viewing audience. However, its potentially significant effect on an audience of an entirely different bent than the cadets of West Point should not be discounted. This potentially powerful impact has already been demonstrated. Less than one month after his impassioned defense of duty, honor, and country, General of the Army Douglas MacArthur was honored as the "outstanding American military leader" of the 20th century. The selection was made as a result of a vote of 8,000 college students across the nation.¹²⁴ The meaningfulness of "Duty, Honor, Country" was not limited solely to West Pointers or even the Army; its effect was felt by all Americans. As such, it stands as a model of rhetorical excellence.

CONCLUSIONS

But in the evening of my memory always I come back to West Point. Always there echoes and re-echoes: duty, honor, country.

Abraham Lincoln, Douglas MacArthur, John Brown, Joseph McCarthy, Mark Anthony, Norman Thomas, Frederick Douglass, Thomas Jefferson—we know these men for their different political, social, and military roles. But . . . they share a similar role, that of the advocate, the man who has a point to make and a desire to persuade his fellow man and hence turns to rhetoric to discover the means of persuasion available to him.¹²⁵

During the course of his distinguished career, "General MacArthur proved to be one of the Army's most articulate spokesmen and one of his generation's most talented orators."¹²⁶ "Duty, Honor, Country" did not receive the immediate nationwide publicity or subsequent critical investigations of "Old Soldiers Never Die." This is understandable since one was delivered to the Congress and the Nation, while the other was spoken in the closed atmosphere of the Military Academy. Yet, in retrospect, "Duty, Honor, Country" seems to tower far above "Old Soldiers Never Die."

The hurt was too great when the Old Soldier mounted the congressional rostrum. On that day Douglas MacArthur was a practitioner of the rhetoric of self-defense.¹²⁷ The center of his speech was himself. "Rarely indeed have the American people heard a speech so strong in the tone of personal authority."¹²⁸ This uncharacteristic devotion to self was not the true Douglas MacArthur. To him devotion to duty was always "of the highest importance."¹²⁹ Throughout his lifetime he placed duty, honor, and country above self. "He was required to reach further than one man can reach, to bear the strain of decision, to accept the isolation of command, to undergo the rigors of living a moral code and personifying the spirit of dedication."¹³⁰ His abrupt departure from this creed tempers the worth of "Old Soldiers Never Die."

The converse is true in "Duty, Honor, Country." It too was emotional and ethical. Its tone of personal authority was strong. Yet, that day the center of Douglas MacArthur's speech was not Douglas MacArthur, it was the country he fought for and loved so well. In his eloquent farewell speech, Douglas MacArthur was reminding us all, private citizen or soldier, that it is every man's birthright and obligation to dedicate himself to this Nation, to defend its honor, and to perpetuate its greatness.

Douglas MacArthur was, above all, a patriot. To him, "the highest encomium you can still receive is to be called a patriot, if it means you love your country."¹³¹ Today, when "strange voices are heard across the land, decrying this old and proven concept of patriotism"¹³² the true meaning of "Duty, Honor, Country" is more significant than ever before.

In an envoi to the career of General of the Army Douglas MacArthur, William F. Buckley, Jr., wrote:

MacArthur was the last of the great Amer-

icans. It isn't at all certain that America is capable of producing another man of MacArthur's cast. Such men spring from the loins of nations in whose blood courage runs; and we are grown anemic. That is why so many have spoken of an age that would die with MacArthur. An age when occasionally, heroes arose, acknowledging as their imperatives the Duty, Honor and Country which MacArthur cherished, but which the nation that rejected him has no stomach for, preferring the adulterated substitutes of the Age of Modulation, approved by the Pure Food and Drug Act, and adorned by the seal of *Good Housekeeping Magazine*.¹³¹

It was not the purpose of this paper to examine or even comment on the social and political pressures at work in the Nation today. But such is the greatness of "Duty, Honor, Country" that one cannot help but reflect on it as each day's events unfold in this troubled land. From a rhetorical standpoint, "Duty, Honor, Country" will withstand even the most "searching analysis and interpretive acumen,"¹³² and emerge as greatness. It exceeds every rhetorical criteria demanded for excellence in speech. But it is more than just an academically superb speech, it is indeed a "credo for all Americans"¹³³ and in this role may one day achieve its ultimate greatness.

FOOTNOTES—M'ARTHUR OF WEST POINT

¹ "General MacArthur Honored," *The New York Times*, 1 March 1962, p. 13:1.
² "Duty, Honor, Country," *Sperryscope*, 6 June 1962, p. 2.
³ "Sylvanus Thayer Award Presented to General MacArthur," *Assembly*, Summer 1962, p. 12.

⁴ *Ibid.*, p. 12-13.

⁵ *Ibid.*

⁶ Wil A. Linkugel, et al., eds., *Contemporary American Speeches* (Belmont, Calif.: Wadsworth, 1965), p. 153.

⁷ Clarke Newlon, *The Fighting Douglas MacArthur* (New York: Dodd, Mead, 1965), p. 94.

⁸ Albert E. Grzebien, "Research in Communicative Arts," *Naval War College Review*, February 1969, p. 51.

⁹ Douglas MacArthur, *Reminiscences* (New York: McGraw-Hill, 1964), p. 14.

¹⁰ Grzebien, p. 51.

¹¹ Robert P. Knapp, Jr., "Of War, Time, and Generals," *The Reporter*, 13 January 1966, p. 50.

¹² Clark Lee and Richard Henschel, *Douglas MacArthur* (New York: Holt, 1952), p. 9.

¹³ Frank Kelley and Cornelius Ryan, *MacArthur: Man of Action* (Garden City, N.Y.: Doubleday, 1950) p. 41.

¹⁴ Arthur MacArthur, known as the "Boy Colonel of the West," was awarded the Congressional Medal of Honor for his heroism at Missionary Ridge on 25 November 1863. Later, as a lieutenant general, he became the senior officer in the Army. MacArthur, p. 1-37.

¹⁵ Frazier Hunt, *The Untold Story of Douglas MacArthur* (New York: Devin-Adair, 1954), p. 11.

¹⁶ *Ibid.*, p. 15.

¹⁷ Peyton C. March, quoted in Hunt, p. 18.

¹⁸ MacArthur, p. 18.

¹⁹ Vorin E. Whan, Jr., ed., *A Soldier Speaks* (New York: Praeger, 1965), p. 253.

²⁰ Robert E. Wood, "An Upperclassman's View," *Assembly*, Spring 1964, p. 4.

²¹ Lee and Henschel, p. 29-31.

²² Although the ribbons and decorations of his war days are without parallel, he never wears them. His uniform is unadorned but that plain black "A" never leaves its place over his heart on his lounging-robe—because from it he gains the inner spiritual strength needed to guide him over difficult times." Courtney Whitney, *MacArthur, His Rendezvous with History* (New York: Knopf, 1956), p. 316. (Note: The last photograph ever made of General MacArthur shows President John-

son visiting him in his hospital suite. The general is wearing his familiar cadet bathrobe with varsity "A.")

²³ MacArthur, p. 26-27.

²⁴ William A. Ganoe, *MacArthur Close-up* (New York: Vantage Press, 1962), p. 22.

²⁵ Lee and Henschel, p. 31.

²⁶ Newlon, p. 96.

²⁷ Gavin Long, *MacArthur as Military Commander* (Princeton, N.J.: Van Nostrand, 1969), p. 34.

²⁸ MacArthur, p. 77.

²⁹ *Ibid.*

³⁰ Douglas MacArthur, quoted in Earl Blaik, "A Cadet Under MacArthur," *Assembly*, Spring 1964, p. 8.

³¹ MacArthur, p. 78.

³² Douglas MacArthur, quoted in Robert B. Considine, *General Douglas MacArthur* (Greenwich, Conn.: Fawcett Publications, 1964), p. 29.

³³ Jacob L. Devers, "The Mark of the Man on USMA," *Assembly*, Spring 1964, p. 18.

³⁴ Robert M. Danford, "USMA's 31st Superintendent," *Assembly*, Spring 1964, p. 14.

³⁵ *Ibid.*

³⁶ Devers, p. 19.

³⁷ *Ibid.*

³⁸ MacArthur, p. 80.

³⁹ Kelley and Ryan, p. 84.

⁴⁰ Devers, p. 19.

⁴¹ Ganoe, p. 167.

⁴² George C. Kenney, *The MacArthur I Know* (New York: Duell, Sloan and Pearce, 1951), p. 136-138.

⁴³ Whan, ed., p. xix.

⁴⁴ Kenney, p. 136.

⁴⁵ Charles B. Marshall, "An Old Soldier's Rhetoric," *New Republic*, 20 November 1965, p. 26.

⁴⁶ Carl Mydans, "Memento of 25 Years," *Life*, 17 April 1964, p. 25.

⁴⁷ Considine, p. 97.

⁴⁸ MacArthur, p. 423.

⁴⁹ "Sylvanus Thayer Award Presented to General MacArthur," p. 13.

⁵⁰ Whan, ed., p. 352.

⁵¹ MacArthur, p. 18.

⁵² R. Ernest Dupuy, *Men of West Point* (New York: Sloane, 1951), p. 4.

⁵³ Anthony Hillbruner, *Critical Dimensions: The Art of Public Address Criticism* (New York: Random House, 1966), p. 31.

⁵⁴ Grzebien, p. 51.

⁵⁵ Hillbruner, p. 32.

⁵⁶ "Sylvanus Thayer Award Presented to General MacArthur," p. 12.

⁵⁷ *Ibid.*

⁵⁸ Hillbruner, p. 29.

⁵⁹ Jane Blankenship and Robert Wilhoit, *Selected Readings in Public Speaking* (Belmont, Calif.: Dickenson, 1966), p. 238.

⁶⁰ Considine, p. 123.

⁶¹ Wood, p. 4.

⁶² Linkugel, et al., eds., p. 151.

⁶³ Jane Blankenship, *Public Speaking: A Rhetorical Perspective* (Englewood Cliffs, N.J.: Prentice-Hall, 1966), p. 76.

⁶⁴ *Ibid.*, p. 76-78.

⁶⁵ *Ibid.*, p. 78.

⁶⁶ Grzebien, p. 51.

⁶⁷ Linkugel, et al., eds., p. 299.

⁶⁸ *Ibid.*, p. 151.

⁶⁹ *Ibid.*, p. 299.

⁷⁰ Blankenship, *Public Speaking*, p. 90.

⁷¹ Linkugel, et al., eds., p. 151.

⁷² Blankenship, *Public Speaking*, p. 51.

⁷³ Grzebien, p. 52.

⁷⁴ Blankenship, *Public Speaking*, p. 51.

⁷⁵ Linkugel, et al., eds., p. 151.

⁷⁶ Marcus Cunliffe, "A Long Gray Line," *Commentary*, December 1964, p. 68.

⁷⁷ "MacArthur of West Point," *Assembly*, Spring 1964, p. 2.

⁷⁸ Douglas MacArthur, quoted in Newton, p. 13.

⁷⁹ Douglas MacArthur, *Duty, Honor, Country: A Pictorial Autobiography* (New York: McGraw-Hill, 1965), p. 121.

⁸⁰ Linkugel, et al., eds., p. 151.

⁸¹ *Ibid.*

⁸² Grzebien, p. 52.

⁸³ Blankenship, *Public Speaking*, p. 51.

⁸⁴ *Ibid.*, p. 69.

⁸⁵ Considine, p. 123.

⁸⁶ Grzebien, p. 52.

⁸⁷ Blankenship, *Public Speaking*, p. 51.

⁸⁸ *Ibid.*, p. 56.

⁸⁹ Grzebien, p. 52.

⁹⁰ "Sylvanus Thayer Award Presented to General MacArthur," p. 13.

⁹¹ Kenney, p. 136-137.

⁹² William F. Buckley, Jr., "Douglas MacArthur, RIP," *National Review*, 21 April 1964, p. 310.

⁹³ *Ibid.*

⁹⁴ Kenney, p. 137.

⁹⁵ Ganoe, p. 27.

⁹⁶ Army Times, *The Banners and the Glory* (New York: Putnam, 1965), p. 43.

⁹⁷ Considine, p. 126.

⁹⁸ John Chamberlain, "The Verdict of History," *National Review*, 15 December 1964, p. 1112.

⁹⁹ Grzebien, p. 53.

¹⁰⁰ Blankenship and Wilhoit, *Selected Readings*, p. 111.

¹⁰¹ Blankenship, *Public Speaking*, p. 122.

¹⁰² Marshall, p. 26.

¹⁰³ Kenney, p. 142.

¹⁰⁴ Ganoe, p. 132.

¹⁰⁵ John Gunther, *The Riddle of MacArthur* (New York Harper, 1950), p. 27.

¹⁰⁶ Marshall, p. 28.

¹⁰⁷ Mydans, p. 28.

¹⁰⁸ Tommy Davis, quoted in Marshall, p. 26.

¹⁰⁹ Lee and Henschel, p. 97.

¹¹⁰ Linkugel, et al., eds., p. 151.

¹¹¹ Grzebien, p. 53.

¹¹² Haig A. Bosmajian, *The Rhetoric of the Speaker* (Boston, Heath, 1967), p. 43.

¹¹³ *Ibid.*

¹¹⁴ "In Remembrance of MacArthur," *Life*, 17 April 1964, p. 30.

¹¹⁵ Considine, p. 52.

¹¹⁶ Included in the West Point audience of 12 May 1962 was Cadet Colin Kelly, III, the son of the famous wartime hero.

¹¹⁷ Lee and Henschel, p. 94.

¹¹⁸ *Ibid.*

¹¹⁹ Whan, ed., p. 151.

¹²⁰ Linkugel, et al., eds., p. 151.

¹²¹ Douglas MacArthur, quoted in *Banners and Glory*, p. 76.

¹²² "Students Honor MacArthur," *The New York Times*, 1 June 1962, p. 14:3.

¹²³ Bosmajian, p. vii.

¹²⁴ Whan, ed., p. xvii.

¹²⁵ Bosmajian, p. 22.

¹²⁶ *Ibid.*, p. 40.

¹²⁷ George W. Cocheu, "Cadet Days, 1890-1903," *Assembly*, Spring 1964, p. 6.

¹²⁸ "MacArthur Memorial Dedicated," *Assembly*, Fall 1969, p. 43.

¹²⁹ MacArthur, *Reminiscences*, p. 415.

¹³⁰ *Ibid.*, p. 414.

¹³¹ Buckley, p. 310.

¹³² Grzebien, p. 53.

¹³³ "Duty, Honor, Country," *U.S. News and World Report*, 4 June 1962, p. 78.

ACCEPTANCE OF SYLVANUS THAYER AWARD MEDAL SPEECH

(By General of the Army Douglas MacArthur)

General Westmoreland, General Groves, distinguished guests, and gentleman of the Corps:

As I was leaving the hotel this morning, a doorman asked me, "Where are you bound for, General?" and when I replied, "West Point," he remarked, "Beautiful place, have you ever been there before?"

No human being could fail to be deeply moved by such a tribute as this. [Thayer Award] Coming from a profession I have served so long, and a people I have loved so well, it fills me with an emotion I cannot express. But this Award is not intended primarily to honor a personality, but to symbolize a great moral code—the code of conduct and chivalry of those who guard this beloved land of culture and ancient descent. That

is the meaning of this medallion. For all eyes and for all time, it is an expression of the ethics of the American soldier. That I should be integrated in this way with so noble an ideal arouses a sense of pride and yet of humility which will be with me always.

Duty—Honor—Country. Those three hallowed words reverently dictate what you ought to be, what you can be, what you will be. They are your rallying points: to build courage when courage seems to fail; to regain faith when there seems to be little cause for faith; to create hope when hope becomes forlorn. Unhappily, I possess neither that eloquence of diction, that poetry of imagination, nor that brilliance of metaphor to tell you all that they mean. The unbelievers will say they are but words, but a slogan, but a flamboyant phrase. Every pedant, every demagogue, every cynic, every hypocrite, every troublemaker, and, I am sorry to say, some others of an entirely different character, will try to downgrade them even to the extent of mockery and ridicule. But these are some of the things they do. They build your basic character, they mold you for your future roles as the custodians of the Nation's defense, they make you strong enough to know when you are weak, and brave enough to face yourself when you are afraid. They teach you to be proud and unbending in honest failure, but humble and gentle in success; not to substitute words for actions, nor to seek the path of comfort, but to face the stress and spur of difficulty and challenge; to learn to stand up in the storm but to have compassion on those who fall; to master yourself before you seek to master others; to have a heart that is clean, a goal that is high; to learn to laugh yet never forget how to weep; to reach into the future yet never neglect the past; to be serious yet never to take yourself too seriously; to be modest so that you will remember the simplicity of true greatness, the open mind of true wisdom, the meekness of true strength. They give you a temper of the will, a quality of the imagination, a vigor of the emotions, a freshness of the deep springs of life, a temperamental predominance of courage over timidity, an appetite for adventure over love of ease. They create in your heart the sense of wonder, the unfailing hope of what next, and the joy and inspiration of life. They teach you in this way to be an officer and a gentleman.

And what sort of soldiers are those you are to lead? Are they reliable, are they brave, are they capable of victory? Their story is known to all of you; it is story of the American man-at-arms. My estimate of him was formed on the battlefield many, many years ago, and has never changed. I regarded him then as I regarded him now—as one of the world's noblest figures, not only as one of the finest military characters but also as one of the most stainless. His name and fame are the birthright of every American citizen. In his youth and strength, his love and loyalty he gave—all that mortality can give. He needs no eulogy from me or from any other man. He has written his own history and written it in red on his enemy's breast. But when I think of his patience under adversity, of his courage under fire, and of his modesty in victory, I am filled with an emotion of admiration I cannot put into words. He belongs to history as furnishing one of the greatest examples of successful patriotism; he belongs to posterity as the instructor of future generations in the principles of liberty and freedom; he belongs to the present, to us, by his virtues and by his achievements. In 20 campaigns, on a hundred battlefields, around a thousand campfires, I have witnessed that enduring fortitude, that patriotic self-abnegation, and that invincible determination which have carved his statue in the hearts of his people. From one end of

the world to the other he has drained deep the chalice of courage.

As I listened to those songs of the glee club, in memory's eye I could see those staggering columns of the First World War, bending under soggy packs, on many a weary march from dripping dusk to drizzling dawn, slogging ankle-deep through the mire of shell-shocked roads, to from grimly for the attack, blue-lipped, covered with sludge and mud, chilled by the wind and rain; driving home to their objective, and, for many, to the judgment seat of God. I do not know the dignity of their birth but I do know the glory of their death. They died unquestioning, uncomplaining, with faith in their hearts, and on their lips the hope that we would go on to victory. Always for them Duty—Honor—Country; always their blood and sweat and tears as we sought the way and the light and the truth.

And 20 years after, on the other side of the globe, again the filth of murky foxholes, the stench of ghostly trenches, the slime of dripping dugouts; those boiling suns of relentless heat, those torrential rains of devastating storms; the loneliness and utter desolation of jungle trails, the bitterness of long separation from those they loved and cherished, the deadly pestilence of tropical disease, the horror of stricken areas of war; their resolute and determined defense, their swift and sure attack, their indomitable purpose, their complete and decisive victory—always victory. Always through the bloody haze of their last reverberating shot, the vision of gaunt, ghastly men reverently following your password of duty—honor—country.

The code which those words perpetuate embraces the highest moral laws and will stand the test of any ethics or philosophies ever promulgated for the uplift of mankind. Its requirements are for the things that are right, and its restraints are from the things that are wrong. The soldier, above all other men, is required to practice the greatest act of religious training—sacrifice. In battle and in the face of danger and death, he discloses those divine attributes which his Maker gave when he created man in his own image. No physical courage and no brute instinct can take the place of the Divine help which alone can sustain him. However horrible the incidents of war may be, the soldier who is called upon to offer and to give his life for his country, is the noblest development of mankind.

You now face a new world—a world of change. The thrust into outer space of the satellite, spheres and missiles marked the beginning of another epoch in the long story of mankind—the chapter of the space age. In the five or more billions of years the scientists tell us it has taken to form the earth, in the three or more billion years of development of the human race, there has never been a greater, a more abrupt or staggering evolution. We deal now not with things of this world alone, but with the illimitable distances and as yet unfathomed mysteries of the universe. We are reaching out for a new and boundless frontier. We speak in strange terms: of harnessing the cosmic energy; of making winds and tides work for us; of creating unheard of synthetic materials to supplement or even replace our old standard basics; of purifying sea water for our drink; of mining ocean floors for new fields of wealth and food; of disease preventatives to expand life into the hundreds of years; of controlling weather for a more equitable distribution of heat and cold, of rain and shine; of space ships to the moon; of the primary target in war, no longer limited to the armed forces of an enemy, but instead to include his civil populations; of ultimate conflict between a united human race and the sinister forces of some other planetary

galaxy; of such dreams and fantasies as to make life the most exciting of all time.

And through all this welter of change and development, your mission remains fixed, determined, inviolable—it is to win our wars. Everything else in your professional career is but corollary to this vital dedication. All other public purposes, all other public projects, all other public needs, great or small, will find others for their accomplishment; but you are the ones who are trained to fight; yours is the profession of arms—the will to win, the sure knowledge that in war there is no substitute for victory; that if you lose, the nation will be destroyed; that the very obsession of your public services must be Duty—Honor—Country. Others will debate the controversial issues, national and international, which divide men's minds; but serene, calm, aloof, you stand as the nation's war-guardian, as its lifeguard from the raging tides of international conflict, as its gladiator in the area of battle. For a century and a half you have defended, guarded, and protected its hallowed traditions of liberty and freedom, of right and justice. Let civilian voices argue the merits or demerits of our processes of government; whether our strength is being sapped by deficit financing indulged in too long, by Federal paternalism grown too mighty, by power groups grown too arrogant, by politics grown too corrupt, by crime grown too rampant, by morals grown too low, by taxes grown too high, by extremists grown too violent; whether our personal liberties are as thorough and complete as they should be. These great national problems are not for your professional participation or military solution. Your guidepost stands out like a tenfold beacon in the night—Duty—Honor—Country.

You are the leaven which binds together the entire fabric of our national system of defense. From your ranks come the great captains who hold the nation's destiny in their hands the moment the war tocsin sounds. The Long Gray Line has never failed us. Were you to do so, a million ghosts in olive drab, in brown khaki, in blue and gray, would rise from their white crosses thundering those magic words—Duty—Honor—Country.

This does not mean that you are warmongers. On the contrary, the soldier, above all other people, prays for peace, for he must suffer and bear the deepest wounds and scars of war. But always in our ears ring the ominous words of Plato that wisest of all philosophers, "Only the dead have seen the end of war."

The shadows are lengthening for me. The twilight is here. My days of old have vanished tone and tint; they have gone glimmering through the dreams of things that were. Their memory is one of wondrous beauty, watered by tears, coaxed, and caressed by the smiles of yesterday. I listen vainly for the witching melody of faint bugles blowing reveille, of far drums beating the long roll. In my dreams I hear again the crash of guns, the rattle of musketry, the strange, mournful mutter of the battlefield.

But in the evening of my memory, always I come back to West Point. Always there echoes and re-echoes Duty—Honor—Country.

Today marks my final roll call with you, but I want you to know that when I cross the river my last conscious thoughts will be of The Corps, and The Corps, and The Corps.

I bid you farewell.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT

Mr. DOMINICK. Mr. President, the bill for equal employment opportunity has been laid before the Senate and will be the pending business tomorrow. I think that a few preliminary comments in connection with amendments which I intend to offer would be in order at this point.

Mr. President, this bill is designed to put some teeth into the enforcement procedures of the EEOC. It seems to me that this is a good idea. The question is, how do we do it, and to what extent are we going to increase the jurisdiction and the scope of the work of the Commission?

Under the bill as it has been reported by the committee, we are including within the jurisdiction of the EEOC for the first time all Federal employees, which means some 3 million additional people; all State and local employees, which means another 10 million people; and all employers who have, I believe, eight employees. The number had been 25, but I believe the limit has gone down to eight. So any employer who now has eight employees is considered covered by the bill. We know that we have at least 13 million additional people within the jurisdiction, and undoubtedly it is going to be a great deal more than that, probably much closer to 20 million—perhaps even more than that by the time we figure out the all-encompassing jurisdiction of this bill.

As I believe most people know, the Civil Service Commission at the present time has jurisdiction over allegations of discrimination in Federal employment. In most States in our country, anti-discrimination commissions have been set up to take care of problems of State employees and in many cases local employees. What we are doing in this bill—

and we might as well be frank about it—is taking jurisdiction away from the Civil Service Commission and putting it in the EEOC so far as the Federal employees are concerned, and we are at least attempting to outlaw all the provisions for enforcement procedures with regard to State and local employees, whether they be of a school district or a sanitary district or any of the State employees or municipal employees of this country. It is a pretty big slice of the apple to try to swallow in one year.

I will be offering amendments which deal with four items in the bill.

The first is the question of how we are going to provide enforcement of cases where the Commission believes that there seems to be at least *prima facie* evidence of some method of discrimination. Under the present system, we establish a hearing examiner system, and we have to set up a bunch of hearing examiners and different types of administrative procedures to handle the problems. Under the amendment which I will offer, we will simply say that in order to enforce this, they have to go into our existing court system and go through that way.

Under the second amendment, I will simply be prohibiting the employees or the officers or the members of the commission from filing charges. I have said over and over again in committee and in this Chamber that it seems wrong to me to establish in one executive agency the powers of being an investigator, a prosecutor, a judge, and an enforcer. Yet, that is exactly what we are doing over and over again in this particular bill.

Third, I will ask that the Civil Service Commission retain jurisdiction over the equal employment questions of Federal employees. There has been very little complaint as to the job they are doing. I see no reason why we should take

3 million employees and shift the jurisdictional requirements over to the EEOC.

Fourth, on behalf of Senator SMITH of Illinois in particular, and considerable sympathy from myself, I will be moving to exclude State and local employees from coverage by the act, on the ground that I think we might be interfering with State constitutional provisions, and we certainly would be injecting the Federal Government into every State and every municipality in the country.

So at this point I send these four amendments to the desk and ask that they be printed, for further consideration during the debate on the bill tomorrow.

AMENDMENTS NOS. 975 THROUGH 978

The PRESIDING OFFICER. The amendments will be received, printed, and will lie on the table.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is S. 2453, a bill to further promote equal employment opportunities for American workers.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 59 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, September 30, 1970, at 10 a.m.

HOUSE OF REPRESENTATIVES—Tuesday, September 29, 1970

The House met at 12 o'clock noon. Rev. James Davidson, Manassas Baptist Church, Manassas, Va., offered the following prayer:

Gracious God, thank You for bringing us to the freshness of this new day.

You understand us profoundly and know how our energies are taxed and our minds often fatigued; that even in the midst of our maturest thoughts we are still children: Encourage us and give us new insight for the business of today. Because in Jesus You became human, You realize the pressures and criticisms that besiege us, throwing us constantly into the valley of decision; so make us men of conviction, leaning toward what is morally right and not merely politically expedient, knowing it is righteousness which exalts a nation.

What we ask for ourselves, we ask for the leaders of the countries of our exciting yet complex world.

Through the strong name of Jesus. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 14373. An act to authorize the Secretary of the Navy to convey to the city of Portsmouth, State of Virginia, certain lands situated within the Crawford urban renewal project (Va.-53) in the city of Portsmouth, in exchange for certain lands situated within the proposed Southside neighborhood development project.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 752. An act to authorize the conveyance of all right, title, and interest of the United States reserved or retained in certain lands heretofore conveyed to the State of Maine;

S. 2461. An act to amend the Randolph-Sheppard Act for the blind so as to make certain improvements therein, and for other purposes;

S. 3425. An act to amend the Wagner-O'Day Act to extend the provisions thereof to severely handicapped individuals who are not blind, and for other purposes;

S. 3795. An act to amend the Soldiers' and

Sailors' Civil Relief Act of 1940, as amended, in order to extend under certain circumstances the expiration date specified in a power of attorney executed by a member of the Armed Forces who is missing in action or held as a prisoner of war; and

S. 4187. An act to authorize the Secretary of the Army to convey certain lands at Fort Ruger Military Reservation, Hawaii, to the State of Hawaii in exchange for certain other lands.

REV. JAMES DAVIDSON

(Mr. SCOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCOTT. Mr. Speaker, I appreciate the courtesy of the Chaplain of the House today in affording one of my constituents, the Reverend James Davidson, pastor of the Manassas Baptist Church, to open the House with prayer. Reverend Davidson is a new person in our midst, coming to us from Scotland, but some of his congregation have referred to him as another Peter Marshall. I am very glad he can be with us today.

Reverend Davidson was born in Glasgow, Scotland, in 1937. He graduated