who have buildings or structures registered in the National Register in order to preserve such historic properties, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ROE:

H.R. 19778. A bill to provide increased annuities under the Civil Service Retirement Act; to the Committee on Post Office and Civil Service.

By Mr. STRATTON:

H.R. 19779. A bill to amend title II of the Social Security Act to reduce from 72 to 70 the age at which deductions on account of an individual's outside earnings will cease to be made from benefits based on such individual's wage record; to the Committee on Ways and Means.

By Mr. BURTON of California:

H.R. 19780. A bill to authorize greater uniformity of treatment of recipients under the Federal-State adult public assistance programs and to otherwise improve such programs, and for other purposes; to the Committee on Ways and Means.

By Mr. BYRNE of Pennsylvania:

H.R. 19781. A bill to provide financial benefits for certain spouses and children who are physically handicapped or mentally retarded, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HELSTOSKI:

H.R. 19782. A bill to establish a national urban bond program to provide an effective means of financing the construction of needed urban housing; to the Committee on Ways and Means.

By Mr. LONG of Maryland:

H.R. 19783. A bill to authorize the Army Corps of Engineers to collect and remove on a continuing basis accumulations of debris in the Susquehanna River; to the Committee on Public Works.

By Mr. SAYLOR:

H.R. 19784. A bill to designate certain lands as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. REID of New York:

H.J. Res. 1401. Joint resolution granting the consent of Congress to the States of New Jersey and New York for certain amendments to the waterfront commission compact and for entering into the airport commission compact, and for other purposes; to the Committee on the Judiciary.

By Mr. GOODLING:

H.J. Res. 1402. Joint resolution proposing the establishment of the Dwight David Eisenhower Square in the District of Columbia; to the Committee on House Administration.

By Mr. BINGHAM (for himself, Mr. CLAY, Mr. NIX, Mr. LEGGETT, Mr. UDALL, Mr. KARTH, Mr. REES, Mr. OLSEN, Mr. ASHLEY, Mr. RYAN, Mr. HARRINGTON, Mr. OTTINGER, Mr. DADDARIO, Mr. DIGGS, Mrs. CHISHOLM, Mr. MOORHEAD, Mr. EDWARDS of California, Mr. RODINO, Mr. MOLLOHAN, Mr. MIKVA, Mr. HAWKINS, Mr. CONYERS, and Mr. STOKES):

H. Con. Res. 782. Concurrent resolution authorizing the placing of a bust or statue of Martin Luther King, Jr., in the Capitol; to the Committee on House Administration.

By Mr. BINGHAM (for himself, Mr. ANDERSON of Illinois, Mr. MEEDS, Mr. HORTON, Mr. FRASER, Mr. MORSE, Mr. ROSENTHAL, Mr. MCCLOSKEY, Mr. COHELAN, and Mr. MOSHER):

H. Con. Res. 783. Concurrent resolution authorizing the placing of a bust or statue of Martin Luther King, Jr., in the Capitol; to the Committee on House Administration.

By Mr. HASTINGS (for himself, Mr. FREY, and Mr. WEICKER):

H. Res. 1254. Resolution relative to the FTS service; to the Committee on Veterans' Affairs.

By Mr. WYLIE:

H. Res. 1255. Resolution declaring that the House rejects the findings and recommendations of the Commission on Obscenity and Pornography; to the Committee on Education and Labor.

By Mr. PEPPER (for himself, Mr. ASHLEY, Mr. FRIEDEL, Mr. HARRINGTON, and Mr. SYMINGTON):

H. Res. 1256. Resolution on dismissal of professional air traffic controllers by the Federal Aviation Administration; to the Committee on Interstate and Foreign Commerce.

By Mr. RODINO:

H. Res. 1257. Resolution designating January 22 of each year as Ukrainian Independence Day; to the Committee on the Judiciary.

By Mr. WATSON:

H. Res. 1258. Resolution that the House of Representatives utterly reject and condemns the findings and recommendations of the Commission on Obscenity and Pornography and furthermore that the House of Representatives calls upon the President to reject the findings of said Commission; to the Committee on Education and Labor.

By Mr. LONG of Maryland:

H. Res. 1259. Resolution to welcome the American Association of Junior Colleges to Washington, D.C., for their 51st annual convention; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HALPERN:

H.R. 19785. A bill for the relief of Antonio de Leonardo; to the Committee on the Judiciary.

By Mr. HAMILTON:

H.R. 19786. A bill for the relief of Kim Hak Kyung; to the Committee on the Judiciary.

By Mr. PIKE:

H.R. 19787. A bill for the relief of Adriano Botelho Moniz; to the Committee on the Judiciary.

By Mr. SEBELIUS:

H.R. 19788. A bill for the relief of John C. Caldwell; to the Committee on the Judiciary.

By Mr. STEPHENS:

H.R. 19789. A bill for the relief of Youngdahl Song; to the Committee on the Judiciary.

SENATE—*Wednesday, October 14, 1970*

The Senate met at 9 a.m. and was called to order by Hon. THOMAS F. EAGLETON, a Senator from the State of Missouri.

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

Eternal Father, who hast made and preserved us a Nation, guide us and all the people in the crucial decisions of the coming days. Let all that is done be well pleasing in Thy sight. In the tumult of our times and the convulsion of human society, help us to see Thee moving in the processes of history and presiding over our destiny.

"Breathe through the pulses of desire
Thy coolness and Thy balm;
Let sense be dumb, let flesh retire;
Speak through the earthquake, wind, and fire,
O still, small voice of calm!"—*Whittier.*

O Lord, watch over us all during our separation. Give Thy servants strength for the contests ahead, rest and renewal before returning. And may we have peace in our hearts, peace in our land, and peace in the world.

Through Jesus Christ our Lord. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., October 14, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. THOMAS F. EAGLETON, a Senator from the State of Missouri, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

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

CALL OF THE ROLL

The ACTING PRESIDENT pro tempore. The Senate having adjourned in the absence of a quorum on October 13, 1970, the Chair directs the clerk to call the roll to ascertain the presence of a quorum.

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

[No. 379 Leg.]

Allen	Hansen	Miller
Bible	Harris	Mondale
Boggs	Hart	Proxmire
Byrd, W. Va.	Holland	Ribicoff
Cook	Hughes	Saxbe
Cooper	Inouye	Schweiker
Cotton	Jackson	Spong
Dole	Jordan, N.C.	Stennis
Eagleton	Mansfield	Talmadge
Ervin	Mathias	Williams, Del.
Fulbright	McGovern	Young, Ohio
Griffin	McIntyre	

Mr. BYRD of West Virginia. I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), 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 Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator

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from West Virginia (Mr. RANDOLPH), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

Mr. GRIFFIN. I announce that the Senators from Vermont (Mr. AIKEN and Mr. PROUTY), the Senator from Utah (Mr. BENNETT), the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), the Senator from Oregon (Mr. HATFIELD), the Senator from Nebraska (Mr. HRUSKA), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senators from Illinois (Mr. PERCY and Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

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

The ACTING PRESIDENT pro tempore. A quorum is not present.

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

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

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

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

Allott	Ellender	Nelson
Anderson	Fannin	Packwood
Baker	Goldwater	Pell
Bayh	Gravel	Russell
Bellmon	Gurney	Scott
Brooke	Hollings	Smith, Maine
Byrd, Va.	Javits	Stevens
Case	Jordan, Idaho	Thurmond
Church	Long	Tydings
Curtis	Magnuson	Williams, N.J.
Dominick	McClellan	Yarborough
Eastland	Metcalf	Young, N. Dak.

The ACTING PRESIDENT pro tempore. A quorum is present.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum. It will be a brief call.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, October 13, 1970, be dispensed with.

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

AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that during the adjournment of the Senate following the completion of business on today, Wednesday, October 14, 1970, the Secretary of the Senate be authorized to receive messages of duly enrolled bills and resolutions from the House of Representatives.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. SCOTT. Mr. President, I am not going to object; I am reserving the right to object. I am just asking whether that would include messengers from the House of Representatives before we adjourn.

Mr. MANSFIELD. At the duly appropriate time.

Mr. SCOTT. I have no objection.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES ON NOVEMBER 10, 1970, AND NOVEMBER 13, 1970, FOR APPROPRIATE REFERRAL THEREOF, AND FOR COMMITTEES TO FILE REPORTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that during the adjournment of the Senate following the completion of business on Wednesday, October 14, 1970, until noon, November 16, 1970, the Secretary of the Senate be authorized, on November 10, 1970, and November 13, 1970, to receive messages from the President of the United States and from the House of Representatives and that they may be appropriately referred; that during the same period all committees of the Senate may be permitted on those days to file their reports, together with any minority, individual, and supplemental views.

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

STATUS OF CONGRESSIONAL RECORD DURING ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session——

Mr. YARBOROUGH. Mr. President, will the Senator withhold his request for a parliamentary inquiry about proceeding during the adjournment, before we go into executive session?

Mr. MANSFIELD. Of course.

Mr. YARBOROUGH. My inquiry to the majority leader is this: What will be the status of the CONGRESSIONAL RECORD during the adjournment? When we finally adjourn speeches may be submitted for printing in the RECORD for 10 more days.

Mr. MANSFIELD. Notice has already been incorporated in the CONGRESSIONAL RECORD which states what the Joint Committee on Printing has stated will be done.

Mr. YARBOROUGH. I thank the Senator.

EXECUTIVE SESSION

Mr. MANSFIELD. I now ask unanimous consent that the Senate go into executive session to consider nominations on the executive calendar.

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

U.S. ARMY

The legislative clerk proceeded to read nominations in the U.S. Army.

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

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

U.S. NAVY

The legislative clerk read the nomination of Vice Adm. Jackson D. Arnold, U.S. Navy, to be an admiral.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be considered; and, without objection, it is confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

The LEGISLATIVE CLERK. Nominations placed on the Secretary's desk, in the Air Force.

The ACTING PRESIDENT pro tempore. Without objection, those nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. MANSFIELD. Mr. President, I request that the President be immediately notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

THE CALENDAR

Mr. MANSFIELD. Mr President, I ask unanimous consent that the Senate proceed to the consideration of certain unobjected-to items on the calendar, bebinning with Calendar No. 1325.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? Without objection, it is so ordered.

H. & H. MANUFACTURING CO., INC.

The resolution (S. Res. 19) to refer the bill (S. 263) entitled "A bill for the relief of H. & H. Manufacturing Co., Inc." to the Chief Commissioner of the U.S. Court of Claims for a report thereon, was considered and agreed to, as follows:

Resolved, That the bill (S. 263) entitled "A bill for the relief of the H. and H. Manufacturing Company, Incorporated", now pending in the Senate, together with all the accompanying papers, is hereby referred to the Chief Commissioner of the United States Court of Claims; and the Chief Commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report

thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant.

O'BRIEN DIESELECTRIC CORP.

The resolution (S. Res. 20) to refer the bill (S. 266) entitled "A bill for the relief of the O'Brien Dieselectric Corp." to the Chief Commissioner of the U.S. Court of Claims for a report thereon, was considered, and agreed to, as follows:

Resolved, That the bill (S. 266) entitled "A bill for the relief of the O'Brien Dieselectric Corporation", now pending in the Senate, together with all the accompanying papers, is hereby referred to the Chief Commissioner of the United States Court of Claims; and the Chief Commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant.

BILL PASSED OVER

The bill (H.R. 17970) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

AMATEUR RADIO OPERATORS

The Senate proceeded to consider the bill (S. 1466) to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations which had been reported from the Committee on Commerce with amendments on page 2, line 4, after the word "Act", insert "(8 U.S.C. 1445(f))"; in line 6, after the word "States", insert a colon and *"Provided,* That when an application for a license is received by the Commission, it shall notify the appropriate agencies of the Government of such fact, and such agencies shall forthwith furnish to the Commission such information in their possession as bears upon the compatibility of the request with the national security: And provided further, That the requested license may then be granted unless the Commission shall determine that information received from such agencies necessitates denial of the request. Other provisions of this Act and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of any such license."; and on page 2, at the beginning of line 3, insert *"Provided, That when an application for a license is received by the Commission, it shall notify the appropriate agencies of the Government of such fact, and such agencies shall forthwith furnish to the Commission such information in their possession as bears upon the compatibility of the request with the national security: And provided further,* That the requested license may then be granted unless the Commission shall determine that information received from such agencies necessitates denial of the request. Other provisions of this Act and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of any such license.";

So as to make the bill read:

S. 1466

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 303(l) of the Communications Act of 1934 (47 U.S.C. 303(l)) is amended by inserting at the end thereof a new paragraph as follows:

"(3) Notwithstanding paragraph (1) of this subsection, the Commission may issue licenses for the operation of amateur radio stations to aliens admitted to the United States for permanent residence who have filed under section 334(f) of the Immigration and Nationality Act (8 U.S.C. 144(f)) a declaration of intention to become a citizen of the United States: *Provided,* That when an application for a license is received by the Commission, it shall notify the appropriate agencies of the Government of such fact, and such agencies shall forthwith furnish to the Commission such information in their possession as bears upon the compatibility of the request with the national security: And provided further, That the requested license may then be granted unless the Commission shall determine that information received from such agencies necessitates denial of the request. Other provisions of this Act and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of any such license."

SEC. 2 Section 310(a) of the Communications Act of 1934 (47 U.S.C. 310(a)) is amended by adding at the end thereof the following new paragraph:

"Notwithstanding paragraph (1) of this subsection, a license for an amateur radio station may be granted to and held by an alien admitted to the United States for permanent residence who has filed under section 334(f) of the Immigration and Nationality Act (8 U.S.C. 1445(f)) a declaration of intention to become a citizen of the United States: *Provided,* That when an application for a license is received by the Commission, it shall notify the appropriate agencies of the Government of such fact, and such agencies shall forthwith furnish to the Commission such information in their possession as bears upon the compatibility of the request with the national security: And provided further, That the requested license may be granted unless the Commission shall determine that information received from such agencies necessitates denial of the request. Other provisions of this Act and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of any such license."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

The resolution (S. Res. 470) authorizing additional expenditures by the Committee on the Judiciary for an investigation of antitrust and monopoly laws, was considered, and agreed to as follows:

S. RES. 470

Resolved, That the Committee on the Judiciary is authorized to expend from the contingent fund of the Senate $29,500, in addition to the amount, and for the same purposes and during the same period, specified in S. Res. 334, Ninety-first Congress, agreed to February 16, 1970, authorizing an investigation of antitrust and monopoly laws and their administration.

ADDITIONAL FUNDS FOR THE COMMITTEE ON PUBLIC WORKS

The resolution (S. Res. 472) to provide additional funds for the Committee on Public Works, was considered, and agreed to, as follows:

S. RES. 472

Resolved, That the Committee on Public Works is hereby authorized to expend, from the contingent fund of the Senate, $60,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 326, Ninety-first Congress, agreed to February 16, 1970.

ADDITIONAL FUNDS FOR THE COMMITTEE ON AGING

The resolution (S. Res. 473) authorizing additional funds for the Special Committee on Aging, was considered, and agreed to, as follows:

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.

ADDITIONAL COPIES OF THE 1969 ANNUAL REPORT OF THE HOUSE COMMITTEE ON INTERNAL SECURITY

The concurrent resolution (H. Con. Res. 712) authorizing the printing of additional copies of the committee's annual report for the year 1969, House Report Numbered 91–983, 91st Congress, second session, was considered and agreed to.

THE PLEDGE OF ALLEGIANCE TO THE FLAG

The concurrent resolution (H. Con. Res. 732) providing for the printing as a House document of "The Pledge of Allegiance to the Flag," was considered and agreed to.

PRINTING ADDITIONAL COPIES OF HEARINGS ACCOMPANYING THE LEGISLATIVE REORGANIZATION ACT OF 1970

The concurrent resolution (H. Con. Res. 740) authorizing the printing of

additional copies of the hearings accompanying the Legislative Reorganization Act of 1970, was considered and agreed to.

CUBA AND THE CARIBBEAN

The concurrent resolution (H. Con. Res. 748) authorizing the printing of additional copies of hearings entitled "Cuba and the Caribbean" for use of the Committee on Foreign Affairs, House of Representatives, was considered and agreed to.

SUPPLEMENT TO CUMULATIVE INDEX TO PUBLICATIONS OF THE COMMITTEE ON UN-AMERICAN ACTIVITIES 1955 THROUGH 1968 (84TH THROUGH 90TH CONGRESSES)

The concurrent resolution (H. Con. Res. 753) authorizing the printing of additional copies of publications entitled "Supplement to Cumulative Index to Publications of the Committee on Un-American Activities 1955 through 1968 (84th through 90th Congresses), was considered and agreed to.

ANATOMY OF A REVOLUTIONARY MOVEMENT: STUDENTS FOR A DEMOCRATIC SOCIETY

The concurrent resolution (H. Con. Res. 770) authorizing the printing of additional copies "Anatomy of a Revolutionary Movement: 'Students for a Democratic Society,'" 91st Congress, second session, was considered and agreed to.

PENALTIES FOR ILLEGAL FISHING IN FISHERY ZONE

The bill (H.R. 14678) to strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

On request of Mr. MANSFIELD, the following measure on the calendar call was passed over:

Calendar No. 1347, H.R. 8298, a bill to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein.

SOUTH ABSAROKA WILDERNESS, SHOSHONE NATIONAL FOREST, WYO.

The Senate proceeded to consider the bill (S. 1468) to designate the Stratfield Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 1, line 7, after the word "and", to strike out "six" and insert "eight"; in line 9, after the word "dated", to strike out "February 4, 1969," and insert "June 15, 1967, revised September 12, 1970,"; and at the top of page 3, to insert a new section, as follows:

SEC. 5. (a) Within the area depicted as the Special Management Unit on the map referred to in section 1 of this Act, the Secretary of Agriculture shall not permit harvesting of timber or public or private vehicular use of any existing road, and shall not construct or permit the construction or expansion of any road in said Special Management Unit. The Secretary shall administer said unit in accordance with the laws, rules, and regulations relating to the national forests especially to provide for nonvehicular access recreation and may construct such facilities and take such measures as are necessary for the health and safety of visitors and to protect the resources of said unit: *Provided, however,* That this section shall not affect such vehicular use and maintenance of existing roads as may be necessary for the administration of said unit by the Secretary of Agriculture.

(b) As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and legal description of the area referred to in subsection (a) with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as included in this Act: *Provided, however,* That corrections of clerical and typographical errors in such legal description and map may be made.

So as to make the bill read:

S. 1468

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Stratified Primitive Area, with the proposed additions thereto and deletions therefrom, comprising an area of approximately two hundred and eight thousand acres as generally depicted on a map entitled "Washakie Wilderness—Proposed," dated June 15, 1967, revised September 12, 1970, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated for addition to and as a part of the area heretofore known as the South Absaroka Wilderness, which is hereby renamed as the Washakie Wilderness.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Washakie Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The Stratified Primitive Area addition to the Washakie Wilderness shall be administered as a part of the Washakie Wilderness by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. The previous classification of the Stratified Primitive Area is hereby abolished.

SEC. 5. (a) Within the area depicted as the Special Management Unit on the map referred to in section 1 of this Act, the Secretary of Agriculture shall not permit harvesting of timber or public or private vehicular use of any existing road, and shall not construct or permit the construction or expansion of any road in said Special Management Unit. The Secretary shall administer said unit in accordance with the laws, rules, and regulations relating to the national forests especially to provide for nonvehicular access recreation and may construct such facilities and take such measures as are necessary for the health and safety of visitors and to protect the resources of said unit: *Provided, however,* That this section shall not affect such vehicular use and maintenance of existing roads as may be necessary for the administration of said unit by the Secretary of Agriculture.

(b) As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and legal description of the area referred to in subsection (a) with the Interior and Insular Affairs Committee of the United States Senate and the House of Representatives, and such description shall have the same force and effect as included in this Act: *Provided, however,* That corrections of clerical and typographical errors in such legal description and map may be made.

WASHAKIE WILDERNESS

Mr. HANSEN. Mr. President, I am pleased to rise in support of my legislation, S. 1468 which would establish a Washakie Wilderness in northwestern Wyoming.

This legislation, cosponsored by myself and Senator MCGEE, is the result of several months consultation and work by the various parties involved. The bill, as reported, includes some 208,000 acres of Forest Service land within the wilderness area, as well as 35,000 additional acres within a special management directive outlined in the bill.

In total, this 240,000 acres of protected Forest Service land will combine with the South Absaroka Wilderness area to include nearly 700,000 acres within the protection of the 1964 Wilderness Act.

I originally introduced legislation to establish a Washakie Wilderness area in 1967. Following my introduction of this initial legislation, hearings were held in Wyoming, as well as in Washington. In the 91st Congress I introduced the present legislation which was developed by taking into consideration the information and suggestions derived from the previous hearings.

As reported to the Senate, S. 1468 represents a further refinement as to just what should be included within the boundaries of the Washakie Wilderness.

In developing this legislation to its present form, I met with Senator MCGEE on several occasions. Stemming from these meetings, special management directives were developed to be included within S. 1468 which would protect an additional 35,000 acre tract west of the proposed Washakie Wilderness known as the DuNoir area.

The DuNoir is an unusually scenic area which deserves protection from additional encroachment. Because of early tie hack harvesting as well as four-wheel-drive access roads which cross the area, the DuNoir does not qualify for inclusion as a wilderness area. The management directives for the DuNoir point to the fact that there will be no road building, timbering, or public vehicle use of the area. This provision preserves the in-

tegrity of the Wilderness Act by not forcing inclusion of a tract that does not meet wilderness requirements, while at the same time protecting this great area from further transgression of its esthetic values.

Certainly there are some who still feel that the boundaries are not precisely right and that other small areas should have been added to the wilderness, or that some small phrase relating to the directives of the DuNoir should have been adjusted. Be that as it may, the truth is that a great many divergent interests and feelings have been reconciled and compromised in order to arrive at the bill as it is reported to the Senate.

I strongly endorse this legislation and urge its approval.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COMMITTEE MEETINGS DURING SENATE SESSION—OBJECTION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations and the Subcommittee on Education of the Committee on Labor and Public Welfare be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Is there objection?

Mr. SCOTT. Mr. President, I am requested to object, and I do object.

The ACTING PRESIDENT pro tempore. Objection is heard.

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

Mr. MANSFIELD. If I had the floor, I would be delighted to yield. The Senator from Maryland has the floor.

Mr. MATHIAS. I ask unanimous consent that I may yield without losing my right to the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Maryland is to be recognized at this time for one-half hour. Without objection, the Senator from Maryland yields to the Senator from New York.

Mr. MANSFIELD. Without any loss of time.

The ACTING PRESIDENT pro tempore. Without any loss of the time charged allotted to the Senator from Maryland.

SESSIONS OF U.S. DISTRICT COURT IN CERTAIN DISTRICTS

Mr. JAVITS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 18126.

The ACTING PRESIDENT pro tempore laid before the Senate the bill (H.R. 18126) to amend title 28 of the United States Code to provide for holding district court for the eastern district of New York at Westbury, N.Y., which was read twice by its title.

Mr. JAVITS. Mr. President, pursuant to arrangements with the chairman of the Committee on the Judiciary (Mr. EASTLAND), I send to the desk certain amendments.

The ACTING PRESIDENT pro tempore. The amendments will be stated.

The legislative clerk proceeded to read the amendments.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with. I shall explain them.

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

Mr. JAVIT'S amendments are as follows:

On page 1 following line 6, insert the following:

SEC. 2. That the last sentence of section 104(b)(4) of title 28 of the United States Code is amended to read as follows: "Court for the Southern Division shall be held at Biloxi and Gulfport."

SEC. 3. That the last sentence of section 104(b)(3) of title 28, United States Code, is amended to read as follows: "Court for the Western Division shall be held at Natchez and Vicksburg: *Provided,* That court shall be held at Natchez if suitable quarters and accommodations are furnished at no cost to the United States."

SEC. 4. That section 100 of title 28, United States Code, is amended to read as follows: "§ 100. Maryland.

"Maryland constitutes one judicial district.

"Court shall be held at Baltimore, Cumberland, Denton, and at a suitable site in Prince Georges County not more than five miles from the boundary of Montgomery and Prince Georges Counties."

Mr. JAVITS. I ask unanimous consent that the amendments be considered en bloc.

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

Mr. JAVITS. Mr. President, this is a question of where to hold terms of court. The Committee on the Judiciary has a number of additional bills of the same kind. The purpose of the amendments is to incorporate the provisions of three similar bills which passed the Senate earlier this year: S. 981, S. 3225, and S. 3122. The Senator from Mississippi wishes to attach their provisions as amendments to this New York bill, which is agreeable to me, so I hope the Senate will agree to the amendments and pass the bill.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill (H.R. 18126) was read the third time, and passed.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Maryland yield to me for the purpose of asking the distinguished Senator from West Virginia to call up the message from the House of Representatives on H.R. 16710, having to do with loans to veterans?

Mr. MATHIAS. Mr. President, I am happy to yield to the majority leader for that purpose, provided that I may do so without losing my right to the floor.

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

VETERANS' HOUSING ACT OF 1970

Mr. BYRD of West Virginia. Mr. President, at the request of the able Senator from California (Mr. CRANSTON), I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 16710, the Veterans' Housing Act of 1970.

The ACTING PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the amendments of the Senate to the bill (H.R. 16710) to amend chapter 37 of title 38, United States Code, to remove the time limitations on the use of entitlement to loan benefits, to authorize guaranteed and direct loans for the purchase of mobile homes, to authorize direct loans for certain disabled veterans, and for other purposes which were in lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

(c) Section 1803 of such title is amended—

(1) by striking out "1810 and 1811" in subsection (b) and inserting in lieu thereof "1810, 1811, and 1819"; and

(2) by inserting immediately after "years" in the first sentence of subsection (d)(1) the following: "except as provided in section 1819 of this title".

(d) Subsection (b) of section 1804 of such title is amended by striking out "The" and inserting in lieu thereof "Subject to notice and opportunity for a hearing, the"; and subsection (d) of such section is amended by strking out "Whenever" and inserting in lieu thereof "Subject to notice and opportunity for a hearing, whenever".

(e) Section 1818 of such title is amended by striking out subsections (c), (d), and (e) and inserting in lieu thereof the following:

"(c) Notwithstanding the exception in subsection (a) of this section, entitlement derived under such subsection (a) shall include eligibility for any of the purposes specified in sections 1813 and 1815, and business loans under section 1814 of this title, if (1) the veteran previously derived entitlement to the benefits of this chapter based on service during World War II or the Korean conflict, and (2) he has not used any of his entitlement derived from such service.

"(d) Any entitlement to the benefits of this section which had not expired as of the date of enactment of the Veterans' Housing Act of 1970 and any entitlement to such benefits accruing after such date shall not expire until used."

SEC. 3. Section 1810 of title 38, United States Code, is amended by—

(1) adding the following new clause after clause (4) of subsection (a):

"(5) To refinance existing mortgage loans or other liens which are secured of record on a dwelling or farm residence owned and occupied by him as his home. Nothing in this chapter shall preclude a veteran from paying to a lender any discount required by such lender in connection with such refinancing."; and

(2) adding at the end of that section the following new subsection:

"(d) Nothing in this chapter shall be deemed to preclude the guaranty of a loan to an eligible veteran to purchase a one-family residential unit to be owned and occupied by him as a home in a condominium housing development or project as to which the Secretary of Housing and Urban Development has issued, under section 234 of the National Housing Act, as amended (12 U.S.C. 1715y), evidence of insurance on at least one loan for the purchase of a one-family unit. The Administrator shall guarantee loans to veterans on such residential units when such loans meet those requirements of this chapter which he shall, by regulation, determine to be applicable to such loans."

SEC. 4. Section 1811 of title 38, United States Code, is amended—

(1) by striking out "1810" in subsection (a) and (b) by inserting in lieu thereof: "1810 or 1819";

(2) by striking out the second sentence of subsection (b) and inserting in lieu thereof the following: "He shall, with respect to any such area, make, or enter into commitments to make, to any veteran eligible under this title, a loan for any or all of the purposes described in section 1810(a) or 1819 of this title.";

(3) by inserting after "guaranteed home loans" the phrase "or mobile home loans, as appropriate" in subsection (c)(1), and by striking out in such subsection "1810 of this title" and inserting in lieu thereof "1810 or 1819 of this title, as appropriate";

(4) by inserting after "guaranteed home loans" in subsection (d)(1) the phrase "or mobile home loans, as appropriate";

(5) by striking out "The" in subsection (d)(2) and inserting in lieu thereof "(A) Except for any loan made under this chapter for the purposes described in section 1819 of this title, the";

(6) by inserting immediately after subsection (d)(2) (as amended by clause (4) above) the following new paragraph:

"(B) The original principal amount of any loan made under this section for the purposes described in section 1819 of this title shall not exceed the amount specified by the Administrator pursuant to subsection (d) of such section.";

(7) by striking out "1810 of this title" in subsection (g) and inserting in lieu thereof "1810 or 1819 of this title, as appropriate"; and

(8) by striking out subsections (h), (i), and (j) and inserting in lieu thereof the following:

"(h) The Administrator may exempt dwellings constructed through assistance provided by this section from the minimum land planning and subdivision requirements prescribed pursuant to subsection (a) of section 1804 of this title, and with respect to such dwellings may prescribe special minimum land planning and subdivision requirements which shall be in keeping with the general housing facilities in the locality but shall require that such dwellings meet minimum requirements of structural soundness and general acceptability.

"(i) The Administrator is authorized, without regard to the provisions of subsections (a), (b), and (c) of this section, to make or enter into a commitment to make a loan to any veteran to assist the veteran in acquiring a specially adapted housing unit authorized under chapter 21 of this title, if the veteran is determined to be eligible for the benefits of such chapter 21, and is eligible for loan guaranty benefits under this chapter.

"(j)(1) If any builder or sponsor proposes to construct one or more dwellings in a housing credit shortage area, or in any area for a veteran who is determined to be eligible for assistance in acquiring a specially adapted housing unit under chapter 21 of this title, the Administrator may enter into commitment with such builder or sponsor, under which funds available for loans under this section will be reserved for a period not in excess of three months, or such longer period as the Administrator may authorize to meet the needs in any particular case, for the purpose of making loans to veterans to purchase such dwellings. Such commitment may not be assigned or transferred except with the written approval of the Administrator. The Administrator shall not enter into any such commitment unless such builder or sponsor pays a nonrefundable commitment fee to the Administrator in an amount determined by the Administrator, not to exceed 2 per centum of the funds reserved for each builder or sponsor.

"(2) Whenever the Administrator finds that a dwelling with respect to which funds are being reserved under this subsection has been sold, or contracted to be sold, to a veteran eligible for a direct loan under this section, the Administrator shall enter into a commitment to make the veteran a loan for the purchase of such dwelling. With respect to any loan made to an eligible veteran under this subsection, the Administrator may make advances during the construction of the dwelling, up to a maximum in advances of (A) the cost of the land plus (B) 80 per centum of the value of the construction in place."

SEC. 5. Subchapter II of chapter 37 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 1819. Loans to purchase mobile homes and mobile home lots

"(a) Notwithstanding any other provision of this chapter, any veteran eligible for loan guaranty benefits under this chapter who has maximum home loan guaranty entitlement available for use shall be eligible for the mobile home loan guaranty benefit under this section. Use of the mobile home loan guaranty benefit provided by this section shall preclude the use of any home loan guaranty entitlement under any other section of this chapter until the mobile home loan guaranteed under this section has been paid in full.

"(b) Subject to the limitations in subsection (d) of this section, a loan to purchase a mobile home under this section may include (or be augmented by a separate loan for) (1) an amount to finance the acquisition of a lot on which to place such home, and (2) an additional amount to pay expenses reasonably necessary for the appropriate preparation of such a lot, including, but not limited to, the installation of utility connections, sanitary facilities and paving, and the construction of a suitable pad.

"(c)(1) Any loan to a veteran eligible under subsection (a) shall be guaranteed by the Administrator if (1) the loan is for the purpose of purchasing a new mobile home or for the purchase of a used mobile home which is the security for a prior loan guaranteed or made under this section or for a loan guaranteed, insured or made by another Federal agency, and (2) the loan complies in all other respects with the requirements of this section. Loans for such purpose (including those which will also finance the acquisition of a lot or site preparation as authorized by subsection (b) of this section) shall be submitted to the Administrator for approval prior to loan closing except that the Administrator may exempt any lender of a class listed in section 1802(d) of this title from compliance with such prior approval requirement if he determines that the experience of such lender or class of lenders in mobile home financing warrants such exemption.

"(2) Upon determining that a loan submitted for prior approval is eligible for guaranty under this section, the Administrator shall issue a commitment to guarantee such loan and shall thereafter guarantee the loan when made in such loan qualifies therefor in all respects.

"(3) The Administrator's guaranty shall not exceed 30 per centum of the loan, including any amount for lot acquisition and site preparation, and payment of such guaranty shall be made only after liquidation of the security for the loan and the filing of an accounting with the Administrator. In any such accounting the Administrator shall permit to be included therein accrued unpaid interest from the date of the first uncured default to such cutoff date as the Administrator may establish, and he shall allow the holder of the loan to charge against the liquidation or resale proceeds, accrued interest from the cutoff date established to such further date as he may determine and such costs and expenses as he determines to be reasonable and proper. The liability of the United States under the guaranty provided for by this section shall decrease or increase pro rata with any decrease or increase of the amount of the unpaid portion of the obligation.

"(d)(1) The Administrator shall establish a loan maximum for each type of loan authorized by this section. In the case of a new mobile home, the Administrator may establish a maximum loan amount based on the manufacturer's invoice cost to the dealer and such other cost factors as the Administrator considers proper to take into account. In the case of a used mobile home, the Administrator shall establish a maximum loan amount based on his determination of the reasonable value of the property. In the case of any lot on which to place a mobile home financed through the assistance of this section and in the case of necessary site preparation, the loan amount shall not be increased by an amount in excess of the reasonable value of such lot or amount appropriate to cover the cost of necessary site preparation or both, as determined by the Administrator.

"(2) The maximum permissible loan amounts and the term for which the loans are made shall not exceed—

"(A) $10,000 for twelve years and thirty-two days in the case of a loan covering the purchase of a mobile home only, and such additional amount as is determined by the Administrator to be appropriate to cover the cost of necessary site preparation where the veteran owns the lot, or

"(B) $15,000 (but not to exceed $10,000 for the mobile home) for fifteen years and thirty-two days in the case of a loan covering the purchase of a mobile home and an undeveloped lot on which to place such home, and such additional amount as is determined by the Administrator to be appropriate to cover the cost of necessary site preparation, or

"(C) $17,500 (but not to exceed $10,000 for the mobile home) for fifteen years and thirty-two days in the case of a loan covering the purchase of a mobile home and a suitably developed lot on which to place such home.

"(3) Such limitations set forth in paragraph (2) of this subsection on the amount and term of any loan shall not be deemed to preclude the Administrator, under regulations which he shall prescribe, from consenting to neecssary advances for the protection of the security or the holder's lien, or to a reasonable extension of the term or reamortization of such loan.

"(e) No loan shall be guaranteed under this section unless—

"(1) the loan is repayable in approximately equal monthly installments;

"(2) the terms of repayment bear a proper relationship to the veteran's present and anticipated income and expenses, and the veteran is a satisfactory credit risk, taking into account the purpose of this program to make available lower cost housing to low and lower income veterans, especially those who have been recently discharged or released from active military, naval, or air service, who may not have previously established credit ratings;

"(3) the loan is secured by a first lien on the mobile home and any lot acquired or improved with the proceeds of the loan;

"(4) the amount of the loan, subject to the maximums established in subparagraph (d) of this section, is not in excess of the maximum amount prescribed by the Administrator;

"(5) the veteran certifies, in such form as the Administrator shall prescribe, that he will personally occupy the property as his home;

"(6) the mobile home is or will be placed on a site which meets specifications which the Administrator shall establish by regulation; and

"(7) the interest rate to be charged on the loan does not exceed the permissible rate established by the Administrator.

"(f) The Administrator shall establish such rate of interest for mobile home loans as he determines to be necessary in order to assure a reasonable supply of mobile home loan financing for veterans under this section.

"(g) Entitlement to the loan guaranty benefit used under this section shall be restored a single time for any veteran by the Administrator provided the first loan has been repaid in full.

"(h) The Administrator shall promulgate such regulations as he determines to be necessary or appropriate in order to fully implement the provisions of this section, and such regulations may specify which provisions in other sections of this chatper he determines should be applicable to loans guaranteed or made under this section. The Administrator shall have such powers and responsibilities in respect to matters arising under this section as he has in respect to loans made or guaranteed or under other sections of this chapter.

"(i) No loan for the purchase of a mobile home shall be guaranteed under this section unless the mobile home and lot, if any, meet or exceed standards for planning, construction, and general acceptability as prescribed by the Administrator. Such standards shall be designed to encourage the maintenance and development of sites for mobile homes which will be attractive residential areas and which will be free from, and not substantially contribute to, adverse scenic or environmental conditions. For the purpose of assuring compliance with such standards, the Administrator shall from time to time inspect the manufacturing process of mobile homes to be sold to veterans and conduct random onsite inspections of mobile homes purchased with assistance under this chapter.

"(j) The Administrator shall require the manufacturer to become a warrantor of any new mobile home which is approved for purchase with financing through the assistance of this chapter and to furnish to the purchaser a written warranty in such form as the Administrator shall require. Such warranty shall include (1) a specific statement that the mobile home meets the standards prescribed by the Administrator pursuant to the provisions of subsection (i) of this section; and (2) a provision that the warrantor's liability to the purchaser or owner is limited under the warranty to instances of substantial nonconformity to such standards which become evident within one year from date of purchase and as to which the purchaser or owner gives written notice to the warrantor not later than ten days after the end of the warranty period. The warranty prescribed herein shall be in addition to, and not in derogation of, all other rights and privileges which such purchaser or owner may have under any other law or instrument and shall so provide in the warranty document.

"(k) Subject to notice and opportunity for a hearing, the Administrator is authorized to deny guaranteed or direct loan financing in the case of mobile homes constructed by any manufacturer who refuses to permit the inspections provided for in subsection (i) of this section; or in the case of mobile homes which are determined by the Administrator not to conform to the aforesaid standards; or where the manufacturer of mobile homes fails or is unable to discharge his obligations under the warranty.

"(l) Subject to notice and opportunity for a hearing, the Administrator may refuse to approve as acceptable any site in a mobile home park or subdivision owned or operated by any person whose rental or sale methods, procedures, requirements, or practices are determined by the Administrator to be unfair or prejudicial to veterans renting or purchasing such sites. The Administrator may also refuse to guarantee or make direct loans for veterans to purchase mobile homes offered for sale by any dealer if substantial deficiencies have been discovered in such homes, or if he determines that there has been a failure or indicated inability of the dealer to discharge contractual liabilities to veterans, or that the type of contract of sale or methods, procedures, or practices pursued by the dealer in the marketing of such properties have been unfair or prejudicial to veteran purchasers.

"(m) The Administrator's annual report to Congress shall, beginning 12 months following the date of enactment of the Veterans' Housing Act of 1970, include a report on operations under this section, including the results of inspections required by subsection (i) of this section, experience with compliance with the warranty required by subsection (j) of this section, and the experience regarding defaults and foreclosures.

"(n) The provisions of section 1804(d) and section 1821 of this chapter shall be fully applicable to lenders making guaranteed mobile home loans and holders of such loans.

"(o) No loans shall be guaranteed or made by the Administrator under the provisions of this section on and after July 1, 1975, except pursuant to commitments issued prior to such date."

SEC. 6. Clause (3) of section 802 of title 38, United States Code, is amended to read as follows:

"(3) where the veteran elects to remodel a dwelling which is not adapted to the requirements of his disability, acquired by him prior to application for assistance under this chapter, the Administrator shall pay not to exceed (A) the cost to the veteran of such remodeling; or (B) 50 per centum of the cost to the veteran of such remodeling; plus the smaller of the following sums: (i) 50 per centum of the cost to the veteran of such dwelling and the necessary land upon which it is situated, or (ii) the full amount of the unpaid balance, if any, of the cost to the veteran of such dwelling and the necessary land upon which it is situated; and".

SEC. 7. The table of sections at the beginning of chapter 37 of title 38 is amended by inserting immediately after

"1818. Veterans who serve after January 31, 1955."

the following:

"1819. Loans to purchase mobile homes and mobile home lots."

SEC. 8. Section 5 of this Act shall become effective sixty days following the date of enactment.

Resolved, That the House concur in the amendment of the Senate to the title of the aforesaid bill, with the following amendment: In lieu of the matter proposed to be inserted by the Senate amendment to the title of the bill, insert the following: "An Act to amend chapter 37 of title 38, United States Code, to authorize guaranteed and direct loans to eligible veterans for mobile homes and lots therefor if used as permanent dwellings, to remove the time limitation on the use of entitlement to benefits under such chapter, and to restore such entitlements which have lapsed prior to use or expiration, to eliminate the guaranteed and direct loan fee collected under such chapter, and for other purposes."

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be printed in the RECORD a statement which the Senator from California (Mr. CRANSTON), chairman of the Veterans' Affairs Subcommittee, would have made, explaining the version of the bill agreed to between the committees of the two bodies, which I am about to move that the Senate adopt.

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

STATEMENT OF SENATOR ALAN CRANSTON RE H.R. 16710—VETERANS HOUSING ACT OF 1970

Mr. CRANSTON. Mr. President, I am delighted at the expeditious action which now makes possible moving this urgently needed Veterans Housing Act of 1970 to the President.

Final enactment of this veterans housing measure should provide significant assistance to returning Vietnam veterans in securing adequate housing within their limited means—through the new mobile home program—and should also be of real help to our World War II veterans and those from the Korean conflict whose regular home loan entitlements expired before they had been used.

The House version of this bill was passed on September 21 and the Senate version on September 25, 1970. The differences between the versions were not major. Basically, the new text is substantially the same as the text passed by the Senate on September 25 as a substitute amendment to the House-passed bill, H.R. 16710. The Senate version incorporated the text of a bill, S. 3656, which I introduced on March 31, 1970, as it was reported from the Labor and Public Welfare Committee on September 23 and from the Veterans' Affairs Subcommittee, which I am privileged to chair, on September 15.

Before proceeding to outline those provisions which have been altered or deleted from the Senate-passed bill, I want to express my great admiration for the work of the House Veterans' Affairs Committee under the outstanding chairmanship of my good friend "Tiger" Teague, of Texas. I wish also to thank the House Committee Staff Director, Oliver Meadows, and the House Committee Counsel, "Pat" Patterson, for their effective assistance and cooperation in working out the final version on this bill.

Able technical assistance has been provided by Hugh Evans of the Senate Office of Legislative Counsel and Roger Young, his House counterpart, and by the following Veterans' Administration officials: John Dervan, Edward Echols, Robert Coon, and Grady Malone. I wish to thank each of them for their invaluable assistance.

Special thanks is also owed to the ranking minority member of the Veterans Affairs Subcommittee, the Senator from Pennsylvania (Mr. SCHWEIKER), and his legislative counsel, Richard Siegel, as well as the committee minority counsel on this bill, Michael Gordon.

Finally, Mr. President, I want also to express my gratitude for the excellent cooperation which our subcommittee has always received in regard to veterans bills, and which was displayed in this instance, from the distinguished chairman of the Committee on Labor and Public Welfare, the senior Senator from Texas (Mr. YARBOROUGH), from the ranking minority member of the full committee, the Senator from New York (Mr. JAVITS) and the ranking majority member of the Labor and Public Welfare Committee, (Mr. RANDOLPH).

In my floor statement on September 25, when the Senate passed this bill (S16498–16500), I outlined in detail the purposes and provisions of the Senate bill, most all of which has been retained in the House amendments. I will now describe the few changes that were made:

In section 2(c) of the Act, a technical change has been added to amend subsection (d)(1) of section 1803 of title 38, United States Code, to make clear that that subsection's limitation on non-real estate loans to terms of ten years or less does not apply to the new mobile home program, established in section 5 of the Act.

In section 4 of the Act, clauses (3) and (4) have been added to provide certain cross references in section 1811 of title 38, United States Code (regarding the VA direct loan program) with respect to the new mobile home loan program.

The new clause (7) contains the substance of material included in clause (3) of this section in the Senate-passed bill.

In section 5 of the Act, the basic structure and substance is the same as in section 5(a) of the Senate-passed bill to establish the new mobile home loan program, except as follows:

In subsection (b) of the new section 1819, the phrase "provided a first lien on such lot is obtained for the total loan amount" has been deleted as unnecessary and potentially confusing in light of the explicit requirement to the same effect in subsection (e)(3) of the new section.

In subsection (c)(1) of the new section 1819, the basic format of subsection (c) of the House-passed bill is retained, requiring prior VA approval of all mobile home loans except those made by a lender of a class exempted from the prior approval requirement by the Administrator. The Senate provision provided for automatic guarantee of loans made by lenders of one of the classes specified in the first sentence of section 1802(d) of title 38, United States Code. In light of the relative novelty of the mobile home program and the VA's lack of experience in this field, the House provision has been accepted. However, the original House provision is modified so that the Administrator's discretion to exempt certain lenders is limited to classes of lenders and such classes are those listed in section 1802(d) as exempted from prior approval for purposes of the regular home loan program. The Veterans' Administration strongly favored the discretionary exemption provision in the House-passed bill.

In subsection (c)(3) of the new section 1819, a sentence has been added at the end to make clear that the United States' liability under the guarantee shall increase or decrease pro rata with any increase or decrease of the amount of the unpaid portion of the obligation. This limitation was implicit in the first sentence of subsection (d) of the House-passed version. Also, the second sentence, regarding the accounting filed with the Administrator, includes language establishing a starting point for such accounting as the date of the first uncured default. This language is also based on language in the first sentence of subsection (d) of the House version.

The Senate version anticipated that these matters would be dealt with by regulation, as they have been in the regular VA home loan program. However, the compromise language has been accepted because of the strong VA preference for a specific statutory provision in this program in order to avoid any possible misunderstanding.

In subsection (d) of the new section 1819, a number of changes have been made within the basic structure of the Senate provision. First, it has been made clear in the fourth sentence of paragraph 1 that loans for necessary site preparation may be separate from loans for acquisition of lots and that the maximum for such site preparation loans is to be based on the cost rather than the reasonable value of such site preparation.

Second, paragraph 2 has been restructured so as to make clear that there are three types of loan situations: (1) those in which a mobile home only is being purchased; (2) those in which a mobile home and an undeveloped lot are both being purchased; and (3) those in which a mobile home and a suitable developed lot are both being purchased.

The revised clause (A) also makes clear that additional amounts for necessary site preparation when a mobile home alone is being purchased are limited to lots already owned by the veteran. And the parenthetical limitations in revised clauses (B) and (C) make clear that in no event may the loan for the mobile home itself exceed $10,000, as is provided in clause (A).

The major substantive change in paragraph 2 is a general limitation of $2,500 on loans for site preparation. This is made explicit in the revised clause (C) by the establishment of the $17,500 maximum when a developed lot is also being acquired. In such situations, the reasonable value of that lot would govern. However, as in the original Senate version, no specific site preparation limit has been provided with respect to either the revised clause (A) or (B) since the amount by which loans can be increased for such site preparation is based on the cost rather than the reasonable value of such improvements. Nevertheless, it is expected that the Veterans' Administration would not guarantee amounts of loans for such site preparation substantially in excess of $2,500.

In paragraph 3, the language originally contained in the last sentence of subsection (d)(2) in the Senate version is included in a separate paragraph with slight language revision.

In subsection (g) of the new section 1819, the substance of subsection (i) of the House-passed version is included, except that as in the Senate version restoration of home loan entitlement is limited to a single time. The provision in subsection (g) of the Senate version, providing for restoration of such entitlement when the security is disposed of to a transferee who is acceptable to the Administrator and who assumes liability under the mortgage, has been deleted. The House provision was adopted because of concern that the Senate provision with respect to transferees might possibly encourage bartering of entitlements.

In subsection (h) of the new section 1819, the words "made or" are deleted from the first sentence as unnecessary and not consistent with the general format of not referring to direct loans in light of the provision in the last clause of present section 1811(d)(1) of title 38, United States Code (specifies that direct loans are subject to applicable requirements and limitations prescribed for guaranteed loans).

In subsection (i), two changes have been made. First, the third sentence of the provision in the Senate-passed version has been dropped. This was deleted basically to ensure that consultation with the Secretary of HUD would not unreasonably delay implementation of the VA mobile home program. However, elimination of the specific provision in the Senate version is not intended to indicate in any way that the VA should not continue its practice of coordinating and consulting with the Secretary of HUD or state and local officials, nor that the scenic and environmental standards established by the Veterans' Administration pursuant to subsection (i) should not take into consideration particular conditions of various geographical areas. In this latter regard, the VA has indicated it would certainly retain flexibility in the standards it would prescribe and would take into account special local conditions affecting scenic and environmental considerations.

Second, the provision in the last sentence of the subsection as contained in the Senate version, regarding submission of questionnaires to veteran owners of mobile homes, has been deleted since it is thought preferable for such surveys to be conducted by the Congress, rather than Veterans' Administration, in the exercise of legislative oversight of the new program.

In subsection (m) of the new section 1819, the annual report is to be included in the Administrator of Veterans' Affairs' overall annual report on operations of the agency, presently required in section 214 of title 38, United States Code, and the specific mobile home program report requirements are expanded to include experience regarding mobile homes defaults and foreclosure under the new program.

* * * * *

In section 6 of the Act, a provision has been added which was contained in section 7 of the House-passed version of the bill. This provision is designed to remove an inequity inherent in section 802 of title 38, United States Code, covering computation of certain housing grants for severely disabled veterans. Within the $12,500 maximum for specially adapted housing grants under that section, four formulas are set forth governing computation of the grant to which an eligible veteran is entitled to carry out one of four plans: (1) to acquire land and construct thereon a housing unit; (2) to construct housing on land he owns; (3) to remodel his housing unit to render it suitable; (4) to finance or refinance an existing "suitable" housing unit. The formula prescribed for each of these plans seems premised on the theory that the amount of the grant should not exceed one-half of the total cost of the housing to the veteran.

Clause (3) of the present section applies this premise to grants for remodeling. In principle, this is not inequitable. In dollars and cents, however, it is inequitable in a significant percentage of the cases. Since the grant is limited to 50 percent of the full amount of the unpaid balance on the home (which will generally be less than the other permissible measure—the cost of the dwelling and land), the disabled veteran with a debt-free (or substantially debt-free) home can never qualify for a grant large enough to cover his remodeling costs. This is true despite the fact that a grant within the $12,500 maximum is usually sufficient to pay for the remodeling required to render the home suitable for the disabled veteran's occupancy. The new provision in section 6 of the Act will permit grants for 100 percent of remodeling costs and thus remove this practical inequity in the present law.

This specially adapted housing program has generally been considered to be under the jurisdiction of the Committee on Banking and Currency, and that Committee has advised that it has no objection to enactment of this small revision.

In section 7 of the Act, the table of sections amendment contained in section 5(b) of the Senate version is included.

I also wish to point out that section 8 of the Act contains the Senate version effective date provision of sixty days following enactment rather than the ninety-day provision in the House-passed version.

The House title amendment to the Senate amendment to the long title of the Act is accepted in order to delete the words "or persons" which are not necessary since widows under section 1801(a)(2) and servicemen under section 1818(a) (by cross reference to section 1552(a)) of title 38, United States Code, are covered in those definitions by the word "veteran" and hence by the words "eligible veterans" in the revised long title of the Act.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate concur in the amendments of the House of Representatives to the Senate amendment.

The motion was agreed to.

DISPOSITION OF GEOTHERMAL STEAM AND ASSOCIATED GEOTHERMAL RESOURCES

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 368.

The ACTING PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives

to the bill (S. 368) to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes, which were, on page 3, lines 20 and 21, strike out "September 7, 1965," and insert "April 4, 1962.". On page 4, line 1, strike out "September 7, 1965," and insert "April 4, 1962,". On page 4, lines 11 and 12, strike out "September 7, 1965," and insert "April 4, 1962,". On page 4, strike out lines 17 through 23, inclusive, and insert:

(d) no person shall be permitted to convert mineral leases, permits, applications therefor, or mining claims for more than four geothermal leases; and

On page 5, after line 10, insert:

(f) with respect to lands within any known geothermal resources area and which are subject to a right to conversion to a geothermal lease, such lands shall be leased by competitive bidding: Provided, That, the competitive geothermal lease shall be issued to the person owning the right to conversion to a geothermal lease if he makes payment of an amount equal to the highest bona fide bid for the competitive geothermal lease, plus the rental for the first year, within ten days after he receives written notice from the Secretary of the amount of the highest bid.

On page 5, strike out lines 12 through 16, inclusive, and insert:

(a) a royalty of not less than 10 per centum of the amount or value of steam, or any other form of heat or energy derived from production under the lease and sold or utilized by the lessee;

On page 13, line 1, after "byproducts," insert "including commercially demineralized water for beneficial uses in accordance with applicable State water laws,".

On page 19, line 25, after "21." insert "(a)".

On page 20, line 7, strike out "area." and insert "area; and".

On page 20, after line 7, insert:

(b) Geothermal resources in lands the surface of which has passed from Federal ownership but in which the minerals have been reserved to the United States shall not be developed or produced except under geothermal leases made pursuant to this Act. If the Secretary of the Interior finds that such development is imminent, or that production from a well heretofore drilled on such lands is imminent, he shall so report to the Attorney General, and the Attorney General is authorized and directed to institute an appropriate proceeding in the United States district court of the district in which such lands are located, to quiet the title of the United States in such resources, and if the court determines that the reservation of minerals to the United States in the lands involved included the geothermal resources, to enjoin their production otherwise than under the terms of this Act: *Provided*, That upon an authoritative judicial determination that Federal mineral reservation does not include geothermal steam and associated geothermal resources the duties of the Secretary of the Interior to report and of the Attorney General to institute proceedings, as hereinbefore set forth, shall cease.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that Senate action earlier today on agreeing to the House amendments on S. 368 be vacated.

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

ESTABLISHMENT OF A NATIONAL MINING AND MINERALS POLICY

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 719.

The ACTING PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 719) to establish a national mining and minerals policy, which were on page 1, line 4, strike out "1969"." and insert "1970".". On page 1, strike out all after line 4 over through and including "Act." in line 11, page 2, and insert:

SEC. 2. The Congress declares that it is the continuing policy of the Federal Government in the national interest to foster and encourage private enterprise in (1) the development of economically sound and stable domestic mining, minerals, metal and mineral reclamation industries, (2) the orderly and economic development of domestic mineral resources, reserves, and reclamation of metals and minerals to help assure satisfaction of industrial, security and environmental needs, (3) mining, mineral, and metallurgical research, including the use and recycling of scrap to promote the wise and efficient use of our natural and reclaimable mineral resources, and (4) the study and development of methods for the disposal, control, and reclamation of mineral waste products, and the reclamation of mined land, so as to lessen any adverse impact of mineral extraction and processing upon the physical environment that may result from mining or mineral activities.

For the purpose of this Act "minerals" shall include all minerals and mineral fuels including oil, gas, coal, oil shale and uranium.

It shall be the responsibility of the Secretary of the Interior to carry out this policy when exercising his authority under such programs as may be authorized by law other than this Act. For this purpose the Secretary of the Interior shall include in his annual report to the Congress a report on the state of the domestic mining, minerals, and mineral reclamation industries, including a statement of the trend in utilization and depletion of these resources, together with such recommendations for legislative programs as may be necessary to implement the policy of this Act.

Mr. BYRD of West Virginia. I move that the Senate concur in the House amendments.

The motion was agreed to.

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that the Senate action earlier today concurring in the House amendment to S. 719 be rescinded.

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

Mr. ALLOTT. I want to thank the Senator for that. We want to take this bill up later. I thank the Senator.

RELIEF OF DONAL N. O'CALLAGHAN

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2755.

The ACTING PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2755) for the relief of Donal N. O'Callaghan which were on page 1, line 6, strike out "5724" and insert "5724a". On page 2, line 10, strike out "in excess of 20 per centum thereof".

Mr. BYRD of West Virginia. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

AUTHORITY FOR CERTAIN INDIANS TO CONDUCT POPULAR ELECTIONS

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3116.

The ACTING PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3116) to authorize each of the Five Civilized Tribes of Oklahoma to popularly elect their principal officer, and for other purposes, which were, on page 1, line 6, strike out "elected" and insert "selected".

On page 2, line 5, strike out "elected" and insert "selected".

And amend the title so as to read: "An Act to authorize each of the Five Civilized Tribes of Oklahoma to popularly select their principal officer, and for other purposes."

Mr. BYRD of West Virginia. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

SENATE RESOLUTION 463—NATIONAL POLICY TO ALLEVIATE PROBLEMS RESULTING FROM OVERCONCENTRATION OF INDUSTRY AND POPULATION IN METROPOLITAN AREAS

Mr. McCLELLAN. Mr. President, on September 16, 1970, I introduced Senate Resolution 463 expressing the sense of the Senate with respect to the inauguration of a national policy designed to alleviate many of the problems resulting from the overconcentration of industry and population in metropolitan areas.

The passage of this resolution, I believe, would be a major step in insuring greater economic opportunities and a better living environment for millions of Americans. The President, with the cooperation of Congress, should establish and carry out this national policy to encourage the distribution of future industrial growth and its attendant expansion more evenly throughout the United States by giving preference, to the maximum extent practicable in awarding Government contracts, locating new Government facilities and industrial plants, to implementing and administering of new and existing Government programs.

Mr. President, our large metropolitan areas are bursting at the seams from congestion. They are facing critical housing, health, welfare, transportation, and crime problems. Additionally, the cities are today's prime sources and repositories of pollution.

We need to adopt and implement a national program to alleviate these con-

ditions, to reverse the crushing tide of people migrating into the over crowded cities and to develop our rural areas by taking the jobs to the people in the countryside.

Let me emphasize that it is not the purpose of this resolution to uproot or relocate existing industries. Rather, it is designed to encourage, to the maximum extent feasible, new and expanding industries to locate in the sparsely settled sections of our country, thus easing our urban and environmental blight, and enhancing and enriching the lives of all Americans.

Copies of my resolution, along with the introductory remarks, were made available to the White House and to various officials within the administration.

I am encouraged by the response received to date and ask unanimous consent to have some of them inserted in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. McCLELLAN. Likewise, Mr. President, I am pleased that a number of my colleagues in the Senate have asked to cosponsor this resolution. I welcome their support of this proposal to promote a more orderly and balanced economic and population growth in America. Mr. President, I ask unanimous consent that the following names be added as cosponsors of Senate Resolution 463 at its next printing.

Senator Bennett of Utah.
Senator Burdick of North Dakota.
Senator Byrd of Virginia.
Senator Cannon of Nevada.
Senator Curtis of Nebraska.
Senator Dole of Kansas.
Senator Eastland of Mississippi.
Senator Fulbright of Arkansas.
Senator Hansen of Wyoming.
Senator Hruska of Nebraska.
Senator Miller of Iowa.
Senator McGovern of South Dakota.
Senator Ribicoff of Connecticut.
Senator Stevens of Alaska.
Senator Talmadge of Georgia.
Senator Thurmond of South Carolina.
Senator Yarborough of Texas.
Senator Young of North Dakota.

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

EXHIBIT 1

THE WHITE HOUSE,
Washington, September 30, 1970.

Hon. JOHN L. McCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR McCLELLAN: Thank you for sending a copy of your letter to the President. In the absence of John Ehrlichman, I want to reassure you that your statement is correct in noting that the national growth policy is "receiving present attention and earnest consideration within the Administration."

It is not alone a matter of new legislation, as you observe, but also a matter of a priority running through the many hundreds of grant-in-aid programs, as well as government contracting.

We are currently looking at many of the steps which you outline, and while we may not ultimately embrace them in all particulars, we have the same goals in mind as you, and feel that the ultimate impact on urban problems from more balanced growth will be very positive.

Thank you for your strong interest and we hope we will continue to have your support in this important effort.

Sincerely,

JOHN C. WHITAKER,
Deputy Assistant to the President.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., October 5, 1970.

Hon. JOHN L. McCLELLAN,
Chairman, Committee on Government Operations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter of September 16 concerning adoption and implementation of a national policy to encourage a better balanced distribution of our industrial and population growth.

As we pointed out to your committee on September 15, 1969, in testimony regarding S. 2701 which, as Public Law 91-213, established a Commission on population growth and the American future, the Department of the Interior has a number of fundamental interests which relate directly to population and industrial growth of the United States. These interests cover virtually the entire spectrum of land use and the environment.

We agree with the principle outlined in the resolution and your introductory remarks. In many respects this Department is already taking direct actions which may help to effect a more balanced distribution of population and industrial growth.

As an example of such action, the Department is presently carrying on an inventory of the public land and the resources thereon. Under the authority granted the Department by the Classification and Multiple Use Act of 1964 (P.L. 86-607), which authority is due to expire on December 31, 1970, we have proceeded to inventory the public land and determine which land should be disposed of and which land should be retained in Federal ownership and managed for multiple use. Under this program we have to date classified approximately 147 million of the more than 550 million onshore acres under the administration and management of this Department. Of the area classified, approximately 144.5 million acres have been classified for retention and multiple-use management by the Federal Government while the balance, some 2.5 milion acres, has been classified for disposal.

The continued survey program of the Bureau of Land Management, the mapping and mineral surveying functions of the Geological Survey, the evaluation of potential national park and recreation sites by the National Park Service and the recreation plans and surveys prepared by the Bureau of Outdoor Recreation are only a few of the practices and programs of the Bureaus of this Department which bear forceably on population and industrial distribution.

Through our work in the above-mentioned areas we have found that the public is interested in the public lands and their resources and that local governmental officials have welcomed the opportunity for close cooperation on matters affecting their communities' population and industrial growth.

From this experience it is our opinion that there is a real need for a nationwide land use and development program, backed by a suitable national policy which would encompass and transcend the scope of your resolution, as introduced. This opinion is reinforced by the position adopted by the National Governors' Conference on August 9-12 at Lake of the Ozarks, Missouri, regarding the ". . . need for a more efficient and comprehensive system of national and statewide land use planning and decision-making".

We recognize that any solution to the broad problem areas of land use, population growth and distribution, industrial development and associated areas of social, economic and environmental impact will require maximum cooperation and most careful consideration. We look forward to contributing in any way possible to the ultimate solution of these problems.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., October 6, 1970.

Hon. JOHN L. McCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR McCLELLAN: I thank you for sending me a copy of your letter addressed to the President urging a national policy of balanced geographic distribution of our industrial and population growth.

We agree on the value of orderly growth in our country. A decent and healthful living environment should be available to all persons in the United States wherever they reside.

Problems of population distribution pose fundamental questions of policy. The massive rural-urban migration of the past several years has created a number of problems in both rural and urban areas. To a large extent, our population problems are local problems related to the distribution of jobs, housing, transportation, and public facilities.

Statistical information on migration trends is available in great detail. A thorough analysis of these data, however, is needed to find out why people move and what happens to them when they do. Policies of Government should be based on better knowledge. In the past there has been confusion regarding the role of the Federal Government in attempting to solve the problems of the migrant and his sending and receiving communities.

Your interest and actions in this area are timely. They support the President's interest in population growth and distribution, and its impact on the environment. As you know, the President has taken several steps that should lead to a comprehensive policy.

On July 18, 1969, the President sent to the Congress his historic Message on Population Growth and the American Future, in which he stated his concerns about the chaotic history of urban growth in this country and its implications for the future. He proposed the creation by Congress of a Commission to recommend ways of alleviating the problems related to disproportionate population distribution. On March 16, 1970, S. 2701, which you cosponsored, became public law and established the Commission on Population Growth and the American Future.

In August 1970, the first annual report on the state of the Nation's environment was sent to the Congress. In his message accompanying this report, the President has stated:

It is essential that we also make rural life itself more attractive, thus encouraging orderly growth in rural areas. . . . Throughout the nation there is a critical need for more effective land use planning, and for better controls over use of the land and the living systems that depend on it."

"I believe that the problems of urbanization . . . of resource management, and of land and water use generally can only be met by comprehensive approaches which take into account the widest range of social, economic, and ecological concerns."

As you know, on September 29, 1969, the President established a Task Force on Rural Development to review the effectiveness of present rural assistance programs, and make recommendations to the Rural Affairs Council as to what might be done in the private and public sectors to stimulate rural development.

As you have pointed out, the new Domestic Council now provides an appropriate vehicle through which such domestic policy could be formulated and coordinated. Rural development has been given the highest priority

in the Domestic Affairs Council. The resolution you have introduced in the Senate will surely stimulate increased interest in this serious problem, and I am sure that the Domestic Council will take it into consideration and discuss its provisions with appropriate agencies.

If we can be of further assistance to you, please let us know.

Sincerely,

ELLIOT L. RICHARDSON,
Secretary.

U.S. DEPARTMENT OF LABOR,
Washington, D.C., October 1, 1970.

Hon. JOHN L. MCCLELLAN,
Chairman, Committee on Government Operations, U.S. Senate, Washington, D.C.

DEAR SENATOR MCCLELLAN: Thank you for your letter of September 16 reflecting your interest in the acceptance and implementation of a national police to encourage more balanced distribution of our industrial and population growth.

As you may be aware, the President's Domestic Council has initiated a series of analyses to explore how such an objective might best be carried out.

The possible role of both the private sector and state and local governments, as well as the Federal Government, in furthering this objective is being carefully studied.

I share your—and the Administration's—strong belief that such a policy is important and timely. I intend to lend my personal weight, and the resources of this Department, to help insure the adoption of a sound and effective national growth program.

Sincerely,

J. D. HODGSON,
Secretary of Labor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Maryland is recognized for 30 minutes.

SENATE RESOLUTION 479—SUBMISSION OF A RESOLUTION IN FAVOR OF CONSULTATIONS ON THE ROLE OF NATO IN THE 1970'S

Mr. MATHIAS. Mr. President, in April 1949, almost a generation ago, the North Atlantic Treaty Organization was founded. It was established amid fears that Europe, and possibly the world, might again be engulfed in a new holocaust. Its purpose was to protect Western Europe from the possibility of military threat and organized insurgency aimed at placing Communist governments, with greater or lesser allegiance to Moscow, into all of the major countries of Europe. And, except for NATO, this possibility might have materialized into a dangerous reality. Together with the Marshall plan, NATO has helped Europe rise from the depths of military prostration, economic destitution, and moral despair to its present measure of strength and stability. Equally important, NATO has forged across the Atlantic an enduring bridge, no longer confined to military objectives, but encompassing the broadest possible range of activities affecting the common Atlantic interest.

But time marches on and the Atlantic community, like all living things, must adapt to new circumstances. The peace and prosperity, which NATO brought to the Atlantic community, has also hastened the inexorable process of change. New national priorities have arisen and cracks in the alliance have emerged. And so we find ourselves entering a new era, debating how best to reconstitute the Atlantic Alliance, which served us so well in the past, to meet the needs of the future. In this country we are approaching an unhappy crossroad, where disparate views and divergent objectives threaten to bring the issue to a premature showdown.

Some maintain that the need for significant American forces in Europe has passed; that the danger of armed aggression has abated; that we must reduce our commitment, not only in order to free resources for more compelling needs at home, but to avoid altogether the danger of confrontation arising from the presence of our forces in Europe. Others assert, with equal vigor, that we dare not reduce our forces, lest this step invite increased pressure from the East and leave Europe little alternative but to appease such pressure.

Between these competing views lies a third which holds that, while we must maintain troop strength in Europe for our common security, it is time for Europe, which has gained the ability not only to subsist, but produce a surplus, to assume a much greater share of the cost. This approach has defined our alliance posture for more than 5 years, and I have supported it for the short term. But, as a long-range solution, it, too, has flaws, for it would cast us in the role of mercenaries and sow the seeds of resentment in the alliance—a resentment which might ultimately drive us apart.

I should like at this point to say a word about the role that the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD), has played in this whole matter, because it is one in which he has a deep sense of personal conviction. But he has shown extraordinary restraint and patience. He has introduced a resolution on the subject and recruited a total of 52 cosponsors; but he has not pressed that resolution in this session of Congress, in order to give all who are interested an opportunity to exercise their judgment and to acquire the knowledge and the facts that are necessary to an intelligent decision. I think he has been exemplary in the manner in which he has conducted this part of a great national debate.

But this morning, Mr. President, I regret that I have no new alternate course to propose. I have raised this issue because I believe the time has come to frankly examine and discuss the problems with our allies and other European nations with common objectives. And I believe the time has come for the Senate to put itself on record in favor of such discussions. In suggesting talks, I am fully aware that the process of consultations has been going on—and very extensively—both within and outside of NATO. Two weeks ago, the European Defense Ministers met to seek solutions to the problem. For many months, NATO has been preparing a report on alliance problems for the seventies, which should be completed in time for the NATO ministerial meeting in December. The President, the Department of State, and the Department of Defense are all intensively engaged in consultation with our allies in NATO.

But now the Senate must be heard. It is for this reason that I introduce a resolution expressing the sense of the Senate in favor of early consultation with our European allies regarding the total compass of our relationship.

I am confident that this resolution will produce the following specific benefits:

First. It should demonstrate to our European allies a unity of purpose and direction on this side of the Atlantic.

Second. It will put to rest the fear that the United States may undertake precipitate, unilateral action.

Third. While appropriately supporting the President on this issue, the Senate will also be exercising its responsibility for approval and advice on the future of this alliance.

Fourth. It will emphasize the conviction of the Senate that discussions must not be focused narrowly on questions of troop levels and burden sharing, but must encompass the total field of our relationship with Europe in this alliance.

Fifth. It will indicate the Senate's awareness that the military threat to Western Europe, though it may appear to have abated, is not extinguished.

Finally, it will make dramatically clear to our European partners that we invite, welcome, and expect an equally clear and united initiative from Europe.

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 479), which reads as follows, was referred to the Committee on Foreign Relations:

Whereas the presence of substantial armed forces of the United States of America in Western Europe since the establishment of the North Atlantic Treaty Organization has contributed significantly to the security and stability of both the United States and Europe; and

Whereas the people of the United States and the people of the nations of Western Europe have a mutual and related interest in the continuing development of the economic relations of the entire Atlantic Community, in the preservation of the cultural ties between Western Europe and America, and in the exploration of opportunities for the improvement of political relations, but recognizing that all such considerations are dependent on the maintenance of a climate of security and stability; and

Whereas consultations among North Atlantic Treaty Organization allies have been a cornerstone of their firm and closely knit political relationship; and

Whereas the United States will soon enter a period of decision concerning the power, disposition and number of its forces in Europe; and

Whereas any significant change in the security structure which has operated successfully over the past two decades should be the result of extensive, detailed, realistic, and candid discussions between the government of the United States and the governments of the nations of Western Europe, comprehending the whole spectrum of the relationship as well as the nature and source of threats to mutual security; the magnitude of such threats; the capability necessary for an adequate deterrent and an effective defense; and an equitable and attainable sharing of the responsibility for providing such capability; and

Whereas the President of the United States has visited Europe twice during the past two years and has discussed these questions with heads of government, and discussions on a

ministerial level have been carried forward on a continuing basis; Now, therefore, be it:

Resolved, that it is the sense of the Senate that in the continuing review of the purposes and strength of the NATO alliance it would be of great value and assistance to the Congress and the people of the United States to have the opinions and conclusions of those nations of Europe who are allied with the United States, or who have common interests with the United States; and that the Senate would benefit by the views of the President and the results of ministerial discussions; and that the Senate affirms its support of the declared intentions of the President to continue to seek on a regular basis the views of America's European allies, individually and severally, regarding the total compass of America's relationship with Europe; and that determinations affecting the level of United States forces in NATO should not be made without full consultations with the NATO allies and the Congress.

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

Mr. MATHIAS. I am happy to yield to the distinguished Senator from Kentucky.

Mr. COOPER. Mr. President, I appreciate very much the opportunity to join as a cosponsor of the resolution which the junior Senator from Maryland (Mr. MATHIAS) has introduced concerning the relationship of the United States to the North Atlantic Treaty Organization.

The distinguished Senator from Maryland, Senator MATHIAS, although serving his first term as a Member of this body, has made many important contributions to the Senate in the field of law as a member of the Committee on Judiciary, human and civil rights, and foreign policy. One of his initiatives was his resolution of which the majority leader was a cosponsor, to repeal several security treaties which no longer have application to our day—such as the Mideast treaty and the Tonkin Gulf resolution—the latter which the Senate has voted to repeal. The resolution which he offers today is of great importance. It offers the opportunity for the Senate to review the relationship of the United States to NATO, its European members and Great Britain and Canada in terms of military strength, and economic and cultural ties.

President Nixon has emphasized in many ways that it is his policy to maintain a close and effective relationship between the United States and our allies who are members of NATO. His recent trip expresses his concern about the maintenance of the United States and NATO strength in the Mediterranean as a deterrent against war.

A strong position has been asserted by many Members of the Congress, that our NATO allies should do more to share the burdens of NATO, both in terms of forces and money. Proposals for withdrawal of at least a part of U.S. forces from NATO, particularly the resolution of the majority leader, Senator MANSFIELD, have attracted wide support.

Our allies should increase, or at least upgrade their forces in training and equipment, and assume a larger share of the money cost which falls heavily upon the United States. Two years ago, in November 1968, I reported to the North Atlantic Assembly that the annual cost to the United States of its commitment to NATO was between $12 and $15 billion.

During the past years I have supported in various ways the principle that the commitment of U.S. forces to other countries should not be made without the consent of Congress. I believe this is a correct principle both constitutionally and practically and that such commitments should not be made unless they are of importance to the security of the United States.

The defense of the NATO area is important to the security of the United States. For this reason, I do not believe that U.S. forces should be withdrawn from NATO at this time. On one hand, there are favorable developments to which the strength of NATO has contributed, among them the SALT talks, the proposed agreements between Western Germany and the Soviet Union and the possibility of talks between NATO and the Warsaw Pact countries upon a mutual reduction of forces. In the latter case, it is not likely that force reductions by the Soviet Union and Warsaw Pact countries, will be realized if U.S. forces should be withdrawn.

On the other hand, there are troubling problems in Europe and contiguous areas. The Mideast, the buildup of Soviet naval forces in the Mediterranean, new difficulties over Berlin, are ominous. We should not weaken our forces and the first line of U.S. security.

In 1967, 1968, and 1969, I served as reporter to the Military Committee of the North Atlantic Assembly. The reports were made in November of 1967, 1968, and 1969. As the Senate knows, the Assembly is composed of Members of our Congress and the parliaments of other NATO countries. In the process of preparing my reports, I had many meetings with members of the Defense Department, the State Department, and our intelligence groups. Before submitting my report to the Military Committee of the Assembly, I asked the various departments of our Government if the report represented factually the strength of NATO forces in comparison to Warsaw Pact forces at that time, and I in each instance was assured that it was correct. The conclusions which appear in the reports are mine. In each year, I made the judgment that the military strength of NATO was perilously thin, and I submitted the facts that supported my judgment. I ask unanimous consent that the three reports I made in November of 1967, 1968, and 1969 be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. COOPER. Mr. President, I will not be the reporter to the Military Committee for the November meeting this year, but I have been asked to prepare a statement for submission to the Military Committee bringing up to date the comparison of NATO and Warsaw Pact forces.

From my study in the preparation of these reports over a period of 3 years, I came to the conclusion which I have expressed in the summary of each of the reports that, while some improvements have been made, it would be unwise to further reduce U.S. forces at this time. The United States must continue to insist, as President Nixon is doing, that our allies assume a larger part of the burden. But, as it is also a matter of the security of the United States, I do not believe that we can afford to weaken the position of the United States and of NATO in Europe at this time.

The proposal in the resolution of the Senator from Maryland involves larger concepts than the question of military strength, but military strength and security are still basic. Again, I congratulate Senator MATHIAS, and I will be glad to assist in every way to bring about the full discussion in the Senate and in the country that this resolution proposes.

EXHIBIT 1

REPORT OF THE MILITARY COMMITTEE

(Rapporteur: Senator JOHN SHERMAN COOPER (United States))

MEMORANDUM

To: The Members of the Military Committee of the North Atlantic Assembly.

From: Senator John Sherman Cooper, rapporteur.

On June 8, as rapporteur, I submitted a preliminary report to the Military Committee of the North Atlantic Assembly. In reviewing events that have taken place since that time, I have found it necessary to revise the report to take account of new developments, such as the Mideast crisis, and the U.S. decision to deploy a limited ABM system. I believe the June 8 report is still essentially correct in its statement of the purposes of NATO and its assessment of adjustments made necessary by the withdrawal of French military forces and territory from NATO. I have kept those portions that are still relevant. Statistical data and tables have been updated.

REPORT TO THE NORTH ATLANTIC ASSEMBLY MILITARY COMMITTEE BY SENATOR JOHN SHERMAN COOPER, NOVEMBER 20, 1967

During the year that has passed since the last annual meeting of the North Atlantic Assembly, the Military Committee continued to be concerned with the serious problems caused by the withdrawal of France from NATO military commands. In addition, the question of NATO force levels posed difficulties for the Alliance; political developments in the southern flank must be considered in relation to the military posture of NATO. The Mideast crisis raised new strategic questions that require NATO attention. Further, new developments in the nuclear field, such as the U.S.S.R.'s deployment of an antiballistic missile system and the U.S. decision to go ahead with a limited ABM system, as well as problems caused by the pending Nuclear Proliferation Treaty, are matters of great importance to the alliance.

In the face of these complex problems, we can still consider our basic objectives as follows:

First, to maintain forces sufficient for a credible deterrent against any potential military threat from the Soviet Union and the Warsaw Pact nations;

Second, to have forces ready to defend the territory of NATO member nations should an attack occur;

Third, NATO aims to provide the security necessary to achieve better East-West relations and the eventual settlement of issues still outstanding related to Germany and the aftermath of World War II.

The possibility that France might withhold its forces and territory from NATO in a crisis poses the threat of a gaping breach in the defense of Western Europe and the Atlantic nations. There is no question that France's withdrawal from the integrated military command is a blow to the military strength and political solidarity of the alliance. Serious problems relating to the actual operation of NATO military forces, in

the absence of full French cooperation, remain to be solved, but in the nearly 2 years that have passed since President de Gaulle's decision, significant progress has been made to minimize its effects.

It was necessary to carry out an immediate and costly repositioning of installations and redeployment of forces. This task has been accomplished. Great credit is due to the Governments of Belgium, the Netherlands, the United Kingdom and Italy, and all members for their generous response in such a crucial time.

First and foremost, the credibility of the NATO deterrent has been maintained. Forces formerly stationed in France have been redeployed. SHAPE is now operational at Casteau, Belgium; the headquarters of Allied Forces, Central Europe (AFCENT) has moved to the Netherlands; the NATO Defense College has moved to Rome; the North Atlantic Council and the Military Committee have moved into a new headquarters in Brussels; (see appendix I) necessary stockpiling, logistics, and communications changes have been made; the NATO air defense system has continued to function fully. While France remains a participant in the NATO Air Defense Ground Environment System (NADGE), new independent systems linking both military and political leaderships, in the NATO countries are being established. The alliance is already testing an experimental satellite communications system. The planned NATO satellite system, when operational in 1969, will provide additional communications capabilities.

France is again permitting the use of its air space for NATO overflights on an annual, rather than on a month-to-month basis as was the case for most of 1966 and 1967. NATO still has the use of its pipelines which run through France. Obviously, the question of the use of French air space and facilities in time of crisis or hostilities remains unanswered. Stockpiles of POL outside France are sufficient to meet all expected contingencies, and the use of other military and commercial pipelines are workable alternatives to former NATO POL supply patterns.

It would be misleading to say that NATO is as strong as it was before the French actions; however, we can note positive improvements during the past year. A number of new initiatives were undertaken at the May 9 meeting of Defense Ministers to improve NATO's defense structure. The 14 allies have come to decisions resolving some long-standing problems. They include new force planning procedures, new political guidance for military authorities, and new permanent machinery for nuclear consultation.

In analyzing and discussing these decisions, we can assume that they are based upon an agreed understanding of the capabilities and intentions of the U.S.S.R. and Warsaw Pact countries.

As my colleague Senator Henry Jackson suggested earlier this year, there is a lively belief in some quarters that the problem of relations with the Soviet Union has taken a radical and reassuring turn. It is contended that there is little danger of future Soviet aggression because of political and economic changes within the Soviet Union and the Soviet bloc.

It would, of course, be extremely foolish to assert that the Soviet Union of 1967 is the Soviet Union of 1949. There have been important changes. Perhaps internal political and economic developments have made the Soviets more conservative, in the sense that they may be less inclined to run large risks. Kosygin and Brezhnev are not Khrushchev, and Khrushchev was not Stalin.

But along with these changes, there have been others. The Soviet Union has made giant strides in applying its rapidly advancing technology to military and nonmilitary purposes. It has the world's largest submarine fleet, and in a few years, it will have the largest and most modern merchant fleet on the seven seas. Its rate of economic growth is impressive. It continues to allocate enormous resources to its military establishment and has announced a sharp increase of 15 percent in its next military budget, spending an estimated $60 to $70 billion dollars. It has increased substantially its strategic offensive and tactical nuclear weapons systems, both quantitatively and qualitatively, in the last 2 years. Most recently, it has developed a fractional orbital bombardment system (FOBS). It claims to have developed an effective ABM system and it has begun to deploy it. It has the largest and best equipped conventional force under a single national command in central Europe (26 divisions and over 1,000 aircraft) with well-trained reserves. It has helped to provide the other Warsaw Pact forces with modern equipment. At least 49 divisions of the Warsaw Pact forces and over 3,000 aircraft are poised against the frontiers of Western Europe. (See appendix II, an important article by Hanson W. Baldwin, New York Times, October 30, 1967, which assesses Soviet military strength.)[1]

What is the net implication of these changes? I would not wish to make any categorical assertion about Soviet policy when so many powerful forces are in motion everywhere, but the capabilities of the Soviet Union do not give ground for complacency.

Soviet attitudes toward NATO were reaffirmed to the world by Soviet leader Brezhnev on April 24, 1967, at the European Communist meeting at Karlovy Vary, Czechoslovakia. In his first major foreign policy speech since he took over the Soviet leadership, he announced a campaign against NATO focused on the 1969 date when the treaty permits a member nation to withdraw upon 1 year's notice. Brezhnev called for concerted action with non-Communists and rejected any idea that NATO might serve as a means to improve East-West relations. He urged that a systematic struggle be initiated to remove the American presence from Europe. We have learned over the years since World War II to take such pronouncements seriously.

The Middle East crisis, which began in May and continues, is of concern to the alliance. The Soviet involvement in the events leading to and following the Arab-Israeli war provided an opportunity to the U.S.S.R. to enlarge its strength and influence in the Mediterranean. The U.S.S.R. appear to have exercised caution to avoid becoming involved in a confrontation with the NATO countries during the crisis, and they are faced with the same formidable difficulties inherent to the area that NATO members have encountered. Yet the Soviets have taken advantage of the Mideast situation to challenge and if possible to supplant Western influence in the area and particularly in the Arab world. The war pointed up again the possible loss of Mideast oil and the vital communication route of the Suez Canal to NATO in time of crisis. The buildup of Soviet naval forces in the Mediterranean, forces that have access to naval bases in friendly Arab countries,[2] the Soviet replenishment of arms to Arab countries, and its growing military presence and influence in the area require an examination of their military and political significance, not only as it affects the southern flank, but the NATO area as a whole. It is important to relate NATO strategy to these events.

It is difficult for any except those who participate directly and continuously in the analysis of capabilities and intentions to state with authority the assumptions upon which NATO strategy is based. But upon reviewing the decisions that have been made by the Defense Ministers, and guidance to military commanders, it seems reasonable to say that it is the view of the Ministers that the Soviets are not likely to start deliberately a general or a limited war in Europe. The Soviet leadership knows that either kind of war could escalate to a nuclear holocaust with fatal damage to the Soviet Union. They are aware of the strategic nuclear capabilities of the United States, and that over 7,000 tactical nuclear weapons are deployed in Western Europe.

Mr. McNamara, Secretary of Defense of the United States, testified before the Congress on June 21, 1966, expressing the American view of NATO strategy, which I assume is the view of the Defense Ministers.

Our military strategy is and remains the forward defense of Western Europe, which means, in central Europe, a defense at the frontier of Western Germany. Our commitments, our deployments, our strategy and our forces are oriented as far as possible to that forward strategy, and to the use of whatever force and weapons may be necessary to achieve this forward defense.

Secretary McNamara's speech is a declaration that the NATO forward defense strategy is linked not only to military considerations of force posture and deterrent capability, the strategy is designed also to take into account the settlement of World War II issues, and the continued freedom of Berlin.

The strategy of forward defense and flexible response requires a full spectrum of military capabilities ranging from conventional forces through tactical nuclear weapons to strategic nuclear forces.

Obviously, decisions affecting the nuclear military policies of the U.S.S.R. or the United States are of the greatest concern to NATO. The Nuclear Planning Group (NPG) which is subordinate to the Nuclear Defense Affairs Committee (NDAC) promises to provide for all NATO members a more comprehensive understanding of the political and military issues, development, and control of nuclear weapons system and source materials; and it should give non-nuclear powers a greater voice in determining the nuclear policy of the alliance. At the Ankara meeting of the NPG in September, the possible use of atomic demolition munitions (ADM's), the tactical use of nuclear weapons, the deployment of an antiballistic missile system in NATO Europe in the defense of the area, were among the subjects discussed.

Mr. McNamara, Secretary of Defense, also informed the group of the U.S. efforts to discuss with the U.S.S.R. possible limitations on offensive and defensive strategic weapons and explained the rationale for the deployment in the United States of a limited antiballistic missile system. On the admittedly marginal ground that strategic planning must take into consideration the possible irrational behavior of a potential adversary, he said that the United States had decided to proceed with a "thin" ABM defense against Communist China. Stating that a "thin" ABM system would improve the credibility of the Western nuclear deterrent, he nevertheless made the following statement:

The danger in deploying this relatively light and reliable Chinese-oriented ABM system is going to be that pressures will develop to expand it into a heavy Soviet-oriented ABM system.

We must resist that temptation firmly—not because we can for a moment afford to

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[1] For relative strength of NATO and Warsaw Pact forces and defense budgets, please refer to "The Military Balance of 1967–68," source: Institute for Strategic Studies, a few copies of which are in the hands of the committee secretary, Mr. Koops.

[2] The Soviets reportedly now have a fleet of some 46 ships in the Mediterranean, including missile-launching cruisers and 10 submarines. The U.S. 6th Fleet consists of approximately 50 ships, including two attack carriers. Italy has a fleet of approximately three cruisers, 20 destroyers, seven submarines and 100 smaller craft. Greece has approximately 12 destroyers, 10 submarines, and 25 smaller craft. Turkey has eight destroyers, 10 submarines, and about 25 smaller craft. These navies would constitute the NATO Mediterranean force in event of crisis.

relax our vigilance against a possible Soviet first strike—but precisely because our greatest deterrent against such a strike is not a massive, costly, but highly penetrable ABM shield, but rather a fully credible offensive assured destruction capability.

It is the position of the United States that the limited ABM system it will install will strengthen the nuclear deterrent against an attack upon the NATO area. The Committee may wish to provide its views regarding the effect of the limited ABM system, or any larger system, upon the defense of NATO.

Nuclear developments such as an ABM system are of great concern to NATO. But we must keep in mind that the primary purpose of the strategy of forward defense and flexible response, and the provision of adequate conventional forces is to deter any purposeful action or probing or miscalculation that could lead to war. The strategy is designed to prevent a progression of conflict that could lead to war. The strategy is to deter war.

The alliance needs sufficient conventional NATO forces to implement its strategy. The U.S. forces in Europe form the strongest element in forces, equipment and firepower, around which is now built this military capability. But adequate allied forces must be joined and welded in partnership with U.S. strength if the strategy, the deterrent and the defense are to be truly effective.

The Defense Ministers at their May 9 meeting approved a new policy guiding NATO military commanders in force planning to support strategy. The NATO force plan for the years 1969–72 has developed from procedures agreed upon at the December 1966 Ministers meeting. The procedure calls for the acceptance of force goals for 1968—generally at present levels. A continuing planning process of forces and resources for the 5-year period will be reviewed annually. By the formal adoption of the annual revisions, each member country will agree to commit specified forces to NATO for the following year. Thus, at the December 1967 Ministerial meeting, the member countries contributing forces to NATO will be called upon to approve a force plan for 1968–72. This will involve a firm commitment of forces for 1968 and a realistic understanding of what member governments should plan to budget in years ahead.

In contrast to the earlier method of projecting forces believed necessary to provide an adequate defense, the new force procedure is designed to base force requirements upon strategy and resources and the capability of members to provide and sustain the forces which they commit to NATO.

While the new concept is more realistic than the old, the Committee could well direct questions to determining whether it will in fact supply defense forces.

In connection with the new policy of force planning, the Committee will want to consider the proposals of the United States and the United Kingdom for a limited redeployment of their forces in Germany.

From October 1966, through April 1967, the United States, the United Kingdom and the Federal Republic of Germany held a series of discussions on stationing of forces in Germany. These discussions (which dealt only with the NATO central region) were made necessary by urgent financial questions—the foreign exchange drain facing the United Kingdom and the United States, occasioned in part by their substantial forces in Germany. The trilateral talks permitted each of the three countries to study their particular and their common problems intensively.

The results of the talks were reported in NATO in May. They involved, among other things, British and American proposals for limited redeployment of forces from Germany. These proposals, which would not be implemented prior to January 1968, at the earliest, are being taken into consideration in the course of the normal NATO force planning activities. Thus, they were introduced with a view to the adoption by Ministers in December 1967, of a new NATO force plan for the period 1968–1972.

The U.S. redeployment plan envisages the return from Europe of approximately 35,000 military personnel and some aircraft. All of the forces returned to the United States will remain committed to NATO. Supported by new airlift capacity, which will be operational in 1969 or 1970, they will be maintained at a high state of readiness for return to Europe on short notice in case of need. The U.S. division and air squadrons redeployed will return to Europe once a year for maneuvers. The United Kingdom will redeploy 5,000 men from the army of the Rhine to England, also committed to NATO.

The trilateral discussions met with some expressions of concern and criticism from other allied countries. At the same time, it has been generally recognized that failure of the talks could have precipitated a very grave situation for the Alliance. There would have been a risk of substantial unravelling of NATO forces on the central front.

While the successful resolution of the trilateral talks last spring averted the possibility of significant redeployment of United States and British forces from the continent, the force posture of the Alliance continues to be a problem. The proposals for limited redeployment of American and British forces, which are now before the Defense Planning Council, do not appear to affect significantly the strength of conventional forces on the central front. The possibility of resultant cuts in the forces of other allied countries, however, remains a danger. Budgetary difficulties forced the Federal Republic of Germany to reduce projected increases in defense outlays for the next 5 years. How these cuts will affect the level of German forces is still not clear.

The important thing now is to make the new Alliance force planning system work effectively so there will be clear and firm multilateral commitments of forces to NATO each year.

At their May 9 meeting, the Defense Ministers gave attention to the difficulty and continuing problem of the defense of NATO flanks and called for the early completion of the current study of reinforcements for the flanks. Since this study of the flanks is not yet complete, this report is unable to provide information about actual progress in this area. But in view of the implications of the Mideast crisis and other political developments upon the security of the southern flank, it is a subject the members will want to explore at greater length.

Looking to the future work of the committee, I believe it is necessary for the members to consider

(1) To what extent the adjustments thus far made have satisfactorily repaired the damage which has resulted from the withdrawal of France from the NATO Military Command. If France should withdraw from all connection with NATO, what further military adjustments will have to be made?

(2) In a broader context, it would be helpful to consider whether the strategy of forward defense and flexible response is an adequate deterrent to hostilities and, in the case of limited hostilities, to escalation which could lead progressively toward the use of nuclear weapons.

(3) Further, do the members consider that the new force levels policy—reducing the projected size of national forces formerly stated as necessary—now relating force goals to the capability of sustained financing by members, is adequate to support the strategy of deterrence and flexible response?

(4) Do the members believe that their countries will be able to meet revised force goals, and sustain them by adequate financing?

(5) Will the agreed redeployment of the forces of the United States and the United Kingdom in itself affect adversely NATO defense? Will it lead to pressure for reduction of the forces of other members? With respect to the plan of the United States, will it be feasible in terms of air and sea lift to return deployed forces from the United States to Europe in the event of their need, and in terms of the political aspects of such a decision?

(6) The Committee will, I believe, want to consider the effect of the Arab-Israeli war and the larger involvement of the U.S.S.R. in the area upon NATO military interests.

(a) Their relationship to the strategy and defense of NATO as a whole.

(b) Their relationship to communication routes and oil supply.

(c) Their relationship to the defense of the southern flank.

(d) With respect to the above questions, what can NATO do to meet the growing pressure and influence of the U.S.S.R. in the area, and to protect its interests?

(7) What are the future implications for NATO of the deployment by the Soviet Union of an antiballistic missile system and the probable deployment of a fractional orbit bombardment system, and by the United States of a limited or "thin" antiballistic missile system?

There are also other issues, although not immediately within the competence of this Committee, which cause concern; among them, the effects of the war in Vietnam upon NATO, and the nonproliferation treaty now being considered at Geneva.

With respect to the nonproliferation treaty, article 3 concerning safeguards is the subject of continuing negotiations by the United States and the U.S.S.R. Questions have been raised by other members of NATO concerning article 3 and other provisions of the treaty. Among the questions raised are whether an antiballistic missile system is a defensive rather than a offensive weapon and thus should be permissible; the importance of scientific advance and technology acquired in the development of nuclear weapons; the duration of the treaty, and the advisability of committing the future in a time of radical scientific and technological change; the issue of inspection, and possible impingement upon the inspection procedures of the EURATOM countries.

Overriding all, is the continuing decision that must be made concerning the need for and the effectiveness of NATO itself.

Our aim is to provide defense posture adequate to deter war and to meet it if it comes. A second is to seek better East-West relations and eventually to reach stable and equitable solutions of the German issue and others left by World War II.

NATO began as a military alliance. It is still primarily a military framework, but it has proven to be a flexible structure able to make realistic and effective adjustments to change, political and military. Since NATO was established in 1949, and largely because of the security it has provided, the member nations have developed economic and political relationships that have tended to both strengthen and modify purely military considerations.

The success of the NATO alliance has produced a paradox that must be watched carefully. The apparent easing of tensions between East and West has been brought about in great part by the military solidarity of NATO. This solidarity has enabled our members to turn their energies to economic and social development. It may be that a psychological attitude toward security has been developing that in some respects undermines the continuing necessity of the military alliance itself. A continuing awareness of the necessity to preserve and strengthen the basic military alliance is crucial to a meaningful detente. We should celebrate the progress toward security and peace that has been made possible by the NATO shield; but we

should be vigilant that the benefits gained thus far should not lull us into a false sense of securtiy, which could threaten their attainment.

The credible deterrent of NATO still provides the best possible security to its members. And it has provided and should continue to provide a cohesion and means of policy coordination among members, which are essential to a common effort to reach better East-West relations, and a stable settlement of the issues that divide the two systems. The ultimate purpose of NATO is to secure peace.

APPENDIX I

NATO INSTALLATIONS—RELOCATION FROM FRANCE

1. HEADQUARTERS RELOCATION

Agency	Location, Mar. 31, 1966	Location, Mar. 31, 1967	Remarks
a. Headquarters USEUCOM.	Camp des Loges, France	Stuttgart, Federal Republic of Germany.	Operational Mar. 15, 1967. Occupied facilities used by 7th Army as a result of merger of USAREUR/7th Army.
b. Headquarters USAREUR.	Heidelberg, Federal Republic of Germany.	Heidelberg	
c. Headquarters 7th Army	Stuttgart, Federal Republic of Germany.	Heidelberg, Federal Republic of Germany.	Merged with Headquarters USAREUR. Operational Dec. 1, 1966.
d. Headquarters USACOMZEUR.	Orleans, France	Worms, Federal Republic of Germany.	Operational February 1967.
e. U.S. Army Supply and Maintenance Agency.	Verdun, France	Zweilbrucken, Federal Republic of Germany.	Operational March 1967.
f. Headquarters SHAPE	Paris, France	Casteau, Belgium	Operational Mar. 31, 1967.
g. Headquarters AFCENT	Fontainebleau, France	Brunssum, Netherlands	Operational Mar. 31, 1967, Headquarters.

2. NORTH ATLANTIC COUNCIL AND MILITARY COMMITTEE

Agency; Location, March 31, 1966; and Schedule:

NAC, Paris, France, To be relocated at Evere, Belgium, by Oct. 15, 1967.

Military Committee, Washington, D.C., To relocate to Brussels and colocate with the NAC.

3. AIR FORCE SQUARDRONS

Type of unit and disposition:

Two C–130 Transport Squadrons: Relocated in United Kingdom.

Three Reconnaissance Squadrons: Relocated in United Kingdom.

Two Reconnaissance Squadrons: Returned to United States with provision for dual basing in Germany.

One Reconnaissance Squadron: Disbanded.

4. PERSONNEL SUMMARY (IN FRANCE)

	U.S. military	U.S. civilian	Dependents	Foreign nationals
On Mar. 31, 1966	29,887	2,188	37,549	15,181
On Apr. 1, 1967	2,200	334	3,650	[1] 3,309
On May 29, 1967	1,675	269	2,932	2,827

[1] Apr. 24.

Note: The U.S. military-connected personnel remaining in France are (1) certain dependent personnel, teachers, and school administrators who will remain until the end of the school year (about June 30); (2) U.S. military personnel (and their dependents) needed in connection with SHAPE activities; (3) U.S. personnel remaining in order to complete property disposal actions; and (4) a few military and civilian personnel supporting these groups (PX, commissary, medical personnel, etc.).

5. MATERIAL SUMMARY (IN FRANCE)

On Mar. 31, 1966 (including en route to France), 320,108 tons.

On Apr. 1, 1967 (approximate), 8,500 tons.

Note: In support of dependent schools and liquidation activities; in addition, 31,788 tons of surplus and scrap material in disposal yards.

Pattern of material relocation (in rounded numbers)

Relocated—

To Federal Republic of Germany, More than 380,000 tons.

To the United Kingdom, More than 145,000 tons.

To the United States, More than 90,000 tons.

To Italy and Benelux, Under 25,000 tons.

Disposal of excess, About 170,000 tons.

Still in France, Less than 10,000 tons.

6. ONE-TIME RELOCATION COSTS

Budgetary, Less than $150,000,000.

Foreign exchange, Less than $50,000,000.

7. SAVINGS AND ECONOMIES RESULTING FROM RELOCATION

Annual Budgetary Savings, $50,000,000 to $60,000,000.

Annual Foreign Exchange Savings, $110,000,000 to $120,000,000.

	Military	Dependents	Foreign nationals
Personnel—			
In France	16,000	19,000	
In Germany	2,000	2,000	
Total	18,000	21,000	[1] 11,000

[1] Approximately 15,000 French nationals employed in France; only 4,000 foreign nationals being hired in other countries to replace them.

APPENDIX II

COMPARATIVE STRENGTHS OF NATO AND WARSAW PACT

NATO-ORIENTED FORCES

The following table sets forth estimates of NATO member countries' military personnel in Europe as of January 1, 1967, which it is assumed would be available in time of need for common defense functions viewed in the broadest sense. Perhaps only one-half of these personnel, however, are in NATO-committed units. Some are engaged in logistics and supply operations for NATO-committed forces; but because under NATO procedures these functions remain national responsibilities even in wartime, such personnel are not NATO committed. Many of the remaining noncommitted personnel would not be engaged even in wartime in direct support of forces under NATO command. In most cases, the quality of NATO-committed forces is considerably higher than the remaining forces.

Technically, commitments of forces to NATO have always been made in terms of numbers of military units (which in fact are of widely varying sizes, depending upon national practice), not in terms of numbers of men. Except for certain air defense forces and for NATO Headquarters, as a formal matter none of the committed forces are under NATO command in peacetime.

For purposes of the following tabulation, it is assumed that, except for France, the entire armed forces in Europe of all NATO member countries fall in the category of "NATO-oriented forces in Europe." France is excepted because it has reserved for its decision, at the time an attack on the NATO area occurs, what French forces, if any, would be available for defense of that area. French forces in Europe at the beginning of 1967 are estimated to be:

Army: 320,000 (64,000 in Germany); Navy: 70,000; Air Force: 105,000 (6,000 in Germany); total in Europe, 495,000, out of a grand total of 525,000.

Of the forces shown for the United Kingdom, some 52,000 Army troops and 3,000 RAF personnel are in Germany, and the remainder almost entirely in Britain.

NATO-ORIENTED FORCES IN EUROPE [1]

[Estimate, as of Jan. 1, 1967]

	Army	Navy	Air Force	Total
Belgium	83,000	4,500	19,000	107,000
Canada	6,500		3,000	9,500
Denmark	30,000	7,200	12,600	49,800
France	[2]	[2]	[2]	[2]
Germany	307,000	33,000	100,000	440,000
Greece	118,000	18,000	23,000	159,000
Iceland	[3]	[3]	[3]	[3]
Italy	270,000	40,000	66,000	376,000
Luxembourg	1,500			1,500
Netherlands	85,000	21,250	23,000	129,250
Norway	17,000	8,000	9,000	34,000
Portugal	10,000	8,500	4,000	22,300
Turkey	360,000	37,000	53,000	450,000
United Kingdom	145,000	76,000	65,000	286,000
United States	230,000	35,000	80,000	345,000

[1] Based on "The Military Balance" 1966–67, issued by the Institute for Strategic Studies, London, 1966.
[2] See discussion in item 3, above.
[3] Iceland has no armed forces.

Number of French forces under NATO in '1958, in 1960 and in 1964

The order of priorities in France's defense efforts in the decade preceding its defection from NATO was, first the war in Algeria, next, its nuclear strike force, and last, its NATO forces. By 1957, France had reduced its contribution of M-Day ground forces actually available to NATO from 5 to 2 divisions (the 2 divisions which in fact remain in Germany today). Moreover, nearly all of its other ground forces which had been committed to NATO were temporarily withdrawn from the Algerian War and, upon conclusion of these hostilities, were not again made available to NATO. Beginning in 1959, France progressively withdrew its naval forces from NATO commitment. In mid-1966, it withdrew from commitment all of its remaining forces.

From a peak of just over a million men under arms at the height of the Algerian War, the number of French forces has been reduced to the currently estimated total of 525,000, now all stationed in Europe except for some 22,500 ground forces and perhaps some 5,000 Navy personnel in overseas assignments. Of those in Europe at the beginning of 1967, 70,000 army troops and air force personnel are in Germany; the remainder are in France. Further, during French atomic testing in the summers of 1966 and 1967, some 40 percent of French naval forces were or will be temporarily in the Pacific area.

The following table estimates the numbers of French forces in recent years:

FRENCH FORCES (ESTIMATES) [1]

	1958	1960	1964	1966
Army	815,000	812,000	415,000	338,000
Navy	65,000	68,000	72,000	74,000
Air	145,000	146,000	125,000	113,000
Total	1,025,000	1,026,000	620,000	525,000

[1] Based on "The Military Balance" (issues for 1959, 1961–62, 1964–65, and 1966–67) issued by the Institute for Strategic Studies, London.

ESTIMATES OF COMPARATIVE STRATEGIC STRENGTHS, EARLY 1967

[Figures in parentheses are the ISS estimates for early 1966]

Category	Western alliances [1]	Communist powers
Missile and airpower:		
ICBM's	934(854)	300(270)
Fleet ballistic missiles	624(544)	150(120+)
IRBM's and MRBM's		750(750)
Long-range heavy bombers	595(625)	200(200)
Medium bombers	222(430)	1,200(1,250)
Seapower [2]:		
Carriers (all types)	37(38)	
Cruisers	22(31)	20(20)
Escorts (ocean-going types)	623(532)	239(268)
Submarines:		
(a) Conventional powerplant	195(197)	395(416)
(b) Nuclear powerplant	70(62)	50(40)
Land power: Active army strengths	4,736,600 [3](4,580,000)	5,815,000 [3](5,830,000)

[1] Includes all countries listed in part II, excluding the protocol states of Cambodia, Laos, and South Vietnam.
[2] Active fleets.
[3] Of which NATO members account for 3,206,045(2,896,000).
[4] Of which Warsaw Pact members account for 2,875,000(2,925,000).

APPENDIX III

[From the New York Times, Oct. 30, 1967]

SOVIET MILITARY ADVANCES POSE A CHALLENGE FOR UNITED STATES

(By Hanson W. Baldwin)

As Moscow's Red Square echoes to the celebrations of the birth of Communist power, the United States faces a sweeping challenge to its military supremacy.

The Russian challenge affects all factors of military power: industrial-economic power; maritime power; aerospace power; land power; all types of weapons from assault rifles to multimegaton bombs.

The military history of a half-century of Communist rule in Russia may be capsuled into three phases: from armed horde to modern army; from coast defense to deep water; from black power to the most powerful thermonuclear weapons in the world.

A nation that 50 years ago was concerned chiefly with defense of its own frontiers has adopted a global strategic concept. Its outward-looking defense policies are now based on the infinity of space and the high seas.

Experts agree that Russia is the world's second military power—first in some aspects and making a determined effort to achieve superiority in all.

The announced Soviet military budget for the 1968 calendar year is 16 billion rubles, a 15-percent increase compared with 1967. Intelligence officials agree that hidden items add billions to the official total. They estimate the total at more than 20 billion rubles, roughly 14 to 17 percent of the Soviet gross national product. At the official exchange rate this amounts to $22 billion. Translated into U.S. dollar purchasing power, it approximates $50 to $60 billion. A sizable part—some observers think more than in the United States—goes for military research and development.

The military power of Soviet Russia is based on a large and increasing population, the greatest land mass on earth, rich natural resources, and an expanding industrial base.

The Soviet economy has major weaknesses, not the least agriculture. Its computer, chemical, electronic, automotive, and transportation industries and its mass production techniques—all of basic military importance—appear behind those of the United States. But the Soviet Union has a tremendous capability for the production of arms of all types.

The Soviet Armed Forces today total about 3.1 to 3.3. million men. There are five major service components: the army or ground forces; the naval forces and the strategic rocket forces. The ground forces number 1.6 to 1.8 million men; the air force 500,000; the navy, including a naval air arm, about the same; the anti-air-defense forces 300,000 and the strategic missile forces 150,000 to 225,000. There are 250,000 uniformed border guards and internal security troops and half a million to 1 million civilian employees who work for the military establishment.

The Politburo of the Communist Party's Central Committee exercises control over the Minister of Defense and the armed forces. The Minister of Defense is usually an active-duty officer and an army man. Marshal Andrei A. Grechko is the present Minister. He is regarded as a kind of bridge between the "Old Marshals," veterans of land warfare across the vast Russian plains, and younger officers, like Marshal Ivan I. Yakubovsky, commander of the Warsaw Pact forces. The younger group is regarded as less political and more professional; more global and less parochial.

The Soviet Armed Forces are based on conscription. Until this year the regular tours of active duty were 3 years in the army and air force and 4 years in the navy. A new conscription law taking effect next January 1 cuts the term by 1 year in each service on the ground that a higher educational level among recruits enables them to acquire military skills more rapidly than in the past.

The manpower pool that supplies the armed forces is potentially huge. About 2 million youths register annually at 17 and more than half of them are drafted at the age of 18. Under the new conscription law, draft calls will be preceded by preliminary military training in the last 2 years of secondary school, including basic principles of military science and civil defense.

All males between 18 and 50 are classified as eligible for military service, more than 35 million men. In World War II Russia put 10 percent of its population—22 million people—into uniform, and fielded more than 350 divisions, plus hundreds of brigades and smaller units.

The advent of the missile-nuclear age and the nuclear-powered submarine, the march of modern technology and internal politics forced some relinquishment of the grip of the older ground marshals on Soviet military policy. Tremendous emphasis has been placed on strategic nuclear forces and maritime power.

Nevertheless, as in the United States, wars like the one in Vietnam (dubbed by the Communists "wars of national liberation") reemphasized the importance of ground troops.

The army is still powerful in the Soviet military hierarchy though it is a domination that is not without challenge. The Soviet Army may be called the soul, if not the heart, of modern Soviet military power.

It maintains in peacetime about 140 divisions, at least 100 of these at 65 percent strength or more, the rest at cadre strength of 10 to 30 percent. The 20 divisions in East Germany, two in Poland, four in Hungary, a considerable number in western Russia, some in the Far East and a small but increasing number in Central Asia are maintained at full strength—about 7,300 men for an airborne division (there are seven such divisions); 8,000 to 8,700 for the 40 to 50 tank divisions, and 10,500 to 11,000 for the motorized rifle divisions.

The existing 140 divisions could be "fleshed out" to full war strength wthin 90 days, the experts think. How many more divisions Moscow could put in the field and how long it would take is a matter of debate. But the number of men of military age available and the system of refresher reserve training make it clear that the limiting factors would be material, not men.

This Soviet ground force has become a modern army since World War II. Its tanks, artillery and rifles are impressive. The new main battle tank is the T–62, a development of the reliable T–54 and T–55 models, manned by a crew of four and armed with a 115–millimeter gun. The T–10–M heavy tank, with 122-millimeter gun, has replaced the World War II Josef Stalin III. These Soviet tanks, though less "habitable" than the present U.S. tanks, have low silhouettes, much armor and powerful guns that are gyrostabilized to fire with accuracy while the tank is in motion.

An amphibious light tank and amphibious armored personnel carrier, wire-guided antitank missiles, like the Snapper and its later models, heavy mortars, unguided rockets like the Frog and the Scud (the latter with 150-mile range) and efficient artillery provide great firepower. The 152-millimeter gun is one of the fine artillery pieces of the world and the AK–47 assault rifle, though heavy, is considered one of the most reliable.

Soviet ground forces are supported by about 3,200 tactical aircraft, including three models of the famous Mig, and the new SU–7 and Yak–25 fighter-bombers or light bombers.

The Russians, though well supported by planes, artillery, mortars and rockets of many types and ranges, do not appear to have many small tactical nuclear weapons. The Russians are also weak in combat support and service support units. Their logistical capabilities in the field are still inadequate to permit a continuous offensive.

Nevertheless, the Soviet Army represents a powerful offensive or defensive force trained to fight with conventional or nuclear arms, or both. Its primary task is defense, but it no longer conceives of defense in terms of scored earth or of trading space for time. Its battle doctrine is built around mass, shock, firepower, and rapid movement. If war came, it could be expected to strike with armor, mechanized forces, and paratroopers deep into an enemy's rear area.

The Soviet Union's military power has burst the bounds of Eurasia and has achieved a global capability since World War II.

Russia has tested the largest thermonuclear weapons on earth and has developed offensive and defensive strategic nuclear weapons systems in such numbers that if the trend continues, the superiority of the United States may become inferiority within a few years.

Russia's weak, coast-defense navy of World War II has become the world's second largest deepwater fleet, with a submarine force unmatched in numbers.

It is in these elements of Soviet military power—aerospace and maritime—that Mos-

cow has made spectacular progress, particularly during the 1960's. It is these two elements of Russian power that most concern the United States.

Since the Soviet Union conducted its first nuclear test in 1949, it has detonated, according to unofficial returns, at least 250 nuclear and thermonuclear devices compared with at least 425 United States tests. In the last atmospheric tests in 1961–62 before the Test-Ban Treaty, the Soviet Union detonated high-yield devices, including one that released the equivalent of about 58 megatons (millions of tons) of TNT.

Today many experts believe that the total deliverable megatonnage, or explosive power, of the Soviet nuclear arsenal approximately equals that of the United States. If the present trend continues, the Soviet Union will considerably surpass United States capabilities in the early 1970's. The total weight of the Soviet nuclear arsenal has shown a steady increase relative to the United States in the last few years.

Soviet missile technology, while believed behind that in the United States in certain respects, such as miniaturization, has advanced from the first cumbersome, multistage, liquid-fuel rockets to second and third generation missiles that are far smaller, cheaper, more reliable and more accurate.

Soviet intercontinental ballistic missiles, with ranges of more than 6,000 miles, sufficient to reach any point in the United States, are emplaced in hardened concrete and steel underground silos or in semi-protected surface sites. There are two major types of long-range missiles—one carrying multimegaton warheads of great power, the other smaller, lighter missiles resembling the United States Minuteman and Polaris, with warheads in the range of 1 to 2 megatons. There are believed to be 300 to 500 launching sites and perhaps as many as 800 missiles (including reloads). For the last 2 or 3 years the Soviet production program has been adding at least 154 missiles annually. The United States has about 1,050 missiles, but its numerical advantage is shrinking.

In addition to the intercontinental armory, the Soviet Union has 700 to 900 intermediate and medium-range ballistic missiles, capable of reaching most targets in Europe, North Africa and many parts of Asia.

Russia's sea-based strategic missiles are launched from submarines. About 30 to 40 submarines carry ballistic missiles, usually in two or three tubes. About 45 to 50 submarines carry cruise-type winged missiles for antishipping use. The total sea-based strategic missile inventory is about 100 to 120 ballistic missiles (ranges 300 to 800 miles), and 100 to 200 winged missiles (ranges 450 miles). About four to six ballistic-missile submarines, most of them nuclear-powered, are being built each year. A new class, with eight missile launching tubes, is expected shortly.

The strategic missile force is supplemented by the Soviet Union's strategic air force, which operates 150 to 200 heavy bombers and 700 to 1,200 medium bombers.

These forces are backed by probably the strongest aerospace defensive system in the world. For many years, the Russians have been constructing, adding to, supplementing upon which North Vietnam has patterned its formidable defenses. Surface-to-air missiles, radar-controlled anti-aircraft guns up to 130-millimeter caliber, a radar network, ground-control intercept stations and Soviet interceptor fighters like the Mig-21 and the Yak-28 provide an impressive, though not impenetrable defense.

This system is being supplemented by an extensive deployment of an antiballistic missile system. This system is already partly operational around Moscow and Leningrad. In the opinion of military intelligence officers, which is not shared by some civilian experts in Washington, a different new antimissile system is being extended around most of western Russia. Experts believe the Soviet missile defense is, like the United States' developmental Nike-X, a two-missile system involving a long-range missile for interception outside the atmosphere and a high-speed, shorter-range missile for defense in the atmosphere close to the target.

The build-up of Soviet maritime power has been a startling geopolitical factor of the 20th century. For the first time since the Bulshevik Revolution, communism has demonstrated an appreciation of the economic, political, psychological, diplomatic, and military importance of seapower. A Soviet naval detachment, at times numbering 35–40 ships, is a permanent part of the Mediterranean scene; Soviet submarines have cruised in the Gulf of Alaska, the Norwegian Sea and near the Caribbean. Soviet electronic trawlers have shown up off U.S. bases.

The Soviet emphasis upon seapower extends to oceanography, fisheries, the merchant marine and the navy. The Soviet merchant marine has increased from 3.6 million deadweight tons in 1949 to 9 million today, with a fleet of 20 million tons, the world's largest, planned for 1980.

The Russian fishing fleet, with the world's fourth largest catch—in 1964—is regarded as the most modern in the world. The Soviet oceanographic program is extensive.

The Soviet Navy supports and supplements, and is supported by this sizable maritime tonnage. The Soviet Union does not maintain what Western powers would consider a balanced fleet. The navy has no aircraft carriers and its naval air arm of about 850 patrol aircraft, antisubmarine planes, reconnaissance and attack aircraft operates from land bases. Its 20 cruisers are old though powerfully gunned, but only a few have been modernized with missiles.

Nevertheless, the navy's total power is formidable, particularly its capability of interfering with enemy seaborne supply lines.

The Soviet submarine fleet is now reduced in numbers—compared with several years ago—to 350 or 400 operational submarines, but it has been modernized. At least 300 of the submarines are capable of deep sea cruising and about 40 to 50 are nuclear powered.

Two helicopter carriers, apparently for antisubmarine, or amphibious work, or both, have recently been commissioned. The Russians operate 100 to 130 destroyers, 20 to 30 of them equipped with missiles.

In sum, the architects of modern Soviet maritime power appear to have adapted the doctrines and the theories of Alfred Thayer Mahan, the American apostle of seapower. Soviet seapower today is no longer a shoal-water landlocked force; it is looking outward upon all the oceans of the world and has become an important factor in future history.

APPENDIX IV

REMARKS BY SECRETARY OF DEFENSE ROBERT S. MCNAMARA BEFORE UNITED PRESS INTERNATIONAL EDITORS & PUBLISHERS, SAN FRANCISCO, CALIF., MONDAY, SEPTEMBER 18, 1967

Ladies and gentlemen, I want to discuss with you this afternoon the gravest problem that an American Secretary of Defense must face: the planning, preparation, and policy governing the possibility of thermonuclear war.

It is a prospect most of mankind would prefer not to contemplate.

That is understandable. For technology has now circumscribed us all with a conceivable horizon of horror that could dwarf any catastrophe that has befallen man in his more than a million years on earth.

Man has lived now for more than 20 years in what we have come to call the atomic age.

What we sometimes overlook is that every future age of man will be an atomic age.

If, then, man is to have a future at all, it will have to be a future overshadowed with the permanent possibility of thermonuclear holocaust.

About that fact, we are no longer free.

Our freedom in this question consists rather in facing the matter rationally and realistically and discussing actions to minimize the danger.

No sane citizen; no sane political leader; no sane nation wants thermonuclear war.

But merely not wanting it is not enough.

We must understand the difference between actions which increase its risk, those which reduce it, and those which, while costly, have little influence one way or another.

Now this whole subject matter tends to be psychologically unpleasant. But there is an even greater difficulty standing in the way of constructive and profitable debate over the issues.

And that is that nuclear strategy is exceptionally complex in its technical aspects. Unless these complexities are well understood, rational discussion and decisionmaking are simply not possible.

What I want to do this afternoon is deal with these complexities and clarify them with as much precision and detail as time and security permit.

One must begin with precise definitions.

The cornerstone of our strategic policy continues to be to deter deliberate nuclear attack upon the United States, or its allies, by maintaining a highly reliable ability to inflict an unacceptable degree of damage upon any single aggressor, or combination of agressors, at any time during the course of a strategic nuclear exchange—even after our absorbing a surprise first strike.

This can be defined as our "assured destruction capability."

Now it is imperative to understand that assured destruction is the very essence of the whole deterrence concept.

We must possess an actual assured destruction capability. And that actual assured destruction capability must also be credible. Conceivably, our assured destruction capability could be actual, without being credible—in which case, it might fail to deter an aggressor.

The point is that a potential aggressor must himself believe that our assured destruction capability is in fact actual, and that our will to use it in retaliation to an attack is in fact unwavering.

The conclusion, then, is clear: If the United States is to deter a nuclear attack on itself or on our allies, it must possess an actual, and a credible assured destruction capability.

When calculating the force we require, we must be "conservative" in all our estimates of both a potential aggressor's capabilities, and his intentions. Security depends upon taking a "worst plausible case"—and having the ability to cope with that eventuality.

In that eventuality, we must be able to absorb the total weight of nuclear attack on our country—on our strike-back forces; on our command and control apparatus; on our industrial capacity; on our cities; and on our population—and still be fully capable of destroying the aggressor to the point that his society is simply no longer viable in any meaningful 20th-century sense.

That is what deterrence to nuclear aggression means. It means the certainty of suicide to the aggressor—not merely to his military forces, but to his society as a whole.

Now let us consider another term: "first-strike capability." This, in itself, is an ambiguous term, since it could mean simply the ability of one nation to attack another nation with nuclear forces first. But as it is normally used, it connotes much more: the

substantial elimination of the attacked nation's retaliatory second-strike forces.

This is the sense in which "first-strike capability" should be understood.

Now, clearly, such a first-strike capability is an important strategic concept. The United States cannot—and will not—ever permit itself to get into the position in which another nation, or combination of nations, would possess such a first-strike capability which could be effectively used against it.

To get into such a position vis-a-vis any other nation or nations would not only constitute an intolerable threat to our security, but it would obviously remove our ability to deter nuclear aggression—both against ourselves and against our allies.

Now, we are not in that position today—and there is no foreseeable danger of our ever getting into that position.

Our strategic offensive forces are immense: 1,000 Minutemen missile launchers, carefully protected below ground; 41 polaris submarines, carrying 656 missile launchers—with the majority of these hidden beneath the seas at all times; and about 600 long-range bombers, approximately 40 percent of which are kept always in a high state of alert.

Our alert forces alone carry more than 2,200 weapons, averaging more than 1 megaton each. A mere 400 1-megaton weapons, if delivered on the Soviet Union, would be sufficient to destroy over one-third of her population, and one-half of her industry.

And all of these flexible and highly reliable forces are equipped with devices that insure their penetration of Soviet defenses.

Now what about the Soviet Union?

Does it today possess a powerful nuclear arsenal?

The answer is that it does.

Does it possess a first-strike capability against the United States?

The answer is that it does not.

Can the Soviet Union, in the foreseeable future, acquire such a first-strike capability against the United States?

The answer is that it cannot.

It cannot because we are determined to remain fully alert, and we will never permit our own assured destruction capability to be at a point where a Soviet first-strike capability is even remotely feasible.

Is the Soviet Union seriously attempting to acquire a first-strike capability against the United States?

Although this is a question we cannot answer with absolute certainty, we believe the answer is "No." In any event, the question itself is—in a sense—irrelevant. It is irrelevant since the United States will so continue to maintain—and where necessary strengthen—our retaliatory forces, that whatever the Soviet Union's intentions or actions, we will continue to have an assured destruction capability vis-a-vis their society in which we are completely confident.

But there is another question that is most relevant.

And that is, do we—the United States—possess a first-strike capability against the Soviet Union?

The answer is that we do not.

And we do not, not because we have neglected our nuclear strength. On the contrary we have increased it to the point that we possess a clear superiority over the Soviet Union.

We do not possess first-strike capability against the Soviet Union for precisely the same reason that they do not possess it against us.

And that is that we have both built up our "second-strike [3] capability" to the point that a first-strike capability on either side has become unattainable.

There is, of course, no way in which the United States could have prevented the Soviet Union from acquiring its present second-strike capability—short of a massive preemptive first strike on the Soviet Union in the 1950's.

The blunt fact is, then, that neither the Soviet Union nor the United States can attack the other without being destroyed in retaliation; nor can either of us attain a first-strike capability in the foreseeable future.

The further fact is that both the Soviet Union and the United States presently possess an actual and credible second-strike capability against one another—and it is precisely this mutual capability that provides us both with the strongest possible motive to avoid a nuclear war.

The more frequent question that arises in this connection is whether or not the United States possesses nuclear superiority over the Soviet Union.

The answer is that we do.

But the answer is—like everything else in this matter—technically complex.

The complexity arises in part out of what measurement of superiority is most meaningful and realistic.

Many commentators on the matter tend to define nuclear superiority in terms of gross megatonnage, or in terms of the number of missile launchers available.

Now, by both these two standards of measurement, the United States does have a substantial superiority over the Soviet Union in the weapons targeted against each other.

But it is precisely these two standards of measurement that are themselves misleading.

For the most meaningful and realistic measurement of nuclear capability is neither gross megatonnage, nor the number of available missile launchers; but rather the number of separate warheads that are capable of being delivered with accuracy on individual high-priority targets with sufficient power to destroy them.

Gross megatonnage in itself is an inadequate indicator of assured destruction capability, since it is unrelated to survivability, accuracy, or penetrability, and poorly related to effective elimination of mutiple high-priority targets. There is manifestly no advantage in overdestroying one target, at the expense of leaving undamaged other targets of equal importance.

Further, the number of missile launchers available is also an inadequate indicator of assured destruction capability, since the fact is that many of our launchers will carry multiple warheads.

But by using the realistic measurement of the number of warheads available, capable of being reliably delivered with accuracy and effectiveness on the appropriate targets in the United States or Soviet Union, I can tell you that the United States currently possesses a superiority over the Soviet Union of at least 3 or 4 to 1.

Furthermore, we will maintain our superiority—by these same realistic criteria—over the Soviet Union for as far ahead in the future as we can realistically plan.

I want, however, to make one point patently clear: our current numerical superiority over the Soviet Union in reliable, accurate, and effective warheads is both greater than we had originally planned, and is in fact more than we require.

Moreover, in the larger equation of security, our "superiority" is of limited significance—since even with our current superiority, or indeed with any numerical superiority realistically attainable, the blunt, inescapable fact remains that the Soviet Union could still—with its present forces—effectively destroy the United States, even after absorbing the full weight of an American first strike.

I have noted that our present superiority is greater than we had planned. Let me explain to you how this came about, for I think it is a significant illustration of the intrinsic dynamics of the nuclear arms race.

In 1961, when I became Secretary of Defense, the Soviet Union possessed a very small operational arsenal of intercontinental missiles. However, they did possess the technological and industrial capacity to enlarge that arsenal very substantially over the succeeding several years.

Now, we had no evidence that the Soviets did in fact plan to fully use that capability.

But as I have pointed out, a strategic planner must be "conservative" in his calculations; that is, he must prepare for the worst plausible case and not be content to hope and prepare merely for the most probable.

Since we could not be certain of Soviet intentions—since we could not be sure that they would not undertake a massive buildup—we had to insure against such an eventuality by undertaking ourselves a major buildup of the Minuteman and Polaris forces.

Thus in the course of hedging against what was then only a theoretically possible Soviet buildup, we took decisions which have resulted in our current superiority in numbers of warheads and deliverable megatons.

But the blunt fact remains that if we had had more accurate information about planned Soviet strategic forces, we simply would not have needed to build as large a nuclear arsenal as we have today.

Now let me be absolutely clear. I am not saying that our decision in 1961 was unjustified. I am simply saying that it was necessitated by a lack of accurate information.

Furthermore, that decision in itself—as justified as it was—in the end, could not possibly have left unaffected the Soviet Union's future nuclear plans.

What is essential to understand here is that the Soviet Union and the United States mutually influence one another's strategic plans.

Whatever be their intentions, whatever be our intentions, actions—or even realistically potential actions—on either side relating to the buildup of nuclear forces, be they either offensive or defensive weapons, necessarily trigger reactions on the other side.

It is precisely this action-reaction phenomenon that fuels an arms race.

Now, in strategic nuclear weaponry, the arms race involves a particular irony. Unlike any other era in military history, today a substantial numerical superiority of weapons does not effectively translate into political control, or diplomatic leverage.

While thermonuclear power is almost inconceivably awesome and represents virtually unlimited potential destructiveness, it has proven to be a limited diplomatic instrument. Its uniqueness lies in the fact that it is at one and the same time—an all powerful weapon—and a very inadequate weapon.

The fact that the Soviet Union and the United States can mutually destory one another—regardless of who strikes first—narrows the range of Soviet aggression which our nuclear forces can effectively deter.

Even with our nuclear monopoly in the early postwar period, we were unable to deter the Soviet pressures against Berlin, or their support of aggression in Korea.

Today, our nuclear superiority does not deter all forms of Soviet support of Communist insurgency in Southeast Asia.

What all of this has meant is that we, and our allies as well, require substantial nonnuclear forces in order to cope with levels of aggression that massive strategic forces do not in fact deter.

This has been a difficult lesson both for us and for our allies to accept, since there is

[3] A "second-strike capability" is the capability to absorb a surprise nuclear attack, and survive with sufficient power to inflict unacceptable damage on the aggressor.

a strong psychological tendency to regard superior nuclear forces as a simple and unfailing solution to security; and an assurance of victory under any set of circumstances.

What is important to understand is that our nuclear strategic forces play a vital and absolutely necessary role in our security and that of our allies, but it is an intrinsically limited role.

Thus, we and our allies must maintain substantial conventional forces, fully capable of dealing with a wide spectrum of lesser forms of political and military aggression—a level of aggression against which the use of strategic nuclear forces would not be to our advantage, and thus a level of aggression which these strategic nuclear forces by themselves cannot effectively deter. One cannot fashion a credible deterrent out of an incredible action. Therefore, security for the United States and its allies can only arise from the possession of a whole range of graduated deterrents, each of them fully credible in its own context.

Now I have pointed out that in strategic nuclear matters, the Soviet Union and the United States mutually influence one another's plans.

In recent years the Soviets have substantially increased their offensive forces. We have, of course, been watching and evaluating this very carefully.

Clearly the Soviet buildup is in part a reaction to our own buildup since the beginning of this decade.

Soviet strategic planners undoubtedly reasoned that if our buildup were to continue at its accelerated pace, we might conceivably reach, in time, a credible first-strike capability against the Soviet Union.

That was not, in fact, our intention. Our intention was to assure that they—with their theoretical capacity to reach such a first-strike capability—would not in fact outdistance us.

But they could not read our intentions with any greater accuracy than we could read theirs. And thus the result has been that we have both built up our forces to a point that far exceeds a credible second-strike capability against the forces we each started with.

In doing so, neither of us has reached a first-strike capability. And the realities of the situation being what they are—whatever we believe their intentions to be, and whatever they believe our intentions to be—each of us can deny the other a first-strike capability in the foreseeable future.

Now, how can we be so confident that this is the case?

How can we be so certain that the Soviets cannot gradually outdistance us—either by some dramatic technological breakthrough, or simply through our imperceptively lagging behind, for whatever reason: Reluctance to spend the requisite funds; distraction with military problems elsewhere; faulty intelligence; or simple negligence and naivete?

All of these reasons—and others—have been suggested by some commentators in this country, who fear that we are in fact falling behind to a dangerous degree.

The answer to all this is simple and straightforward.

We are not going to permit the Soviets to outdistance us, because to do so would be to jeopardize our very viability as a nation.

No President, no Secretary of Defense, no Congress of the United States—of whatever political party, and of whatever political persuasion—is going to permit this Nation to take that risk.

We do not want a nuclear arms race with the Soviet Union primarily because the action-reaction phenomenon makes it foolish and futile. But if the only way to prevent the Soviet Union from obtaining first-strike capability over us is to engage in such a race, the United States possesses in ample abundance the resources, the technology, and the will to run faster in that race for whatever distance is required.

But what we would much prefer to do is to come to a realistic and reasonably riskless agreement with the Soviet Union, which would effectively prevent such an arms race. We both have strategic nuclear arsenals greatly in excess of a credible assured destruction capability. These arsenals have reached that point of excess in each case for precisely the same reasons: We each have reacted to the other's buildup with very conservative calculations. We have, that is, each built a greater arsenal than either of us needed for a second-strike capability, simply because we each wanted to be able to cope with the "worst plausible case."

But since we now each possess a deterrent in excess of our individual needs, both of our Nations would benefit from a properly safe-guarded agreement first to limit, and later to reduce, both our offensive and defensive strategic nuclear forces.

We may, or we may not, be able to achieve such an agreement. We hope we can. And we believe such an agreement is fully feasible since it is clearly in both our Nations' interests.

But reach the formal agreement or not, we can be sure that neither the Soviets nor we are going to risk the other obtaining a first-strike capability.

On the contrary, we can be sure that we are both going to maintain a maximum effort to preserve an assured destruction capability.

It would not be sensible for either side to launch a maximum effort to achieve a first-strike capability. It would not be sensible because the intelligence-gathering capability of each side being what it is, and the realities of leadtime from technological breakthrough to operational readiness being what they are, neither of us would be able to acquire a first-strike capability in secret.

Now, let me take a specific case in point.

The Soviets are now deploying an antiballistic missile system. If we react to this deployment intelligently, we have no reason for alarm.

The system does not impose any threat to our ability to penetrate and inflict massive and unacceptable damage on the Soviet Union. In other words, it does not presently affect in any significant manner our assured destruction capability.

It does not impose such a threat, because we have already taken the steps necessary to assure that our land-based Minuteman missiles, our nuclear submarine-launched new Poseidon missiles, and our strategic bomber forces have the requisite penetration aids, and in the sum, constitute a force of such magnitude, that they guarantee us a force strong enough to survive a Soviet attack and penetrate the Soviet ABM deployment.

Now let me come to the issue that has received so much attention recently: The question of whether or not we should deploy an ABM system against the Soviet nuclear threat.

To begin with, this is not in any sense a new issue. We have had both the technical possibility and the strategic desirability of an American ABM deployment under constant review since the late 1950's.

While we have substantially improved our technology in the field, it is important to understand that none of the systems at the present or foreseeable state of the art would provide an impenetrable shield over the United States. Were such a shield possible, we would certainly want it—and we would certainly build it.

And at this point, let me dispose of an objection that is totally irrelevant to this issue.

It has been alleged that we are opposed to deploying a large-scale ABM system because it would carry the heavy price tag of $40 billion.

Let me make it very clear that the $40 billion is not the issue.

If we could build and deploy a genuinely impenetrable shield over the United States, we would be willing to spend not $40 billion, but any reasonable multiple of that amount that was necessary.

The money itself is not the problem: The penetrability of the proposed shield is the problem.

There is clearly no point however, in spending $40 billion if it is not going to buy us a significant improvement in our security. If it is not, then we should use the substantial resources it represents on something that will.

Every ABM system that is now feasible involves firing defensive missiles at incoming offensive warheads in an effort to destroy them.

But what many commentators on this issue overlook is that any such system can rather obviously be defeated by an enemy simply sending more offensive warheads, or dummy warheads, than there are defensive missiles capable of disposing of them.

And this is the whole crux of the nuclear action-reaction phenomenon.

Were we to deploy a heavy ABM system throughout the United States, the Soviets would clearly be strongly motivated to so increase their offensive capability as to cancel out our defensive advantage.

It is futile for each of us to spend $4 billion, or $400 billion—and at the end of all the spending, and at the end of all the deployment, and at the end of all the effort, to be relatively at the same point of balance on the security scale that we are now.

In point of fact, we have already initiated offensive weapons programs costing several billions in order to offset the small present Soviet ABM deployment, and the possible more extensive future Soviet ABM deployments.

That is money well spent; and it is necessary.

But we should bear in mind that it is money spent because of the action-reaction phenomenon.

If we in turn opt for heavy ABM deployment—at whatever price—we can be certain that the Soviets will react to offset the advantage we would hope to gain.

It is precisely because of this certainty of a corresponding Soviet reaction that the four prominent scientists—men who have served with distinction as the science advisers to Presidents Eisenhower, Kennedy, and Johnson, and the three outstanding men who have served as Directors of Research and Engineering to three Secretaries of Defense—have unanimously recommended against the deployment of an ABM system designed to protect our population against a Soviet attack.

These men are Drs. Killian, Kistiakowsky, Wiesner, Hornig, York, Brown, and Foster.

The plain fact of the matter is that we are now facing a situation analogous to the one we faced in 1961: We are uncertain of the Soviets' intentions.

At that time we were concerned about their potential offensive capabilities; now we are concerned about their potential defensive capabilities.

But the dynamics of the concern are the same.

We must continue to be cautious and conservative in our estimates—leaving no room in our calculations for unnecessary risk. And at the same time, we must measure our own response in such a manner that it does not

trigger a senseless spiral upward of nuclear arms.

Now, as I have emphasized, we have already taken the necessary steps to guarantee that our offensive strategic weapons will be able to penetrate future, more advanced, Soviet defenses.

Keeping in mind the careful clockwork of leadtime, we will be forced to continue that effort over the next few years if the evidence is that the Soviets intend to turn what is now a light and modest ABM deployment into a massive one.

Should they elect to do so, we have both the leadtime and the technology available to so increase both the quality and quantity of our offensive strategic forces—with particular attention to highly reliable penetration aids—that their expensive defensive efforts will give them no edge in the nuclear balance whatever.

But we would prefer not to have to do that. For it is a profitless waste of resources, provided we and the Soviets can come to a realistic strategic arms-limitation agreement.

As you know, we have proposed U.S.-Soviet talks on this matter. Should these talks fail, we are fully prepared to take the appropriate measures that such a failure would make necessary.

The point for us to keep in mind is that should the talks fail—and the Soviets decide to expand their present modest ABM deployment into a massive one—our response must be realistic. There is no point whatever in our responding by going to a massive ABM deployment to protect our population, when such a system would be ineffective against a sophisticated Soviet offense.

Instead, realism dictates that if the Soviets elect to deploy a heavy ABM system, we must further expand our sophisticated offensive forces, and thus preserve our overwhelming assured destruction capability.

But the intractable fact is that should the talks fail, both the Soviets and ourselves would be forced to continue on a foolish and reckless course.

It would be foolish and reckless because—in the end—it would provide neither the Soviets nor us with any greater relative nuclear capability.

The time has come for us both to realize that, and to act reasonably. It is clearly in our own mutual interest to do so.

Having said that, it is important to distinguish between an ABM system designed to protect against a Soviet attack on our cities, and ABM systems which have other objectives.

One of the other uses of an ABM system which we should seriously consider is the greater protection of our strategic offensive forces.

Another is in relation to the emerging nuclear capability of Communist China.

There is evidence that the Chinese are devoting very substantial resources to the development of both nuclear warheads, and missile delivery systems. As I stated last January, indications are that they will have medium-range ballistic missiles within a year or so, an initial intercontinental ballistic missile capability in the early 1970's, and a modest force in the mid-1970's.

Up to now, the leadtime factor has allowed us to postpone a decision on whether or not a light ABM deployment might be advantageous as a countermeasure to Communist China's nuclear development.

But the time will shortly be right for us to initiate production if we desire such a system.

China at the moment is caught up in internal strife, but it seems likely that her basic motivation in developing a strategic nuclear capability is an attempt to provide a basis for threatening her neighbors, and to clothe herself with the dubious prestige that the world pays to nuclear weaponry.

We deplore her development of these weapons, just as we deplore it in other countries. We oppose nuclear proliferation because we believe that in the end it only increases the risk of a common and cataclysmic holocaust.

President Johnson has made it clear that the United States will oppose any efforts of China to employ nuclear blackmail against her neighbors.

We possess now, and will continue to possess for as far ahead as we can foresee, an overwhelming first-strike capability with respect to China. And despite the shrill and raucous propaganda directed at her own people that "the atomic bomb is a paper tiger," there is ample evidence that China well appreciates the destructive power of nuclear weapons.

China has been cautious to avoid any action that might end in a nuclear clash with the United States—however wild her words—and understandably so. We have the power not only to destroy completely her entire nuclear offensive forces, but to devastate her society as well.

Is there any possibility, then, that by the mid-1970's China might become so incautious as to attempt a nuclear attack on the United States or our allies?

It would be insane and suicidal for her to do so, but one can conceive conditions under which China might miscalculate. We wish to reduce such possibilities to a minimum.

And since, as I have noted, our strategic planning must always be conservative, and take into consideration even the possible irrational behavior of potential adversaries, there are marginal grounds for concluding that a light deployment of U.S. ABM's against this possibility is prudent.

The system would be relatively inexpensive—preliminary estimates place the cost at about $5 billion—and would have a much higher degree of reliability against a Chinese attack, than the much more massive and complicated system that some have recommended against a possible Soviet attack.

Moreover, such an ABM deployment designed against a possible Chinese attack would have a number of other advantages. It would provide an additional indication to Asians that we intend to deter China from nuclear blackmail, and thus would contribute toward our goal of discouraging nuclear weapon proliferation among the present nonnuclear countries.

Further, the Chinese-oriented ABM deployment would enable us to add—as a concurrent benefit—a further defense of our Minuteman sites against Soviet attack, which means that at modest cost we would in fact be adding even greater effectiveness to our offensive missile force and avoiding a much more costly expansion of that force.

Finally, such a reasonably reliable ABM system would add protection of our population against the improbable but possible accidental launch of an intercontinental missile by any one of the nuclear powers.

After a detailed review of all these considerations, we have decided to go forward with this Chinese-oriented ABM deployment, and we will begin actual production of such a system at the end of the year.

In reaching this decision, I want to emphasize that it contains two possible dangers, and we should guard carefully against each.

The first danger is that we may psychologically lapse into the old oversimplification about the adequacy of nuclear power. The simple truth is that nuclear weapons can serve to deter only a narrow range of threats. This ABM deployment will strengthen our defensive posture and will enhance the effectiveness of our land-based ICBM offensive forces. But the independent nations of Asia must realize that these benefits are no substitute for their maintaining, and where necessary strengthening, their own conventional forces in order to deal with the more likely threats to the security of the region.

The second danger is also psychological. There is a kind of mad momentum intrinsic to the development of all new nuclear weaponry. If a weapon system works—and works well—there is strong pressure from many directions to procure and deploy the weapon out of all proportion to the prudent level required.

The danger in deploying this relatively light and reliable Chinese-oriented ABM system is going to be that pressures will develop to expand it into a heavy Soviet-oriented ABM system.

We must resist that temptation firmly—not because we can for a moment afford to relax our vigilance against a possible Soviet first strike—but precisely because our greatest deterrent against such a strike is not a massive, costly, but highly penetrable ABM shield, but rather a fully credible offensive assured destruction capability.

The so-called heavy ABM shield—at the present state of technology—would in effect be no adequate shield at all against a Soviet attack, but rather a strong inducement for the Soviets to vastly increase their own offensive forces. That, as I have pointed out, would make it necessary for us to respond in turn, and so the arms race would rush hopelessly on to no sensible purpose on either side.

Let me emphasize—and I cannot do so too strongly—that our decision to go ahead with a limited ABM deployment in no way indicates that we feel an agreement with the Soviet Union, or the limitation of strategic nuclear offensive and defensive forces, is any the less urgent or desirable.

The road leading from the stone age to the ICBM—though it may have been more than a million years in the building—seems to have run in a single direction.

If one is inclined to be cynical, one might conclude that man's history seems to be characterized not so much by consistent periods of peace, occasionally punctuated by warfare; but rather by persistent outbreaks of warfare, wearily put aside from time to time by periods of exhaustion and recovery, that parade under the name of peace.

I do not view man's history with that degree of cynicism, but I do believe that man's wisdom in avoiding war is often surpassed by his folly in promoting it.

However foolish unlimited war may have been in the past, it is now no longer merely foolish, but suicidal as well.

It is said that nothing can prevent a man from suicide, if he is sufficiently determined to commit it.

The question is what is our determination in an era when unlimited war will mean the death of hundreds of millions—and the possible genetic impairment of a million generations to follow?

Man is clearly a compound of folly and wisdom—and history is clearly a consequence of the admixture of those two contradictory traits.

History has placed our particular lives in an era when the consequences of human folly are waxing more and more catastrophic in the matters of war and peace.

In the end, the root of man's security does not lie in his weaponry.

In the end, the root of man's security lies in his mind.

What the world requires in its 22d year of the atomic age is not a new race toward armament.

What the world requires in its 22d year of the atomic age is a new race toward reasonableness.

We had better all run that race.

Not merely we the administrators. But we the people.

Thank you, and good afternoon.

REPORT OF THE MILITARY COMMITTEE

(Rapporteur: Senator JOHN SHERMAN COOPER (United States))

In November 1967, as Rapporteur, I submitted my first full report upon the state of NATO as a military alliance. At that time, the countries which this Committee represents were concerned about the serious problems caused by the withdrawal of France from the NATO military command. The report detailed the steps that had been taken and were proposed to restore, as best as possible without the full participation of France, the capacity of NATO to meet the objectives of the alliance.

The report considered the basic objectives of NATO to be:

First, to maintain forces sufficient for a credible deterrent against any potential military threat from the Soviet Union and the Warsaw Pact nations;

Second, to have forces ready to defend the territory of NATO member nations should an attack occur;

Third, NATO aims to provide the security necessary to achieve better East-West relations and the eventual settlement of issues still outstanding related to Germany, and the aftermath of World War II.

The report in its summary also proposed several questions for the Committee to consider which I believe remain relevant at this time. The events which have occurred since the November meeting have not only emphasized the importance of the issues discussed then, but the need for their examination at this meeting in the most serious and decisive form.

In my preliminary report to the Military Committee on May 20, it was noted:

Since the Military Committee last met in November 1967 an accelerated trend in Eastern Europe toward more moderate regimes has become evident. This trend, particularly in Czechoslovakia and Rumania is of primary importance to NATO. Czechoslovakia's new rulers have caused repercussions in Moscow and elsewhere in the Soviet bloc. Obviously, it is of importance to the future of NATO to watch events in the Soviet bloc carefully that are a result of the coming to power of a relatively liberal regime in Czechoslovakia. They may provide a key to future developments in the bloc. At the same time, recent Soviet maneuvers in Southern Poland near the Czech border raise questions of security for NATO. These are questions which follow naturally from the conclusions of the NATO Ministerial Meeting in December 1967 in Brussels concerning the adequacy of the NATO forces to meet any possible threat to the security of its member nations.

Unfortunately, the possibilities suggested at the time have been realized.

The invasion of Czechoslovakia by the Soviet Union and its Warsaw Pact allies, East Germany, Poland, Hungary and Bulgaria, shocking to our countries and to most countries of the world, is the central event which has brought a new awareness of the need to continue the NATO alliance.

It will be apparent to the Committee that this report is based largely on the American viewpoint. This is inevitable, considering that the United States does not have the intimate knowledge of the Warsaw Pact countries, available to the European members of NATO and the United Kingdom, from long association with and proximity to these countries. It is the desire of the Rapporteur that this report will be challenged and criticized if it is considered to be incorrect factually or in interpretation, and that all members of the Committee will present their views as to the significance of the events which have occurred, and the steps they believe should be taken to meet the purposes of NATO.

The facts concerning the invasion of Czechoslovakia by the Soviet Union and its Warsaw Pact allies and interpretations of its military and political intentions have been discussed and analyzed at length by our governments, by NATO officials, and by authorities in all our countries. It will suffice to review only the essential facts for the purposes of our report.

The Warsaw Pact maneuvers had been underway in Southern Poland upon the border of Czechoslovakia for a period of four months before the invasion. Soviet troops had been moved within the Soviet Union near the Czechoslovakian border for "forward exercises."

Maneuvers had been conducted in Czechoslovakia for Warsaw Pact forces in May. Several Soviet divisions were normally stationed on the Czech border. It is estimated that at the time of the invasion, Soviet forces in East Germany and other Warsaw Pact countries had been increased from 22 divisions to about 32 divisions. In addition, ten reserve divisions in the Soviet Union have been upgraded to fill the gap in the Soviet Union caused by the divisions sent to Eastern Europe. Within a period of 24 hours the Soviet Union and its allies moved into Czechoslovakia a force of approximately 25 divisions or about 250,000 men. Of these, 22 were Soviet divisions. Eight Soviet divisions were moved from East Germany, 11 from the Western part of the Soviet Union, two from Hungary, and one airborne division was flown from the Soviet Union and quickly took over airfields and facilities at Prague. In addition, three Polish divisions and smaller units from Hungary, Bulgaria and East Germany took part in this invasion.

The possibility of the invasion of Czechoslovakia was, of course, a matter under serious consideration by NATO members and under constant NATO intelligence surveillance, but it is necessary for the Committee to consider if NATO procedures were adequate, either from the viewpoint of political assessment or military intelligence of the invasion, or for the speed and effectiveness with which it was accomplished.

The political reasons for the Soviet decision to invade an ally, surely with the knowledge that it would cause adverse reaction and condemnation such as has occurred throughout the world and in the Soviet bloc itself have relevance and bearing upon our consideration of Soviet military intentions. The familiar Soviet themes, changing from time to time—"the need to protect Czechoslovakia," "counter-revolutionary bourgeois forces undermining the true Socialist paths," "attempts by Western forces to weaken the Soviet bloc," have been heard and discounted. I believe it is generally agreed that the Soviet Union feared that the liberalizing influences and reforms in Czechoslovakia would spread to other Warsaw Pact countries, and to the Soviet Union itself, that it would upset the status quo and control of the Warsaw bloc allies which the Soviet Union has determined necessary for the protection of its system, both militarily and politically.

The rationale for the invasion of Czechoslovakia was set forth in a *Pravda* article on September 26, 1968, entitled "The Sovereignty and International Obligations of the Socialist Countries." The official doctrine stated:

One should stress that even if a socialist country strives to adopt a "nonaffiliated" position, it does in fact preserve its national independence thanks to the might of the socialist community and primarily of its main power—the Soviet Union—and the might of its armed forces. A weakening of any link of the world socialist system directly affects all socialist countries, which cannot remain indifferent to this. Thus, the antisocialist forces in Czechoslovakia, through their talk about the right of nations to self-determination, in essence were camouflaging the demands for so-called neutrality and for the Czechoslovak Socialist Republic's withdrawal from the socialist community. But the implementation of such "self-determination," that is, Czechoslovakia's break with the socialist community, would have contradicted its vital interests and caused harm to other socialist countries. Such "self-determination," as a result of which NATO troops would have approached the Soviet frontiers while the community of European socialist countries would have been carved up, actually violated the vital interests of the peoples of these countries, and it completely conflicted with the right of these peoples to socialist self-determination. In fulfilling their international duty to the fraternal people of Czechoslovakia and defending their own socialist achievements, the Soviet Union and other socialist states had to act, and did act, decisively against the antisocialist forces in Czechoslovakia. PZPR Central Committee First Secretary W. Gomulka spoke graphically on this topic: "To those friends and comrades of ours from other countries who think that they are defending the just cause of socialism and sovereignty of peoples by condemning and protesting against the entry of our troops into Czechoslovakia we reply: If the enemy places dynamite under your house, under the community of socialist states, it is our patriotic, national, and international duty to prevent this by the application of such means that may be necessary!"

* * * * *

The Bratislava statement of communist and workers parties says about socialist achievements, won at the price of heroic efforts and the selfless labor of each people, is the common international duty of all the socialist countries."

* * * * *

Naturally, the communists of the fraternal countries could not permit the socialist states to remain inactive in the name of some abstract idea of sovereignty when they saw how the country was exposed to the danger of antisocialist degeneration. The actions of the five allied socialist countries in Czechoslovakia correspond to the vital interests of the Czechoslovak people themselves. It is clear that it is precisely socialism which has liberated a nation from the fetters of the exploiter system and which insures solution of the vital problems of the national development of any country which has taken the socialist road. But in encroaching on the foundations of socialism, the counterrevolutionary elements in Czechoslovakia were thus undermining the very foundations of the independence and sovereignty of the country.

In addition, Foreign Minister Gromyko, speaking for the Soviet Union at the United Nations on October 3, 1968, said:

Attempts have been made to reproach us in connection with the events surrounding Czechoslovakia. There are even statements heard to the effect that the action taken by the allied socialist States was allegedly "abrupt" and "incomprehensible." But what kind of abruptness are they referring to? You know only too well that there was nothing abrupt in the measures of self-defense taken by the socialist countries against imperialist intrigues. The Soviet Union and other socialist countries have on many occasions warned those who are tempted to roll back the socialist commonwealth to snatch at least one link from it,

that we will neither tolerate nor allow that to happen.

* * * * *

The Soviet Union deems it necessary to proclaim from this rostrum, too, that the socialist States cannot and will not allow a situation where the vital interests of socialism are infringed upon and encroachments are made on the inviolability of the boundaries of the socialist commonwealth and, therefore, on the foundations of international peace.

Let nobody look for contradictions between our determination to defend the interests of socialism, the interests of the security of socialist commonwealth, and our determination to uphold the cause of peace and international security. Such contradictions are non-existent.

These statements declare a new principle, if it can be called one, which upsets accepted standards of international law and of the Charter of the United Nations. It contradicts the U.N. Resolution on the Inadmissibility of Intervention in Domestic Affairs of States, which the Soviet Union sponsored in the General Assembly in 1966. It must be taken as a true declaration of Soviet intention to repress liberalizing movements and reforms in the Warsaw Pact countries if the Soviet Union determines it necessary to do so for its interests. It has raised questions about future Soviet intentions toward Rumania and Yugoslavia.

The invasion and subsequent declarations of policy raise questions of great concern to NATO. Has there been a change in Soviet leadership or policy, or both, which would cause the Soviet Union by design or because of fear, misapprehension or miscalculation, to undertake military action or harassment of NATO members? This concern has been heightened by the declarations of the Soviet Union that it possesses authority to invoke Article 53, Paragraph 1, and Article 107 of the Charter of the United Nations against the Federal Republic of Germany.

Statements continue to be made by both Czechoslovakia and the USSR concerning the withdrawal of troops from Czechoslovakia, six to seven divisions are reported stationed along the Czech-West Germany border, and no one can say with assurance that they will be withdrawn.

The central question before the NATO organization, both political and military, our governments, and our parliaments, is the nature of the response that should be made—both military and political—to this critical situation.

It would appear that the action of our governments following the invasion was practical and wise. I will take the liberty of including in this report a statement made by Senator Mike Mansfield, Majority Leader of the United States Senate, in a report to the Senate, which I believe reflected the American attitude.

U.S. policy has been effectively attuned both to developments in Czechoslovakia and to our capacity to contribute constructively in this difficult situation. The Czechoslovak leaders sought no special assistance from this Nation and none was offered. It was made clear that the United States looked with understanding on the efforts which were being made to bring about reforms within Czechoslovakia. It was also made clear that we were prepared to consider certain specific problems of U.S.-Czech relations which have to do with trade, impounded Czechoslovak gold and other matters of limited significance. Unlike Hungary a decade ago, however, there has been no empty talk of liberating Czechoslovakia. There has been no inadvertently cruel misleading of the Czechoslovak people which would have only contributed to their suffering without, in any sense, alleviating the repression.

This is not to say that there is, today, any more than there was a decade or two decades ago, a recognition on the part of the United States of "spheres of influence" as between the United States and the Soviet Union which would sanction the latter's recent actions in Czechoslovakia. There can be no tacit acquiescence in any Soviet right to dominate Czechoslovakia or any other independent nation in Eastern Europe or anywhere in the world. The avoidance of bombast in present circumstances is merely a recognition of the practical limitations of U.S. action. When conflicts occur beyond the reach of our commitments, unilateral or regional, it is irresponsible and dangerously delusive to ignore the existence of these limitations. The United States has not the omnipotence to alter situations at will in Europe any more than in Asia. The only omnipotence which exists in world affairs, today, is the omnipotence of the United States and the Soviet Union to insure the nuclear extinction of human civilization.

Now we must deal with the effectiveness of NATO strategy and forces to deter and insure against any aggression against NATO. We must undertake (as the Council of Ministers, Foreign Ministers and Ministers of Finance as well as Defense Ministers are doing) an analysis of these questions of strategy and forces, so that we may discharge our responsibilities in making correct recommendations to our governments.

In my report at the November 1967 meeting of this Committee, I attached an appendix providing the comparable status of NATO and Warsaw Pact forces at that time, which I again refer to the attention of the members of the Committee.

In my preliminary report of June this year, I made the statement that NATO forces were roughly balanced, approximately equal in number on the central front and weaker on the northern flank. The Honorable G. Koudijs, a member of the Military Committee, wrote to me asking for clarification of the statement and also questioning properly the accuracy of the conclusion that NATO forces were superior qualitatively in strength. I could not at the time respond fully as a part of the information I had secured was classified. Since that time, I have received unclassified material which is based on joint NATO intelligence.

The issue raised by Mr. Koudijs is basic to an evaluation of the adequacy of NATO forces and the determination of whether a military balance between NATO and Warsaw Pact forces actually exists. It is fair to say that the statement in my June report and the information upon which it was based has also been questioned by a report of the Committee on Armed Services of the United States House of Representatives.

I attach to this report the following annexes illustrating this issue:

Annex I: Letter of the Honorable G. Koudijs, M.P., to the Rapporteur.

Annex II: Letter of the Honorable Frederick S. Wyle, Deputy Assistant Secretary of Defense for the United States, to the Rapporteur, dated August 30, 1968.

Annex III: Review of a Systems Analysis Evaluation of NATO vs. Warsaw Pact Conventional Forces; Report of the Special Subcommittee on National Defense Posture of the Committee on Armed Services, United States House of Representatives, Ninetieth Congress, Second Session, dated September [redacted], 1968.[1]

Annex IV: Letter from Assistant Secretary of Defense, Alain Enthoven, to the Rapporteur on the NATO-Warsaw Pact Military Balance.

[1] The deleted portions of this report represent classified material.

I believe it will be helpful to the Committee to place in the body of the report at this point three tables illustrating the latest comparison of NATO and Warsaw Pact forces that I have been able to secure.

TABLE I.—WORLDWIDE NATO AND WARSAW PACT FORCES, MID-1968

[Excluding U.S. increases for Vietnam]

	NATO	Warsaw Pact
Manpower:		
Army and marines	3,000,000	2,850,000
Navy	1,070,000	470,000
Air Force	1,400,000	880,000
Total men	[1] 5,470,000	4,200,000
Tactical aircraft:		
Total inventory	11,500	9,000
Nominal inventory value	$27,000,000,000	[2] $16,000,000,000
Total defense budget	[3] $75,000,000,000	[4] $50,000,000,000

[1] This total includes the forces of France.
[2] Approximate.
[3] Does not include U.S. costs for Vietnam.
[4] At U.S. prices. That is, the United States could "buy" the Warsaw Pact forces—pay the men at our pay scales and build the equipment in our own factories—for about $50,000,000,000 per year.

TABLE II.—CENTER REGION NATO AND WARSAW PACT FORCES,[1] MID-1968 DATA

	NATO	Warsaw Pact
Land forces, M-day:		
Divisions	[2] 28⅔	[3] 46
Manpower in divisions	389,000	368,000
Manpower in division forces	677,000	619,000
Riflemen (NATO as percent of pact)	100	
Equipment (NATO as percent of pact):		
Tanks	60	
Antitank weapons	150	
Armored personnel carriers	130	
Artillery and mortars (number of tubes)	100	
Divisional logistic lift	150	
Total vehicles	135	
Engineers	137	
Tactical air forces:		
Number of deployed aircraft	2,100	2,900
Percentage of worldwide inventory (deployed in Europe)	20	40
Percentage of force by mission capability (center region):		
Primarily interceptors	10	42
Multipurpose fighter attack	48	15
Primary attack	9	6
Reconnaissance	13	8
Low performance	20	29
Total	100	100
Effectiveness indicators (NATO as percent of pact):		
Payload	280	
Typical loiter time	[4] 250–500	
Crew training	180	

[1] These data relate to the situation prior to the Czechoslovakian crisis. Revised figures have not yet been established but they are unlikely to make a significant difference in the rough balance protrayed in this table. Center region includes West Germany, Belgium, Netherlands, and France for NATO; East Germany, Poland, and Czechoslovakia for the pact.
[2] Includes 5 French divisions.
[3] 22 of which are Soviet, and 24 of which are East European, including 8 Czech.
[4] Range depends on tactical mission profile assumed.

It will be noted that some categories of equipment are not described in number, but in percentages, because the exact figures are classified. The precentages represent a comparison of the number of weapons employed by both forces. The average strength of a Soviet division varies acording to type from 9–10,000. A standard NATO division is approximately 15,000. An average NATO division has about 10,000 men to support its activities, while a Warsaw Pact division is backed up by 5,000 men. A U.S. division has about 23,000 men supporting.

TABLE III.—THE MILITARY BALANCE, 1968-69

Country	NATO			Warsaw Pact		
	Armed forces (in thousands)	Army (in thousands)	1968 Defense budget (million-dollar equivalents)	Regular forces (in thousands)	Army (in thousands)	Defense appropriations (million-dollar equivalents)
Belgium	99.0	75.0	501.0			
Canada	101.6	41.5	[1] 1,589.0			
Denmark	45.5	28.0	[2] 292.0			
France	505.0	328.0	[3] 6,104.0			
Germany	456.0	326.0	5,108.0			
Greece	161.0	113.0	[3] 318.0			
Italy	365.0	265.0	1,940.0			
Luxembourg	.6	.6	[4] 7.5			
Netherlands	128.5	83.5	[4] 898.0			
Norway	35.0	19.0	320.0			
Portugal	182.5	150.0	302.0			
Turkey	514.0	425.0	[2] 472.0			
United Kingdom	427.0	210.0	[1] 5,450.0			
United States	3,500.0	1,535.0	[2][5] 76,576.0			
Bulgaria				153	125	223
Czechoslovakia				225	175	1,538
East Germany				126	85	1,715
Hungary				102	95	370
Poland				274	185	1,830
Rumania				173	150	551
U.S.S.R.				3,220	2,000	[6] 39,780
Total	6,520.7	3,604.6	102,877.5	4,273	2,815	46,012

[1] 1968-69 budget.
[2] 1968-69 "Defense estimates."
[3] 1968 "Defense expenditure."
[4] 1968 "Defense estimates."
[5] Includes U.S. costs attributable to Vietnam ($25,000,000,000-$30,000,000,000).
[6] The following is noted on pp. 4-5 of source: "The ruble figure represents the declared budget of the Ministry of Defense and does not include certain expenditures such as the cost of nuclear warheads, research and development expenditure on advanced weapons system and the military elements of the space program, which are believed to be included in the budgets of other ministries. At the commercial exchange rate ($=0.42 rubles) the dollar equivalent of the declared defense budget is approximately $18,500,000,000. If calculated at a rate which in the opinion of scholars more accurately reflects the different pricing system used in Soviet industry (1=0.42 rubles) declare Soviet military expenditure is at the level of $39,000,000,000-$40,000,000,000 a year, and total military expenditure could be of the order of about $50,000,000,000."

Source: "The Military Balance, 1968-1969," London: Institute for Strategic Studies, 1968.

My report of last November stated that the Defense Ministers had on May 9, 1967 approved a policy guiding NATO military commanders on force planning and strategy. Generally, it was agreed that force goals for 1968 would be accepted at the 1967 levels. Thereafter, a continuing process of evaluating forces and resources required would be reviewed annually for the next five-year period. It is assumed that revisions would be made if required by changes in the political or military situation.

Obviously, the question of whether the NATO forces described on page 24 in Table II (in being before the Czechoslovakian crisis) are still in balance with Warsaw Pact forces and are capable of employing successfully the strategy of forward defense and flexible response to deter or to respond successfully to any purposeful probing or outright attack upon NATO territory, depends upon many factors other than stated numbers of men or equipment. The balance between ground troops, armor and air forces, and their training and deployment, communications, supply, reserves and mobilization base of the NATO members, bear critically upon the capability of NATO forces to perform their mission.

I am attaching as Annex IV the report I have received from the Department of Defense of the United States, entitled "Evaluation of NATO and Warsaw Pact Conventional Forces in Central Europe," which responds to some factors and problems suggested by Mr. Koudijs and others. It also includes a brief discussion of strategies.

Table II (see page 24) indicates that Warsaw Pact and NATO forces were roughly comparable in numbers before the Czechoslovakian invasion. The Warsaw Pact, including Czechoslovakian forces, had 46 divisions numbering 368,000 men, while NATO had 28⅔ divisions, including five French divisions, amounting to 389,000 men. If French forces are included, the overall balance is, according to joint NATO intelligence, 900,000 for NATO versus 960,000 for the Warsaw Pact.

It is the Rapporteur's view the increase of the Soviet Union's forces and their deployment in Eastern Europe before and during the invasion have upset any assumed balance between NATO and Warsaw Pact conventional forces. For, between May and late August, ten additional divisions had been moved from within the Soviet Union to forward positions in Eastern Europe. The total of Soviet divisions is now 32.

Further, the establishment of Soviet troops in Czechoslovakia with necessary supply and communication lines from the Soviet Union for an indeterminate period according to the treaty recently completed in Prague on October 16, 1968, has provided to the USSR the capability to move additional combat ready forces in the Western Soviet Union to the Southern frontiers of the Federal Republic of Germany.

From all indications, up to this time, the Soviet Union has as its primary objective the subjugation of Czechoslovakia to its will. Despite the increase of its forces by ten divisions, and though several divisions are now deployed in Czechoslovakia against the Bavarian border of West Germany, its forces have not yet shown signs of preparing for an attack against NATO. And for the present, the 225,000 men of the Czechoslovakian forces and their 600 aircraft may be considered unreliable by the USSR for Warsaw Pact duty.

It is obviously a primary task for NATO to monitor carefully the future disposition of Soviet forces in Eastern Europe. If the Soviets continue to maintain in Eastern Europe the ten divisions they have brought from the Soviet Union, and if they do not withdraw substantial forces from Czechoslovakia and the Bavarian frontier, and if the Czech forces are considered "reliable" and are given a Warsaw Pact mission, then it will be necessary for NATO to consider adding forces to match this increase.

Under the best of circumstances—a withdrawal of the additional Soviet divisions from Czechoslovakia and Eastern Europe—the closest examination must be made of the composition and capabilities of NATO and Warsaw Pact forces.[2]

The Evaluation contained in Annex IV provides a basis for comparison of forces before the intervention of Czechoslovakia. The Evaluation and other studies made the following comparison of NATO strengths and deficiencies:

NATO forces are superior to those of the Warsaw Pact in number of major weapons in all categories except tanks and aircraft. While the Evaluation states that NATO tank forces are qualitatively superior, in number they represent only 60% of those employed by Pact forces. The Warsaw Pact has superiority in numbers of aircraft—2900 versus 2100—but again the Evaluation argues NATO aircraft to be qualitatively superior, possessing two times the payload capacity and the ability to remain airborne longer.

The deficiencies of NATO forces are glaring:

1. *Protection of Aircraft.* The limited area available denies effective aircraft dispersal and without shelter, aircraft cannot be protected against a surprise attack of the sort carried out by Israel against the Arabs in June 1967. The construction of aircraft shelters should have immediate priority.

2. *Ordnance.* NATO does not have adequate stocks of conventional arms, all types of ammunition, spare parts and replacement vehicles for sustained engagement.

3. *Training.* NATO military authorities have continued to insist, quoting NATO Commander General Lymen Lemnitzer that, "18 months service is the minimum useful service requirement." Since 1951, the United States has required its draftees to serve 24 months. Greece, Turkey, and Portugal require 24 months of service, but all other NATO countries have shorter periods than two years or no conscription at all. The failure of adequate training is reflected directly in a lack of reserve strength and adequate mobilization base. It was the conclusion of the Defense Ministers at their meeting in 1967, as expressed by Secretary of Defense McNamara, that the greatest weakness of NATO was its mobilization base. This was the full statement:

The greatest deficiency in the European NATO forces, however, is the lack of an adequate mobilization base. We, in the United States have made great progress in raising the combat readiness of our own reserve forces and in providing the means for their movement, and I believe it is most urgent that our European allies do likewise. By adopting such an approach, the flexibility of NATO's force structure could be greatly enhanced.

4. The Committee should ask if the imbalance in the training and reserve forces has contributed to an imbalance in the deployment of NATO forces in Central Europe. I believe it is agreed that the defenses of the North German Plain are not as effective as is required and they should be strengthened.

5. The military situation of the Northern and Southern flanks, and the strategic problems caused by the withdrawal of France remain unchanged.

It is clear that NATO's military capabilities must be improved and quickly.

The question of burden sharing has been a persistent and difficult problem for NATO. Now that there is a clear threat and an indisputable need to keep the NATO alliance militarily strong, the question of sharing the burden of its costs should be discussed frankly and resolved.[3] The North Atlantic Council and particularly the Defense Plan-

[2] There is an obvious need for a new "evaluation" of NATO and Warsaw Pact forces to take account of the changes brought about by the Soviet invasion of Czechoslovakia. Such an "evaluation" is now in progress, but the key unknown factor is whether the Soviets will withdraw their forces to previous levels.

[3] Attached as Annex V is a full discussion of the problems of burden sharing, entitled *United States Troops in Europe.* Report of the combined Subcommittee of Foreign Relations and Armed Services Committees, October 1968. Also discussed is the problem of force levels. I commend this report to the members of the Military Committee.

ning Committee are already addressing this key problem and will be meeting again approximately at the time this Committee will meet.

Despite its deficiencies, the American contribution to NATO constitutes a formidable military organization: There are 304,000 military personnel in Europe including Spain, the Sixth Fleet and Turkey. In West Germany alone there are over four combat divisions, several battalions of medium and short-range missiles with nuclear warheads and their supporting troops; an air force of 85,000 men with 900 tactical aircraft whose weaponry includes large numbers of tactical nuclear weapons. The Sixth Fleet in the Mediterranean, which is built around two carrier task forces and a total of fifty ships, 200 aircraft and 25,000 men. In the coming year, as was agreed, the United States will conduct exercises in Europe bringing back the two brigades and aircraft deployed to the United States earlier this year. This exercise will help train the two brigades for their NATO mission and demonstrate its airlift capabilities. Additional NATO committed forces in the United States amount to five divisions trained for European action, some 250 ships, and 2,500 planes, 240,000 men of the Atlantic Fleet and a considerable part of the United States Tactical Air Force. A large proportion of the strategic nuclear forces of the United States are devoted to the defense of Europe. The combined U.S. forces in Europe alone form a more powerful military force than that of any nation in the world except the Soviet Union. The United States has taken steps to bring its NATO committed forces up to full combat strength. Needed specialists and experienced officers are being returned to under-strength units from other duties. More intensive maneuvers and training exercises have been scheduled and some are already underway. To pay for this military commitment to NATO, the United States spends, according to some estimates, between 12 and 15 billion dollars annually.

I believe it well settled that it is in the field of conventional forces that NATO faces a great challenge. It is also important to review the nuclear capabilities of NATO and Warsaw Pact allies to determine if these are still adequate.

On February 1, 1968, former Secretary of Defense, Mr. McNamara, reported to the Senate Armed Services Committee a comparative United States-USSR nuclear strength as estimated on October 1, 1967:

UNITED STATES VERSUS SOVIET INTERCONTINENTAL STRATEGIC NUCLEAR FORCES, OCT. 1, 1967

	United States[1]	U.S.S.R.
ICBM launchers[2]	1,054	720
SLBM launchers[3]	656	30
Total intercontinental missile launchers	1,710	750
Intercontinental bombers[4]	697	155
Total force loadings—Approximate number of warheads	[5] 4,500	1,000

[1] These are mid-1967 figures.
[2] Excludes ICBM test range launchers which could have some operational capability against the United States. Soviets also have MR/IRBM's capable of striking Eurasian targets.
[3] In addition to the SLBM's on nuclear-powered submarines, the Soviets also have SLBM's on diesel-powered submarines whose primary targets are believed to be strategic land targets in Eurasia. The Soviets also have submarine-launched cruise missiles whose primary targets we believe to be naval and merchant vessels.
[4] In addition to the intercontinental bombers, the Soviets have a force of medium bombers/tankers capable of striking Eurasian targets.
[5] These totals do not include the nuclear force of the United Kingdom.

According to the latest intelligence estimates, the Soviets have made rapid advances and the present nuclear strength is estimated as follows:

	U.S.S.R.	United States
ICBM's	1,050–1,100	1,054
SLBM's	250	656
Long-range bombers	160	680
Short-range missiles and tactical weapons	3,500	7,000

The United States had made considerable progress in the development of MIRV (Multiple Independently Targeted Reentry Vehicles), which would increase the number of missiles with nuclear warheads by a factor of 5–10, whether launched on an Intercontinental Ballistic Missile, or on the Polaris or the newly authorized Poseidon missile. The USSR, as the United States, has been hardening and dispersing silos for its land based missiles, and developing Polaris-type missiles and penetration aids. It has also tested a device suitable for multiple warheads. Its FOBS weapon (not yet deployed) can fire at a low trajectory to evade warning systems and strike directly at a target while in orbit. There is no reason to doubt that the Soviet Union possesses the scientific capability to carry forward these projects, and to undertake other innovations.

The Soviet Union has also worked for some time on an antiballistic missile system—called "Galosh"—centered around Moscow. It has established another defensive system called the "Tallinn." It is believed by some authorities to be an ABM system; by most authorities to be a system designed against bombers and air-breathing vehicles. The United States Congress, after an extended debate, appropriated this year approximately $1.2 billion following research of many years, to initiate the deployment of an ABM system costing approximately $5.5 billion. While recommended to the Congress by the administration as a "thin system" of defense against a Chinese threat, it is generally acknowledged to be a "building block" for a system against a Soviet threat. A very good description of the Soviet FOBS weapon and the proposed United States Sentinel ABM system is provided in the paper by Dr. Hans Bethe and Dr. Richard L. Garwin and circulated to this committee earlier this year at the request of the chairman. Further, a very good statement of the relative United States and USSR nuclear strength may be found in the Report of the Preparedness Subcommittee of the Senate Committee on Armed Services on the Status of U.S. Strategic Power, dated September 27, 1968.[4]

Both former Secretary of Defense Mr. Robert McNamara and the present Secretary of Defense, Mr. Clark Clifford, as well as military authorities have stated categorically that the United States possesses at present an "assured destruction capability," as does the Soviet Union—that is, each has the ability to destroy the other even after sustaining a full-scale first strike nuclear attack. Secretary Clifford has also said that the United States' goal is to maintain nuclear superiority over the Soviet Union.

Nevertheless, as is indicated by the report of the Preparedness Subcommittee, to which I have referred, that Committe considers that the Soviet Union is making such rapid advances in the development of its nuclear strength that it will achieve parity with the United States and perhaps numerical superiority unless greater and intensified efforts are made by the United States.

SOVIET THREAT IN THE MEDITERRANEAN

Soviet naval forces in the Mediterranean, the continuing supply of arms to Arab countries by the Soviet Union, the introduction of large naval forces in the Mediterranean, and the consequent pressure of its political influence in the Middle East is a matter of concern to NATO. Two-thirds of the oil supply of NATO countries comes from the Middle East which holds over two-thirds of the world's petroleum reserves. The Arab-Israel conflict provides a base for Soviet intervention and influence and the fear has been expressed that the Soviet Union will achieve a position of dominance in the Middle East and extend its influence in Northern Africa.

Thus far, NATO naval forces in the Mediterranean maintain a vast superiority over the Soviet fleet. The Soviet fleet consisting of approximately 40 ships, including submarines, guided missile ships and small carriers has been able to make use of ports along the Southern rim and the excellent harbors of Alexandria and Port Said in the UAR and Latakia in Syria.

In response to this growing problem, on October 15, acting on a proposal made in 1964 and approved by the DPC in 1967, the United States, the United Kingdom and Italy announced that they would join in a unified command to keep watch on the sizeable Soviet naval forces in the Mediterranean. Prior to this time, the separate NATO countries have maintained their own surveillance. The new command is called Maritime Air Force, Mediterranean (MAR/AIR/MED) which becomes operative on November 1, consists largely of land-based planes, headquartered in Naples.

Prior to the invasion of Czechoslovakia there was a strong opinion in the United States that American forces should be withdrawn from Europe. The cost of the war in Vietnam and the balance of payments problem contributed to this view. A resolution sponsored by Senator Mike Mansfield and 43 cosponsors was designed to express the sense of the Senate on this subject. More directly, an amendment was offered to the Defense Authorization Bill which would have prohibited the use of funds for the maintenance of U.S. troops in Europe in excess of 55,000 men. This amendment was not actually voted upon, but had strong support, and in the rapporteur's view would have passed the Senate prior to the Czech invasion.

While other delegates from the United States will be present at the meeting of the Military Committee, as rapporteur I believe it is my responsibility to say that the sentiment to remove and withdraw U.S. forces from Europe is not based entirely upon the demands of the war in Vietnam or the balance of payments problem. Many in the Congress of the United States and among our people consider that the United States has maintained an effective force in Europe since 1951, and has done so even though it was engaged in a major war in Southeast Asia. Over 650,000 men are stationed in Southeast Asia and the estimated annual cost of the war is 30 to 35 billion dollars. It is the opinion of many, that in these circumstances the United States should not be called upon to bear the major part of the military burden of NATO unless the other members of NATO meet the requirements for conventional forces, equipment and training needed for an effective alliance and deterrent against aggression. It has been argued that the unwillingness of NATO members to meet these requirements is due to a belief that the massive conventional forces of the Soviet Union and its Warsaw Pact allies would overrun quickly Western Europe and that the effort to strengthen NATO with additional troops and equipment would be futile. It is also argued by some that a nuclear war would be likely and conventional forces are therefore useless.

The answer to these views is that the continued purpose of NATO has been to maintain a military alliance capable of deterring both conventional and nuclear war. Your rapporteur believes that this Committee should recommend that all members take the necessary steps to provide a capable conventional and nuclear fighting force. The

[4] Title 3 of the report beginning on page 7 and ending with its subsection 9 on page 10, provides a good summary. This relevant portion is appended as Annex VI of the Report.

purpose of the provision and maintenance of such a force is to make clear to the Soviet Union and its allies that while seeking detente, NATO's will and determination is to deter war and maintain the peace.

ANNEX I

LETTER FROM ADMIRAL KOUDIJS TO SENATOR J. SHERMAN COOPER

THE HAGUE, *June 19, 1968.*
Binnenhof 1–A

DEAR SENATOR COOPER: As a member of the North Atlantic Assembly I had the privilege of being present at the Meeting of the Military Committee on 21st and 22nd May, 1968, in Brussels.

Although every one of us fully realises that circumstances will not always allow you to come over to Europe for the Committee Meeting in the spring, you will understand that your absence was very much regretted by the Chairman and the members present.

Also, we did not therefore have the privilege to hear you elucidate your extremely important and thought-provoking Preliminary Report. Consolitary is the expectation that we may have the benefit of your presence on the November Meeting.

In the meantime, however, time marches on and further developments may be expected to take place both in the international and in the national realms.

For the free world the problem of force-balance as you mention in par. 2 of your Preliminary Report—remains of fundamental importance.

In this respect "the balance sheet on the basis of the December Ministers Meeting" is of great significance. In item 2 thereof it is stated that "NATO has about 900,000 troops compared to 960,000 for the Warsaw Pact countries."

Now, it is not entirely correct in my opinion to compare manpower only. Factors as equipment, standardization, organization, firepower and mobility, training, infrastructure and geographical circumstances may have an important effect on the balance of strength. Moreover, in the present flexible response strategy we must have a large variety of options for NATO reaction in order to deter the different forms of possible attack and for this we need in particular a sufficient number of ready conventional forces.

Admitting that it is difficult to assess with a high degree of reality or reliability the comparative strength of opposing forces, a number of publications, including "The Military Balance 1967–1968," to credit the Warsaw Pact with a distinct superiority in conventional land forces over NATO. According to "The Military Balance" the Soviet Union alone has 86 divisions in Central and Eastern Europe and in European USSR.

During our November 1967 Meeting Dr. Pöhler (Fed. Rep. of Germany) voiced the popular conception that, in the conventional field, the Soviet Union had a ratio of 4 to 1 against NATO.

I would very much appreciate if you would be kind enough to give me some clarification on the considerations leading to the assessment that NATO has about 900,000 troops compared to 960,000 for the Warsaw Pact countries.

In this connection I would like to mention that in the DPC meeting in May of this year the Netherlands Minister of Defense has also noted with great interest the recent U..S evaluations concerning the strength of Soviet forces. In view of the political significance and the importance for an efficient conduct of the defence planning, he has said, it would be interesting to know the reasons for the difference between the U.S. evaluation and the strength of Warsaw Pact forces as generally accepted up till now.

This matter will of course be more fully discussed during our November Meeting but I would be very grateful if you could give me some information before that time.

I am, Sir, very sincerely yours,

G. KOUDIJS

ANNEX II

LETTER FROM MR. FREDERICK S. WYLIE, DEPUTY ASSISTANT SECRETARY OF DEFENSE, TO SENATOR J. SHERMAN COOPER

30 August 1968.

DEAR SENATOR COOPER: In response to your request for help in answering Mr. Koudijs' letter, the figure of 900,000 versus 960,000 about which Mr. Koudijs inquires represents the number of troops NATO and the Warsaw Pact, respectively, have deployed in all areas of Continental Europe. The source of the figures for the NATO countries are the various NATO countries themselves; the source of the figures for the Warsaw Pact are of various agreed NATO intelligence estimates.

As to the other general question Mr. Koudijs raises, that is, the U.S. position that the conventional forces on the two sides are in approximate overall balance, versus the frequently alleged superiority of the Soviet conventional forces, I am enclosing excerpts from relevant Congressional testimony or other public statements of the Secretary of Defense and other Defense officials from 1962–1968. These set out the context and the precise statements that U.S. spokesmen have made on this issue. I feel certain that you will conclude from reading these that the U.S. position has consistently been that the NATO countries could not afford to relax their defense efforts but that they, and especially our European allies, should increase those efforts in order to cure qualitative shortcomings in their forces and that the Alliance should take other steps to take full advantage of its overall manpower resources.

(I also enclose for your convenience an extract from the 1967 issue of the London Institute of Strategic Studies' annual "Military Balance.")

It is quite clear from a reading of the U.S. statements that the purpose of the gross comparisons of manpower and resources of the two alliance systems contained in some of these was to shift attention away from a numerical myth of Soviet superiority in manpower and toward the necessary qualitative improvements. U.S. statements have suggested that the gross comparison were only starting points for a proper evaluation of comparative strengths. In the January 1968 Posture Statement, the former Secretary of Defense McNamara said, for example: "While manpower comparisons alone are *not conclusive measures of military strength,* I believe they are reasonable *first approximations of relative ground force capabilities*" (p. 80). [Italic supplied.]

It is in this context that Secretary McNamara cited the fact that "NATO has about 900,000 troops deployed in all regions of continental Europe compared to 960,000 troops for the Warsaw Pact" (p. 80). Those figures are correct and generally undisputed. They do not purport to convey more than what they are; a simple headcount as a useful starting point for the discussion. Unless so elementary a fact as relative manpower is accepted as a starting point, however, it is practically impossible to set the problem into a perspective that would permit rational discussion of how the Alliance should best use its resources. The difficulty of inducing people to accept even undisputed facts can readily be seen from your correspondent's letter. The problem is in great part one of confusion in the discussion, rather than one of differences over such numbers as those cited above.

SOURCES OF CONFUSION IN THE DISCUSSION

A principal factor contributing to confusion in discussing the balance of conventional forces has been the terminology. The traditional practice has been to refer to the Pact's land forces in terms of numbers of divisions only. In discussions in the press, very often the large number of Warsaw Pact divisions is simply compared with the smaller number of NATO divisions, leading inevitably to the conclusion that the Warsaw Pact forces are larger by far—hopelessly so. This technique, reflected in your correspondent's inquiry, ignores the fact that the NATO divisions have very much larger number of men in fighting and supporting units than the smaller Warsaw divisions. Your correspondent cites the Institute for Strategic Studies' publication, "The Military Balance 1967–1968," but he recites only division numbers from that publication, *not* the accompanying manpower numbers. In the ISS publication itself, the numerical strength of the total NATO armed forces of all types, as well as the total NATO ground forces, is well in excess of that given for the Warsaw Pact.

WHOM TO PUT IN THE SCALES TO REACH A BALANCE

In discussing the balance of opposing NATO and Warsaw Pact Forces, it is obvious that the balance depends very heavily on whom you put in the scales. Total figures generally include France on the NATO side and Czechoslovakia and Rumania on the Warsaw Pact side. But of course a computation should be made to test the assumptions one wishes to examine. I would suggest that in discussions on this point, the proponents of different views simply specify the circumstances they have in mind and then make their comparison. If we assume for the moment that the country-by-country figures given in the Institute of Strategic Studies compilation are adequate—at least for measuring gross orders of magnitude—one can construct ones known scenario of which countries would be participating in what kind of hostilities, and then judge about the size of forces on each side in a confrontation. We have not attempted to prescribe any formula for such camparisons, and I do not believe there is much difference in the Alliance on this score.

SOME CONCLUDING THOUGHT

Let me offer some additional thoughts of my own. Whether fortunate or unfortunate, the fact is that nobody can predict in advance who will win a battle, or a war, when the opposing forces are even roughly comparable. The best that can be done is to seek to compare as many factors on both sides as are relevant to the possible conflict one has in mind. In particular, one must specify the circumstances and assumptions of war outbreak, including the preceding political developments and the issues at stake, which give rise to the comparison. The purpose of U.S. statments in NATO over the last six years has been to focus the discussion on qualitative deficiencies, which is where the focus belongs, and to seek to get the discussion away from the emotional and uninformative evocation of the supposed hopeless numerical inferiority of NATO's conventional forces and the spectre of a possible sudden, unprovoked, surprise mass attack following an undetected huge buildup of Soviet forces. That contingency is a theoretical possibility, but in our view its actual likelihood is so small as to make it a poor basis for force planning and analysis.

In summary, I think it is fair to say that "the difference between the U.S. evaluation and the strength of Warsaw Pact forces as generally accepted up to now" to which your correspondent refers is not a difference in factual statements but a difference in approach to what remains a highly emotional subject. The U.S. approach has been an attempt to apply factual analysis to the factual elements of the problem, to make a clear statement of what is and what is not susceptible of comparison, and to concentrate on cures for any real imbalances or asymmetries. It would be unfortunate if this attempt to look at the matter dispassionately should

be regarded as a U.S. evaluation in some way downgrading the very substantial Soviet and Warsaw Pact ground and air threat in Europe. It would be even more unfortunate if unfounded suspicions of motivations extraneous to the attempt to analyze, as best we can, the balance of forces with which we must contend, should intrude upon the discussions with our allies of this problem of crucial importance to all of us.

I hope that this response meets your need, and I am of course available to you for any further help I may be able to give.

Sincerely,

FREDERICK S. WYLE.

ANNEX III

REVIEW OF A SYSTEMS ANALYSIS EVALUATION OF A NATO VERSUS WARSAW PACT CONVENTIONAL FORCES

Report of the Special Subcommittee on National Defense Posture of the Committee on Armed Services, U.S. House of Representatives, September 4, 1968

INTRODUCTION

During a field investigation in May 1968 to examine U.S. military assets and our capability to meet worldwide commitments, the subcommittee became aware that in February 1968 Dr. Alain Enthoven, Assistant Secretary of Defense (Systems Analysis) had presented to a NATO group a comparative evaluation of NATO and Warsaw Pact conventional forces,[1] arrived at through the use of the systems analysis technique.

Subcommittee witnesses were so concerned over the impact of this evaluation on our NATO allies that it was decided to review the methodology involved in the evaluation and test the validity of the conclusions reached. It was also decided to treat this review as a separate matter, not to be included in the subcommittee's report[2] on its broader investigation.

The subcommittee's report and exhibit A were submitted to the Department of Defense for security clearance. The Department's deletions are indicated by blank lines.

BACKGROUND

Everyone wholeheartedly agrees that military force planning in Europe and elsewhere should be on as rational a basis as possible, but not everyone agrees on how this should be done. Although the subcommittee recognizes that systems analysis can be a useful tool to aid in reaching decisions and making judgments, it is also aware that in the highly complex problem of force planning it can be extremely dangerous if used as a substitute for subjective analyses and informed reasoning.

To fully appreciate the significance of the Enthoven briefing and the effect which it can reasonably be expected to have on U.S. efforts to strengthen NATO, an understanding of pertinent historical developments and present attitudes of our NATO partners is important.

Since the inception of NATO in 1949, no member country other than the United States has ever met its force commitments. Germany has come closest, with the other member countries trailing behind at varying distances. During the intervening years, U.S. NATO representatives have made every effort to encourage our allies to meet the responsibilities they have agreed to assume with respect to forces and support.

For political and economic reasons, this has been an uphill struggle and the difficult problems were compounded when, in 1966, France withdrew from the military affairs of NATO and removed its troops and aircraft from the alliance defence structure. Also, it denied the use of its military bases and strategic geographic area to NATO.

[Deleted.]

Shortly, thereafter, there appears to have been a concerted effort by the radical and leftist in some NATO countries to press for further reduction of their country's participation in and contribution to the NATO defence. This was the troubled climate in which U.S. NATO representatives were toiling in February of 1968. They were again seeking to make the other member nations understand that unless NATO were significantly strengthened, it would no longer be an effective force, either militarily or politically.

It was at this point that Dr. Enthoven appeared on the scene with his "Methodology for Evaluating Conventional Forces". The effect of this on the best laid plans of our top U.S. NATO military advisers will not be known for some time to come, but it could hardly be accurate to describe it as helpful. During hearings held by the subcommittee it was described as having had an extremely harmful effect. Dr. Enthoven began his presentation by telling the NATO group that there is no reason for them to increase their currently planned military budgets or the size of their existing forces; that present NATO forces are at least equal to Warsaw Pact forces. If he is right, our best military advisers are wrong; but on the basis of sworn testimony and documentary evidence which the subcommittee has assembled, the subcommittee finds adequate reasen to question the validity of Dr. Enthoven's position. For this reason, the subcommittee has sought to make a critical analysis of both Dr. Enthoven's methodology and the conclusions he has reached as a result of his system analysis exercise. The subcommittee has selected for comment a representative cross section of sufficient size to support its conclusions.

ANALYZING THE ANALYSIS

Many of the most pertinent factors that bear on the effectiveness of military strategy and planning cannot readily be reduced to statistical abstractions. The geography of NATO furnishes a significant illustrative example. It is not a continuous belt of strength facing Eastern Europe and the Soviet Union. Instead, it is a series of isolated islands of strength (variable strength at that) which may not be mutually supporting. This is particularly true since NATO can no longer count on French forces and facilities in an emergency. The Warsaw Pact, on the other hand, has all the classical military advantages associated with a large, continuous land mass and interior lines of communication. These fundamental geographical differences between NATO and the Pact suggest a multitude of problems and contingencies, both military and political, which must be considered in force planning. If Dr. Enthoven was aware of them, their lack of treatment in his paper would suggest that he chose to ignore them.

Another defect in the Enthoven paper is that it makes finite judgments as to the adequacy of forces, although admittedly without supporting facts (sec. 7, p. 13).[3] However, Dr. Enthoven does not hesitate to substitute his "beliefs" for facts, nor does he hesitate to assume the outcome of studies not yet completed dealing with mobilization capabilities. This leads to potentially dangerous conclusions which encourage acceptance of such patently irrelevant comparisons as those shown on page 1,[4] which match the forces of NATO and Warsaw Pact countries on a worldwide basis. The British Defense Minister, the subcommittee was informed, dealt with the speciousness of such a comparison very neatly in his statement to NATO's Defense Planning Committee. In summary, he said, "With great respect. I do not think you can really count on the British forces in Hong Kong as being available in case of war in Europe." Because of U.S. participation in Vietnam, this can also be said for a significant number of American personnel who represent the dominant weight on the NATO side as portrayed in slide 1.[4]

By the same token, the Soviets would have to hold back some portion of their forces from a European engagement. The point we wish to emphasize is simply that this slide, though it makes NATO look good, has little if any bearing on the purported subject of the briefing—evaluation of forces for a conventional war in Europe. For all practical purposes, it is irrelevant.

It is possible, however, to develop fairly accurate figures on opposing forces, provided one has a good understanding of how the figures are derived and what they mean in terms of capability. But even these conclusions must, of necessity, be more general than finite, since the nature of the total problem is such that it cannot be solved with simplistic answers.

Unfortunately, the systems analysis approach requires the isolation of data in such a way that they can conveniently be "managed." The result is very likely to be an oversimplification of some very complex interrelationships and a tendency to leave out whatever cannot easily be determined or expressed. Dr. Enthovens presentation recognizes and mentions this problem more than once; neverthless, it incorporates some of these fundamental invalidating oversimplifications. For example, Dr. Enthoven tends to consider conventional forces as an independent segment rather than a part of the total military balance in Europe. He has, in effect, taken them out of context. Any true evaluation of conventional forces demands that they be viewed against a background of NATO and Warsaw Pact theater nuclear capabilities in several forms; demolitions, artillery, rockets, bombs and missiles.

Another pertinent factor is the substantial Soviet intermediate- and medium-range ballistic missile capability to strike Western Europe, for which NATO has no corresponding deterrent or counteraction force. And at the end of the nuclear spectrum, the total military balance in Europe includes the strategic nuclear forces of the U.S.S.R., the United States, Britain, and, possibly, France. Any computation of conventional capabilities must allow for the fact that some of our resources are, in fact reserved for nuclear contingencies and must remain so.

Approximately [deleted] of the NATO strike and attack aircraft in the central region are currently limited to a nuclear role. They lack a genuine conventional close support capability. There is no indication in the briefing that these [deleted] aircraft were deducted from gross totals when computing NATOs close air support kill capability. Neither does there appear to be adequate recognition that conversion of nuclear strike air squadrons to dual roles or to a strictly conventional role means increased costs to train and maintain proficiency in the different skills involved. Also, Dr. Enthoven is silent on costs of procurement and maintenance of modern conventional air munitions. We have always thought that systems analysis and cost effectiveness were inseparable. While there is room for adjustment in the magnitude of NATO resources devoted to maintaining a theater nuclear capability, both NATO strategy and common sense dictate that such a capability be maintained. The resources allotted to nuclear tasks cannot, therefore, also be added in at full value when computing nonnuclear capabilities.

Aside from the forces under consideration Dr. Enthoven has also been selective on the geographical aspects. He has carefully avoided any discussion of NATO's flanks, which we believe to be a most important consideration. Any failure on the flanks would seriously affect the central region and

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[1] Dr. Enthoven's briefing paper, entitled "Methodology for Evaluating Conventional Forces," is attached as exhibit A.

[2] "Review of the Vietnam Conflict and its impact on U.S. Military Commitments abroad," August 24, 1968 (committee print).

[3] Exhibit A.

[4] P. 9, exhibit A.

we think this omission alone casts considerable doubt on his conclusions. The NATO flanks have always posed problems and these are now magnified by France's withdrawal and the Soviet presence in the Mediterranean. Moreover, the Soviet goals in the Middle East are slowly being achieved. Their vast military and economic programmes and their naval operations have bolstered Soviet prestige and power on the southern flank. They have even adopted a more congenial attitude toward Turkey and Iran with some success. One principal Soviet objective, to outflank NATO's land-based defences, has been accomplished by penetrating the Mediterranean.

It also appears that in order to support his general thesis, Dr. Enthoven has not hesitated to compare "apples" and "oranges." This fallacy of false comparisons is illustrated by slide 2,[5] which purports to compute the yearly cost of equipping Soviet divisions at U.S. standards. Dr. Enthoven arrives at a cost of $13 to $14 billion by multiplying the number of Soviet divisions (140) by the average yearly U.S. expenditure on equipment per division ($90 to $100 million). He then estimate the total Soviet defence budget to be $45 to $55 billion at U.S. prices. Dr. Enthoven's purpose in using this latter figure is not readily apparent, since the figure provided to the subcommittee by the Pentagon shows the estimated total Soviet defence budget for fiscal year 1968 to be only $15.6 billion (16.7 billion rubles) and that the fiscal year 1967 and fiscal year 1966 budgets were even smaller.

It is unclear why he considers these figures significant or relevant, since there is no indication that his computations take into account the marked difference between United States and the lesser Soviet production costs. Furthermore, Dr. Enthoven makes no distinction on this slide between the size of a Soviet division and a U.S. division, which is approximately 70 percent larger. This oversight, if such can be, makes it impossible to arrive at any intelligent conclusions, yet Dr. Enthoven not only reaches conclusions, but in the process he apparently feels that his alchemy has changed estimates into what he characterizes as "facts."

In fairness to Dr. Enthoven, it should be pointed out that early in his briefing he confesses that the "division" is a poor unit of measure for comparison purposes; yet, recognizing this, he continues to use it. For example, slide 5[6] portrays total vehicles in divisions and slide 10[7] shows divisional logistics capabilities. The difference in authorized strength are ignored. The NATO authorized division strength is between 14,000 and 18,000 men per division. The Warsaw Pact has between 6,000 and 10,000 men per division. Of even more importance is Dr. Enthoven's obvious inference that Pact divisions do not have built-in, sustained logistical capability in any way equivalent to NATO divisions. He ignores the fact that Communist military forces obtain sustaining support from the civilian population which accounts for the low inventory of vehicles in their forward operating units and that in an emergency all petroleum stocks and vehicles are commandeered.

The reliability of the division comparison approach is further degraded by the fact that NATO division manning and equipment levels are often at wide variance with prescribed levels. Documentary evidence and testimony in our records show that peacetime manning of U.S. non-NATO divisions averages about [deleted] percent, and some are as low as [deleted] percent of authorized strength. The inventories of onhand equipment follow a similar pattern. Phase II of our earlier report on the Vietnam war and its impact on commitments abroad discusses combat readiness and the condition of onhand inventory of U.S. forces in Europe. Succinctly, it is impossible to compare NATO divisions with each other, much less with Soviet and Pact country divisions.

We agree, as does the presentation, that there is no satisfactory way to make an absolutely convincing quantitative comparison of the type attempted. While the division provides a convenient unit for ground force planning purposes, it is a very poor yardstick for comparing NATO-Warsaw Pact strength.

Avoiding the organization factor altogether is also unsatisfactory. In slides 6[8] and 9,[9] infantry and engineer capabilities are compared on a gross manpower basis. One cannot equate infantry needs without considering Pact superiority in armor, mobility, and firepower. On the engineers, the subcommittee was informed that there are substantial differences in training and missions.

All arms of the Soviet Army in Eastern Europe, according to the testimony, get far more intensive river-crossing training than do NATO forces. Soviet transport vehicles require less engineer forces for mobility tasks and support. In his presentation, Dr. Enthoven urges that NATO's "substantially greated engineer capability [deleted] should permit substantial delays to be imposed on the Pact through barriers, minefields and the like."[10] This statement borders on illusions and disregards Soviet doctrine, the structuring of forces, and the conceded advantage in numbers of Soviet tanks. The occupation of Czechoslovakia by Pact forces amply demonstrates that they are structured for swift, massive armored penetration. Our evidence shows that the rate of advance, which Soviet doctrine says should achieve 100 kilometers per day, precludes the use of NATO stockpiled mines even if only half this rate were achieved. To construct barriers and lay effective minefields presupposes that NATO will have considerable advance notice of Pact movements—a false assumption indeed. We believe these differences require a greater and more meaningful analysis than the presentation demonstrates.

The demonstration on tactical air (slides 11[11] and 14[12] is equally suspect in that criteria are very restricted. First, the analysis credits NATO with the cooperation of French aircraft, a most optimistic assumption. Secondly, it disregards the rapid reinforcement capability of the Soviets that could provide some [deleted] fighter aircraft and [deleted] light bombers to support a western front. Here again, the comparisons fail to consider the logistical, geographical, and tactical realities of the European land mass. The loiter time comparison appears to have little relevance because Pact forces can be expected to take advantage of their numerical superiority offensively rather than defensively. A portion of NATO resources, too, would initially be assigned to air defense missions rather than close air and ground support tasks.

In addition to lack of shelters for aircraft and [deleted] mentioned in the presentation the subcommittee learned at U.S. Air Force, Europe Headquarters, that there is a serious deficiency is dispersal capability. Another deficiency is in effective [deleted].

One other point that cannot be overlooked is that Army air defense resources are being reduced. These deficiencies become particularly critical because of the excessive crowding of logistic depots and air bases. This, of course, results from France's withdrawal of facilities from NATO. Any advantages that might accrue to NATO in range, payload, etc., are offset by its having to use austere and semiprepared bases.

On page 10 of the presentation, we note that a soldier is a "relatively equivalent unit [deleted] if he is similarly trained and equipped." The "if" becomes significant in the light of the complaint of the Supreme Allied Commander, Europe, that NATO training is plagued by the short length of conscript service in most member countries as compared to the Pact periods of service. The subcommittee's record certainly does not support any conclusion that the average NATO soldier is "similarly trained" to one of the Warsaw Pact.

If Dr. Enthoven's analysis, as employed in this presentation, represents the state of the art of systems analysis, the subcommittee cannot accept its employment for strategic planning. Nor does it provide a basis for consultation with the alliance members on political and military matters. We believe that the presentation suffers from serious oversimplification of some facts and failure to consider others. Systems analysis does have a value and it can provide methods for analyzing and defining a given problem, but we think it a very poor vehicle for arriving at absolute solutions. Even if all the data were correct, and the comparisons and criteria reliable, the presentation appears to have as its principal thrust the achievement of parity between NATO and the Warsaw Pact. We think that the goal should be superiority, not parity. This methodology for evaluating conventional forces by employing a systems analysis technique produces little in the way of instruction and much to undermine our announced U.S. objectives.

There are certain means that we are aware of to validate strategic military concepts, the most certain of which is eyeball-to-eyeball armed conflict between opposing forces. War games are extremely useful and produce valuable indicators. They are particularly helpful in pointing out the weakness rather than the strength. War is the only real and final test.

We wonder how a systems analyst would have approached the relative comparisons of military capabilities of the Israel and Arab forces prior to June 1967. That war dramatically portrays the "intangibles" in the military balance. In the field of military strategy and force development, systems analysis, in our view, is still in its infancy.

The subcommittee is now as convinced as ever that there remains a substantial place for military experience, judgment, and professional expertise in military decisionmaking and in military consultations with our allies.

EXHIBIT A

OUTLINE OF BRIEFING BY ALAIN ENTHOVEN, ASSISTANT SECRETARY OF DEFENSE

Methodology for Evaluating Conventional Forces

I. INTRODUCTION AND PURPOSE

A. As Secretary of State McNamara said for many years, without effective nonnuclear forces NATO is politically weak in a crisis. Nuclear weapons, when both sides have them, are too dangerous and destructive to be a credible response except in the most extreme circumstances. This principle seems now to be accepted by NATO.

B. The purpose today is to discuss our reasons for believing that a satisfactory nonnuclear capability is feasible at about currently planned budgets, provided plans are made and carried out to supply, protect and use NATO's existing forces effectively.

C. The reason for doing this is that we think it is critically important for the leaders of NATO governments to understand that their forces can serve a useful and definable military purpose vis-a-vis the Warsaw Pact. Otherwise there will be no good reason for not giving in to the ever present pressures to cut forces a token level; and there will certainly be no reason to undertake the small but vital improvements neces-

[5] P. 9, exhibit A.
[6] P. 10, exhibit A.
[7] P. 11, exhibit A.
[8] P. 11, exhibit A.
[9] P. 12, exhibit A.
[10] P. 12, exhibit A.
[11] P. 14, exhibit A.
[12] P. 15, exhibit A.

sary to make NATO forces realise their full potential.

II. BACKGROUND

A. Military assessments have continually concluded that NATO would be hopelessly outnumbered almost immediately in any sizeable conventional war.

(1) A NATO study in 1965 (the Mountbatten Study) concluded that NATO in the Center Region could handle about [deleted] Soviet division and [deleted] aircraft for a period of [deleted].

(2) Other appraisals have been somewhat more favorable, but nevertheless indicated that the Warsaw Pact with its 200 divisions and several thousand aircraft, could overwhelm NATO in a relatively short time.

B. These assessments are a logical result of the normally sound military principle of never underestimating the threat. However, when political conditions make it impossible to supply the forces necessary to meet the threat when so conservatively defined, the result can be dangerous. Instead of supporting fully adequate forces, which is viewed as politically and economically impossible, many people conclude that NATO's military forces are so hopelessly inadequate as to be nearly irrelevant. This sentiment is widespread in our own Congress, for example.

C. (1) We began to re-examine these questions several years ago when we realized that NATO had 30 percent more men under arms and about 25 percent more tactical aircraft than the Warsaw Pact, as shown in the slide. Of course, neither side has all of its forces deployed in Europe; countries on both sides have forces for other theaters. Nevertheless, we felt that with such large worldwide forces, NATO should not be so badly outnumbered in Europe.

SLIDE 1.—WORLDWIDE NATO AND WARSAW PACT FORCES IN MID-1968

[Excluding U.S. increases for Vietnam]

Manpower	NATO	Warsaw Pact
Army and marines	3,000,000	2,850,000
Navy	1,070,000	470,000
Air force	1,400,000	880,000
Total, men	5,470,000	4,200,000
Tactical aircraft	11,500	9,200

(2) We further realised that our estimates of Soviet defence expenditures were inconsistent with the money they would have to spend to equip their divisions at anything like the NATO standards, as shown in the following slide.

SLIDE 2.—COST OF EQUIPPING SOVIET DIVISIONS AT U.S. STANDARDS

	Average per U.S. divisions (millions)	Number of Soviet divisions	Yearly cost required (billions)
Yearly expenditure on equipment	$90–$100	140	$13–$14
Estimated total Soviet defense budget (U.S. prices)			$45–$55

(3) These facts meant—

Either Soviets had some drastic advantage in efficiency, or Current methods of comparing capabilities were biased in favour of the Soviets.

III. INDICATORS OF CAPABILITY

A. To get a better understanding of this paradox we began to try to develop some straightforward indicators of capability.

(1) I will compare the forward deployed M-Day NATO and Pact forces in the Center Region as an illustrative example of these techniques, but they can also be applied under many different scenarios including reinforcements on both sides.

(2) First, the figures normally used to describe the opposing forces,

SLIDE 3.—NATO AND WARSAW PACT M-DAY FORCES IN THE CENTER REGION

	France	NATO excluding France	Total NATO	Total pact	U.S.S.R.	East Europeans
Divisions	5	[1] 23⅔	28⅔	46	22	24
Tactical aircraft			2,100	2,900		

[1] Includes 2 U.S. Armored Calvary Regiments as brigades.

From these figures, the impression is naturally gained that NATO is immediately outnumbered by 60% on land and 40% in the air.

(3) These figures, however, fail to take account of some very significant differences in the size and structure of the NATO and Warsaw Pact divisions and aircraft, which I will now discuss in turn.

B. *Land forces:* The following table shows the manpower strength of the same forces displayed on the previous chart.

SLIDE 4.—LAND FORCES IN THE CENTER REGION (EXCLUDES AIR DEFENSE)

	NATO			Warsaw pact		
	France	NATO excluding France	Total NATO	Total pact	U.S.S.R.	East Europeans
Divisions	5	23⅔	28⅔	46	22	24
Manpower in divisions			389,000	386,000		
Manpower in division forces			677,000	619,000		

(1) The average NATO division has 70 percent more men than the average Pact division.

(2) Considering the whole "division force" (division plus combat and combat service support), the difference is nearly 80 percent.

(3) In manpower, thus, NATO M-Day Forces are about equal to the Pact's in the Center Region.

(a) This is very significant because a soldier, unlike a division, is a relatively equivalent unit on both sides, if he is similarly trained and equipped.

(b) Manpower is by far the largest cost in maintaining a Western army; so if we have an adequate number of men under arms we are already paying for most of the cost to have an adequate capability.

(4) We have gone further, however, to obtain a still more detailed idea of the structure and equipment of these two forces, as shown in the following slide. The figures shown pertain to the same forces shown previously.

The slide shows that Pact forces have about [deleted] percent more tanks, but that NATO has the same number or more of other key types of equipment, including more tactical transport vehicles. The key difference in structure is the greater emphasis on tanks by the Warsaw Pact. This of course is a matter of choice, since we could change the mix of weapons in our force if we thought it would be more effective.

SLIDE 5.—*Land forces equipment*

	NATO	Warsaw Pact
Total vehicles in divisions		
Tanks		
Antitank weapons		
Mortars and artillery pieces		
Armored personnel carriers		

Thus, while our force structure differs considerably from the Pact's, there is no indication that Pact soldiers, on the average, are better equipped than NATO's.

(5) Further measures of capability. To gain an indication of the actual capability of these forces, we have grouped them into five categories—infantry, artillery and mortars, tanks and anti-tank weapons, engineers, and logistics—and we have developed capability measures for each. I should make it clear that these figures will not predict the outcome of war, since this depends on many unpredictable factors such as intelligence, weather, tactics and the like. Furthermore, the grouping of forces into categories does not at all imply that they would not be used against other categories. The figures, therefore, are intended only as an indication of the relative capability of the forces available to both sides. The following slides will display each of these.

a. *Infantry.* To measure pure infantry capability we have estimated the actual number of men available to both sides in rifle and reconnaissance platoons.

SLIDE 6.—*Men in rifle reconnaissance platoons*

	NATO	Warsaw Pact
Number of men		

As there is little difference in the equipment or capability per man, this is a fairly good measure and indicates that the infantry capability is about equal. It of course ignores the advantage of the defense being in protected positions.

b. *Artillery and Mortars.* The capability of artillery and mortars is measured by the number of casualties each side can inflict per day, when shooting at typical targets. This is displayed on the following slide.

SLIDE 7.—*Mortar and artillery capability, number of casualties inflicted per day against typical targets*

	NATO	Warsaw Pact
Number of casualties		

NATO's capability is so much greater because of more effective ammunition (COFRAM for U.S. weapons), more accuracy of certain weapons, and greater ammunition expenditure rates. This measure ignores whatever additional advantage NATO gets from having mostly self-propelled, rather than towed artillery. I will come back to the supply rate when I discuss logistics.

c. *Tanks and Anti-Tank Weapons.* Obviously, the Pact's largest potential advantage is in tanks, since they have [deleted] percent more than NATO. On the other hand, NATO tanks, especially the M–60, Leopard and Chieftain ([deleted] percent of NATO's medium tanks) have considerably better accuracy at long range than the T–54 and T–55, the main Warsaw Pact tanks. Also, NATO would be on the defence on most parts of the front, permitting its large numbers of infantry anti-tank weapons to be relatively effective. The slide estimates the number of enemy tanks the NATO tanks and anti-tank weapons could kill before being killed themselves in typical tactical engagements.

This calculation does not show that we could necessarily defeat the enemy tank force. Other relevant factors must also be considered, of course. Most of our anti-tank weapons would be spread more or less evenly across the front, while the enemy can concentrate his armor in a few places. On the

other hand, our tactical air forces should be able to destroy many tanks, and the Soviets would lose some from mechanical breakdowns. But the point I want to make here is that the problem posed by the large number of Soviet tanks should be approached in these terms, and not by a simple comparison of the numbers of tanks on both sides.

SLIDE 8.—*NATO antitank capability*

Type weapon, number available, capability kill, enemy tanks
Tanks
Light antitank weapons
Medium antitank weapons
Mines

[Deleted.]

d. *Engineer Effort.* As shown in the following slide, NATO has a substantially greater engineer capability, as measured by the number of men in engineer units.

SLIDE 9.—*Number of engineers*

	NATO	Warsaw Pact
Number of engineers		

This capability should permit substantial delays to be imposed on the Pact through barriers, minefields and the like. NATO Central Region countries have [deleted] antitank mines stockpiled, which by World War II standards should inflict about [deleted] tank losses on the Pact, as shown on the previous slide.

e. *Logistics.* Since the NATO forces have considerably more men in and behind the division engaged in logistics tasks, as well as more transport vehicles per combat vehicle, the ability to supply ammunition and fuel, and to keep tanks operating should be greater.

The Soviets apparently have accepted this as indicated by their low artillery ammunition expenditure rates. The following slide shows two measures of logistics capability at the divisional level.

SLIDE 10.—*Divisional logistics capability*

	NATO	Warsaw Pact
Cargo life in divisional vehicles		
Days of supply carried in divisional vehicles		

The Soviets can maintain their basic load at an appropriate level of days only by planning on fairly low ammunition supply rates for artillery.

(6) *Summary of Comparisons of Land Forces:* (Slide 4 (Manpower) on again).

a. Because of great differences, in size and structure, the number of divisions is a poor measure of NATO and Warsaw Pact capability.

b. NATO has about slightly more M-Day manpower in combat available units as the Warsaw Pact in Central Europe, although the Pact has 60 percent more divisions. These figures do not describe the overall strength of NATO and the Pact, of course, since they do not consider reinforcements on both sides.

c. A detailed examination of equipment indicates no area where the Pact's different structure provides a major relative advantage, although NATO should improve its [deleted] capability.

(7) *Implications:* I would not want these figures to be taken to suggest that in any sense we have more land forces than we need. Before drawing conclusions on the adequacy of these forces, one must consider carefully a number of other important factors including the readiness and state of training, reinforcement capability of both sides, and the political circumstances in which these forces might be used. I believe that NATO should have some margin of superiority in its land forces on M-Day to offset Pact advantages in reinforcement capability and the fact that the Pact might begin to mobilise before we do.

Mobilisation and reinforcement capabilities are a very important matter, but they are not the subject of my presentation today. The whole question of Warsaw Pact reinforcement capability is under intensive study now.

However, I would like to say that I believe that when Warsaw Pact reinforcement capabilities are looked at realistically, we will find that they could be matched by NATO, approximately within current budget levels, if we organised ourselves efficiently to do it. For example, with short terms of active duty service, many NATO armies are paying very heavy training costs, but not getting full benefit because the trainees soon finish their terms of service. This spending could be converted into effective and relevant military power if these men were organised into fully equipped reserve units.

The point I want to make is this: When we do study these questions and make comparisons of the two sides to test the adequacy of our forces, we should look at specific indicators of capability like the ones I have presented, and not mislead ourselves by simply counting divisions. The large investment in NATO's existing forces can only be realised if NATO forces are adequately trained, and have adequate stocks of ammunition and other supplies.

C. *Tactical Air Forces:* The following slide shows the number of aircraft units in the Center Region and the percentage of the worldwide inventory.

SLIDE 11.—TACTICAL AIRCRAFT IN THE CENTER REGION

	France	NATO excluding France	Total NATO	Total pact	U.S.S.R.	East Europeans
Number of tactical aircraft unit equipment			2,100	2,900		
Percentage of worldwide inventory			20	40		

1. NATO's deployed forces are only 20 percent of its worldwide inventory (Center Region countries) while the Pact's deployed forces are 40 percent of theirs. However, the main problem in comparing the number of aircraft is that it fails to consider significant differences in characteristics.

The following slide indicates the high proportion of multi-purpose aircraft (with both a significant bombing and interceptor capability) in the NATO force deployed in the Center Region and the high percentage of interceptors at the Pact force. As a result, NATO aircraft have about 2.4 times the payload capability per aircraft.

SLIDE 12

	NATO	Warsaw Pac
Percentage of force by mission capability:		
Primarily interceptors	10	42
Multipurpose fighter-attack	48	15
Primarily attack	9	6
Reconnaissance	13	8
Low performance	20	29
Total	100	100
Payload index	100	3

2. Other significant differences in the air forces are the number of flying hours, the maintenance support and the ability to loiter near the front lines to engage enemy airplanes, as shown in the following slide.

SLIDE 13

	NATO	Warsaw Pact
Crew training: Number of flying hours per month		
Maintenance: Average number of hours out of commission per flying hours		
Frontline air defence: Loiter time of fighters at 100 miles (minutes)		

The average NATO pilot gets twice the flying hours per month of the average Pact pilot. The average Pact aircraft spends 80 percent more time out-of-commission per flying hour as the average NATO aircraft. And the loiter capability of NATO fighters is 3–4 times that of the Pact's.

3. Capability Indicators: As in the case of land forces, we have tried to combine some of these factors into illustrative calculations of capability.

SLIDE 14

	NATO	Warsaw Pact
Illustrative close air support target kill capability:		
Number of tanks damaged per day:		
With ordinary bombs or rockets		
With best available munitions		
Personnel in rifle platoons, casualties inflicted per day:		
With ordinary bombs or rockets		
With best available munitions		
Frontline air defense capability:		
Total loiter time of first line fighters available at 100 miles (hours per day)		

The first measure is simply the number of tanks or personnel the NATO and Pact forces could kill per day under varying tactical assumptions, if the whole force were applied to either purpose. This takes into account the sortie rate, pilot accuracy and payloads of each air force. It shows that the NATO force has 2.5 to five times the destructive potential of the Pact force, when both sides use ordinary bombs and rockets, and even more if the best available munitions were used.

The second measure is the number of hours of loiter time available per day from first-line fighters. It is a measure of the ability of each side to patrol its front lines to protect its bombers or to attack the other side's bombers.

4. I would like to emphasize that all these advantages of the NATO forces are *potential*, and are in danger of being wasted for two reasons:

a. Our aircraft are vulnerable to attack on their airbases. They must be protected by a vulnerability reduction programme that includes aircraft shelters, runway repair capability, and other measures. Otherwise, we are in danger of losing them in the first few days of the war, as the Arabs did last June.

[Deleted.]

Correction of these problems is one of the most important actions NATO could take to improve its capability; yet the cost is relatively small.

IV. SUMMARY

A. The number of divisions and aircraft is a poor measure of relative NATO/Warsaw Pact capability, because of large differences in the size and capability of these units.

B. Although it is difficult or even impossible to predict the outcome of future wars,

it is possible to develop useful indicators of relative capability.

C. If these indicators are used to compare the forces, it becomes apparent that certain weaknesses in the strucure and support of the forces are very important, and can be corrected at relatively small cost. These include:

1. Shelters for aircraft.
2. [Deleted.]
3. [Deleted.]

D. I hope that all the national and international staffs studying NATO military problems will find this approach a useful adjunct to their other analyses.

ANNEX IV

LETTER FROM ALAIN ENTHOVEN, ASSISTANT SECRETARY OF DEFENSE, TO SENATOR JOHN SHERMAN COOPER

OCTOBER 22, 1968.

DEAR SENATOR COOPER: Enclosed is a copy of our analysis of the NATO and Warsaw Pact convention forces in Central Europe. I hope this report will prove helpful in your upcoming discussions with European parliamentarians and statesmen.

An appreciation of the state of conventional forces in Europe is essential to show the need for improvements in NATO conventional forces. I thank you for helping make known our view on this vital subject.

My staff and I would, of course, be pleased to provide you with any further information or assistance you require.

Sincerely,

ALAIN ENTHOVEN.

[ADDENDUM]

EVALUATION OF NATO AND PACT CONVENTIONAL FORCES IN CENTRAL EUROPE

I. Introduction

The importance of a significant conventional capability in Europe has been generally accepted by the NATO nations. The NATO Ministers made it official in 1967 by adopting the flexible response strategy. The Ministers' motivation was simple. Without effective nonnuclear forces NATO is politically weak in a crisis. Nuclear weapons, when both sides have them, are too dangerous and destructive to be a credible response except in the most extreme circumstances.

This report reviews the current military balance in Europe and presents our reason for believing that a satisfactory conventional capability is feasible, at planned or moderately increased budget levels, provided NATO supplies protects and uses its existing forces effectively. We think it critically important for the leaders of NATO governments to review the military balance themselves. Otherwise, they could yield to widespread pressures to cut the size of forces to a token level and not undertake the small but vital improvements in quality necessary to make NATO forces realize their full potential.

A. HISTORICAL PERSPECTIVE

In Europe and America a popular image formed shortly after World War II about the enormous size of the Soviet military forces, especially land forces. At that time Soviet armies were very large compared with the Western Allies' recently dismantled forces. This image has proven resistant to changing facts.

Since World War II it has been generally thought that NATO would be hopelessly outnumbered almost immediately in any sizable conventional war. There was quite understandable hopelessness about standing off the 150–300 or more Soviet divisions. We believed that the necessary NATO land forces would have been prohibitively expensive and thus politically unacceptable. Instead of providing fully adequate forces, many governments increasingly conclude that NATO's conventional military forces were so hopelessly inadequate as to be nearly irrelevant except for symbolic/political uses. The futility of having conventional NATO capability in Europe in the face of massive conventional Soviet power was a widespread idea among leaders of western governments as well as the public. NATO relied on nuclear weapons as the sole means to defend against supposed numerically superior Soviet forces by trying to substitute nuclear weapons for conventional forces on the NATO side.

NATO governments often expressed the intention to increase greatly the size of their conventional forces in Europe, such as the 1952 Lisbon force goal of 96 NATO divisions to meet Soviet capability. These intentions were never fulfilled because of the political climate of the times.

Instead, the pessimistic picture of the conventional imbalance between NATO and the Pact made it difficult to get the NATO governments to make even small but vital qualitative improvements in their existing forces, much less increase the size of their forces. Attempts to obtain force increases by scaring people with the enormity of the threat usually produced the opposite effect and a feeling of defeatism.

B. NEW U.S. ANALYSIS OF NATO AND PACT FORCES

In the early 1960's the U.S. began reexamining the conventional capability of NATO and the Warsaw Pact. Our analysis shows that the Warsaw Pact does not have much larger forces than does NATO. To reach this simple and limited conclusion, our new analysis considers several kinds of gross comparisons, including numbers of men and equipment, numbers and quality of aircraft. Formerly we looked mostly at number of divisions. While the new analysis can be improved and refined, we can be confident that our general conclusion remains valid. In items of gross size, the forces of the Pact and those of NATO are roughly balanced.

The numerical balance of forces leads to three conclusions. First, as Section IV discusses, a conventional capability is worth while. Second, simple and relatively cheap improvements in the quality of existing NATO forces could yield valuable military returns. Third, since the forces of all the NATO nations contribute to the rough numerical balance between the Pact and NATO conventional capabilities, none of the nations should reduce its forces to a token level. Doing so would destroy the balance.

C. OBJECTIVE OF U.S. ANALYSIS

Our purpose in doing the new analysis was simply realism. Our purpose in making it known is to show that the problems in the Alliance do not arise from numerical inferiority. The money available for military budgets and the military manpower available to NATO are in fact greater than those available to the Warsaw Pact. We should not be complacent, however. The real problems are those of equipment, training, supplies and related aspects of military forces. We should solve these problems precisely because we already are spending the money and have the manpower. Doing so will improve further our confidence in balancing any possible Warsaw Pact advantages. *We do not believe, however, that we need far more money or manpower than at present.* Our purpose in making gross comparisons between the two alliances is to shift attention away from a myth about numerical inferiority and toward the necessary and feasible improvements.

Our purpose often has been misunderstood. Hence, we should clarify several misconceptions. First, we are not arguing that NATO should aim for equality with the Warsaw Pact forces instead of superiority. If reasonable force contributions from the NATO nations would result in superiority, we certainly ought to consider superiority's benefits and costs. We believe, however, that obtaining much more force is completely unrealistic, barring some extraordinary and unforeseen change in NATO's political climate. Thus, however, desirable superiority might be, it is far from being a practical possibility that debate and analysis should focus instead of feasible defence postures and force improvements.

Second, no one should conclude that a NATO nation could decrease its military forces because NATO has more forces than it needs. Obviously if rough numerical balance exists between opposing forces, unilateral force reductions of any consequence would destroy the balance.

Third, we are also arguing that present NATO forces are satisfactory. During our analyses we have uncovered significant areas where NATO forces definitely need improvement. Until these improvements are made the NATO forces cannot fulfill their full potential and cannot be considered adequate. Examples of this are discussed below.

Fourth, let us emphasise that we are not trying to predict the outcome of a conventional war in Europe. War is one of the most uncertain of all human endeavors. Intangibles such as morale, training, and leadership, while crucial, cannot be measured and predicted. The best that can be done is to seek to compare as many factors on both sides as are relevant to the possible conflict one wants to consider. We can then define the feasible measures which are likely to best improve our chances for wartime success.

Now let us turn to the analysis itself.

II. Indicators of Capability

A. WORLDWIDE FORCES

Table I compares worldwide Warsaw Pact and NATO forces. Soviet forces in the Far East are included. Increases in U.S. forces for Vietnam are excluded. We present this comparison not to imply anything directly about the balance in Europe, but simply to lead perspective, to give some rough idea of forces available for reinforcement, and to indicate the general magnitude of resources each side is putting into its forces.

TABLE I.—WORLDWIDE NATO AND WARSAW PACT FORCES, MID-1968

[Including U.S. increases for Vietnam]

	NATO	Warsaw Pact
Manpower:		
Army and marines	3,000,000	2,850,000
Navy	1,070,000	470,000
Air Force	1,400,000	880,000
Total men	[1] 5,470,000	4,200,000
Tactical aircraft:		
Total inventory	11,500	9,000
Nominal inventory value	$27,000,000,000	[2] $16,000,000,000
Total defense budget	[3] $75,000,000,000	[4] $50,000,000,000

[1] This total includes the forces of France.
[2] Approximate.
[3] Does not include U.S. costs for Vietnam.
[4] At U.S. prices; that is, the United States could "buy" the Warsaw Pack forces—pay the men at our pay scales and build the equipment in our own factories—for about $50,000,000,000 per year.

TABLE II.—CENTER REGION NATO AND WARSAW PACT FORCES,[1] MID-1968 DATA

	NATO	Warsaw Pact
Land forces, M-day:		
Divisions	[2] 28⅓	[3] 46
Manpower in Divisions	386,000	368,000
Manpower in Division Forces	677,000	619,000
Riflemen (NATO as percent of pact)	100	
Equipment (NATO as percent of pact):		
Tanks	60	
Antitank weapons	150	
Armored personnel carriers	130	
Artillery and mortars (number of tubes)	100	
Divisional logistic lift	150	
Total vehicles	135	
Engineers	137	

Footnotes at end of article.

	NATO	Warsaw Pact
Tactical air forces:		
Number of deployed aircraft	2,100	2,900
Percentage of worldwide inventory deployed in Europe	20	40
Percentage of force by mission capability (center region):		
Primarily interceptors	10	42
Multipurpose fighter/attack	48	15
Primarily attack	9	6
Reconnaissance	13	8
Low performance	20	29
Total	100	100
Effectiveness indicators (NATO as percent of pact):		
Payload	280	
Typical loiter time	[4] 250,500	
Crew training	180	

[1] These data relate to the situation prior to the Czechoslovak crisis. Revised figures have not yet been established but they are unlikely to make a significant difference in the rough balance portrayed in this table. Center region includes West Germany, Belgium, Netherlands, and France for NATO; East Germany, Poland, and Czechoslovakia for the pact.

[2] Includes 5 French divisions.

[3] 22 of which are Soviet, and 24 of which are East European, including 8 Czech.

[4] Range depends on tactical mission profile assumed.

B. CENTRAL EUROPEAN FORCES

The date in the following analysis relate to the situation prior to the invasion of Czechoslovakia. Detailed revised data are not yet available for force comparisons of the current situation. Gross estimates, however, indicate that neither the short nor long-term threat to NATO's Center Region has undergone a major change. Soviet forces are more ready now than before, and they have deployed some additional divisions to Eastern Europe from the Soviet Union. On the other hand, the decreased dependability of the Czech forces and the need for Pact forces to neutralise them and the Czech population reduce the net threat.

Whether the long term threat to NATO is increased depends on whether the Soviets maintain the same level of readiness and on the dependability of the East European forces in general and the Czech forces in particular. In addition, the sudden aggressiveness displayed by the Soviets in invading Czechoslovakia has introduced the dangerous element of increased unpredictability.

At the present time, then, we will give the data relating to the situation prior to the Czech crisis. Table II compares the land and tactical air forces in Central Europe last spring. Each of the capability indicators which we compare is discussed below.

1. LAND FORCES

If one counts divisions, NATO is outnumbered in immediately available forces. However, if one counts the number of men in divisions or in division forces, NATO has about ten percent more manpower. If one counts the number of men in rifle platoons, the manpower is about equal. The reason for this disparity in divisions and men is that a NATO and a Pact division are very different. The average NATO division has 70 percent more men than a Pact division. Considering the whole division force, the difference is nearly 80 percent.

That manpower on both sides is roughly equal is very significant. A soldier, unlike a division, is a relatively equivalent unit on either side, if he is similarly trained and equipped. Also, manpower is by far the largest cost—something over 80 percent—in maintaining a Western Army. If we have an adequate number of men under arms, we are already paying for most of the cost to have an adequate capability.

We have gone further, however, to obtain a still more detailed idea of structure and equipment of these two forces. Table II shows ratios of available equipment.

a. *Tanks and Anti-Tank Weapons.* The Pact's largest potential advantage is in tanks, since NATO has only 60 percent as many as the Pact. NATO armies have deliberately chosen to place less emphasis on tanks than do the Soviets. We could increase the emphasis if we thought effectiveness would be increased. In any case, NATO tanks have a qualitative advantage, especially the M–60, the Leopard and the Chieftain. They are considerably more accurate at long range than the T–54 and T–55, the main Warsaw Pact tanks. Also, since NATO would be on the defense along most of the front, its 50 percent advantage in infantry anti-tank weapons would be important. Studies show that NATO tanks and anti-tank weapons have a very significant kill potential against the Pact tank force. Although these relative capabilities do not show that we would necessarily defeat the enemy tank force, we clearly are not in a hopeless situation, especially when one adds the tank kill potential of our tactical aircraft.

b. *Armored Personnel Carriers.* NATO has 30 percent more APCs than the Pact. This should give NATO a mobility advantage.

c. *Artillery and Mortars.* The number of artillery and mortar tubes is about equal on both sides. However, because of more effective ammunition, more accuracy of certain weapons, and greater ammunition expenditure rates because of greater logistical capability, NATO's capability to inflict casualties is greater than that of the Pact.

d. *Logistics.* Since NATO forces have considerably more men engaged in logistics tasks behind the division, and more transport vehicles per combat vehicle, NATO's ability to supply ammunition and fuel and to keep tanks operating should be greater. As one would expect the Soviets plan on lower artillery ammunition expenditure than NATO does.

We conclude from this analysis of NATO and Pact forces that the forces facing each other on M-Day are roughly equal in many measures of size. The Pact forces are structured differently, e.g., they place greater emphasis on tanks, but this is more a question of force mix rather than of inadequate force size. We could change our mix of weapons if we thought it would be more effective.

Rough equality in force size does not mean that we have more land forces than we need. Before drawing conclusions on the adequacy of our forces, one must consider carefully a number of other important factors including readiness, state of training, reinforcement capability of both sides, and the political circumstances in which these forces might be used. NATO should ideally have some margin of superiority capability in its land forces on M-Day to offset Pact advantages in reinforcement capability and to allow for the Pact's possibly beginning to mobilize before we do.

Mobilization and reinforcement capabilities are a very important matter, but they are not the subject of this report. The whole question of Warsaw Pact reinforcement capability is under intensive study now.

When this review is complete, we will probably find that while the Pact's capabilities are greater than NATO's today, they could be matched by NATO, if we organise ourselves efficiently. For example, with short terms of active duty service, many NATO armies are paying heavy training costs but not getting full benefit because the trainees soon finish their term of service. This spending could be converted into effective and relevant military power if these men were organised after discharge into fully equipped ready reserve units.

The important aspects of our new analyses are: (1) When we compare forces, we should look at specific indicators of capability like the ones presented here. We should not simply count divisions. (2) When NATO forces are adequately trained and have adequate stocks of ammunition and other supplies, NATO can derive the full benefit from its large expenditures on manpower in existing forces.

2. *Tactical air forces*

Table II shows the aircraft deployed to the Center Region of NATO by both sides and certain other indicators of effectiveness. At first glance the Pact appears to have a significant advantage. It has almost 40 percent more aircraft in the Center Region. However, NATO's deployed aircraft are only 20 percent of its worldwide inventory while the Pact's deployed forces are 40 percent of theirs. Particularly since aircraft are easily moved, NATO has a greater reinforcement capability.

The main problem in comparing air forces is that aircraft quantities alone fail to take account of significant differences in characteristics. NATO forces have a much higher proportion of multi-purpose aircraft while the Pact has a much larger proportion of interceptors. This difference in structure contributes to the fact that the NATO aircraft have about 2.4 times the payload capability per aircraft.

The number of tanks or personnel the NATO and Pact air forces could kill per day under varying tactical assumptions have been analysed. The estimate takes into account the sortie rate, pilot accuracy, and payloads of each air force. The result of these analyses is that NATO forces appear to have two and one-half to five times the destructive potential of the Pact force, when both sides use ordinary bombs and rockets, and even a greater advantage if the best available munitions are used.

NATO airforces also have two and one-half to five times the loiter time capability of Pact first-line fighters. Loiter time is a measure of the ability of each side to patrol its front lines, to protect its bombers, or to attack the other side's bombers. A frequent observation about the tactical air situation is that, although NATO has a greater offensive capability, the Pact has more interceptors. This is certainly true, and a key question therefore is how effective these interceptors would be in stopping our fighter bombers. We do not know precisely, but one thing is clear. With its high percentage of multi-purpose aircraft, NATO has more flexibility than the Pact. NATO can use its aircraft partly for offensive attacks and partly for protection against Pact interceptors, as the situation requires. Combined with the limitations on the Pact's ability to patrol the front lines, many NATO aircraft should be able to penetrate Pact defences and attack Pact troops.

Finally, the average NATO pilot gets twice the flying hours per month than the average Pact pilot. The average Pact aircraft spends 80 percent more time out of commission per flying hours than NATO aircraft. This pilot training and maintenance is expensive, but we believe gives us a more effective air force.

All these factors change the conclusions derived from simple counting of aircraft. NATO air forces have significantly greater tactical air capability than the Pact. However, as with land forces, many of NATO's air advantages are potential. They are in danger of being wasted because relatively inexpensive measures are neglected. For example, the present vulnerability of our aircraft on air bases is a problem which could be rectified inexpensively. We could build aircraft shelters costing only about five percent of the aircraft's cost, establish runway repair capabilities, and other simple measures. Otherwise we are in danger of losing many aircraft in the first few days of the war, as the Arabs did in 1967.

C. CONCLUSIONS

We hope that this analysis will help to counteract the frequent tendency toward gross exaggeration about Warsaw Pact forces. Counting divisions on both sides is mislead-

ing. They are not comparable units. Rather, we must count real factors such as soldiers, guns, tanks, vehicles, infantrymen, and engineers, rather than nominal formations. When comparing equipment such as aircraft, we must take into account their different characteristics.

When we analyse capability in this manner we find a rough equality of numbers in Central Europe and in the Alliance as a whole. If NATO's military posture is inadequate—and we think it is—it is not because we are grossly outnumbered. Rather, it is because of readiness deficiencies that NATO has not thought worth fixing.

The balance of forces, however, does not lead to the conclusion that NATO can now match the maximum mobilized strength of the Warsaw Pact armies or that NATO can relax its efforts. Rather, we can have a major conventional option in Europe without substantially greater costs—a very good conventional option is within NATO's reach.

We are not deriving the benefits we could from present forces, although we already have the manpower we need and are incurring most of the necessary costs. To obtain all benefits we must correct certain weaknesses discussed below.

III. Improvements to NATO forces

A. VULNERABILITY OF AIRCRAFT

Our tactical aircraft are parked on open ramps and are vulnerable to destruction, much as the Arab air forces were in 1967. The importance of shelters in solving this problem has been demonstrated. Shelters should be included in the joint NATO infrastructure programme. A good shelter costs around $100,000; the aircraft it protects costs one to six million dollars.

B. INADEQUATE AMMUNITION

Some non-U.S. forces have small stocks of ordnance, which would prevent their forces from realising their full combat potential. We shall continue to stress the need for building balanced ammunition stocks. Ironically, some of our NATO Allies have justified their very small ammunition stocks on the grounds that NATO is sure to be defeated early in a war—a good example of the harmful consequences of exaggeration of Pact forces.

C. MALDEVELOPMENT

Allied forces in the Center Region tend to be poorly deployed; their peacetime military bases are generally located too far south.

D. MOBILISATION

The Central Region allies have a large manpower mobilization base (as a by-product of short terms of service), but in the past have not taken its training or equipping very seriously. The Belgians, Dutch and British should be continually urged to keep their reserve units fully equipped. The Germans now have no major reserve combat units, and should create more reserve battalions to fill out their 12 active divisions to full strength.

IV. Implications for strategy

The foregoing analysis has some important implications for NATO strategy. A strategy cannot be decided in the abstract; it must relate to the basic facts of the situation.

The new NATO strategy officially recognizes the need for a range of military capabilities, from conventional to strategic nuclear. In this strategy strategic nuclear forces are a major deterrent to Soviet aggression. Theater nuclear capabilities add to deterrence in Europe, mostly to deter tactical use of nuclear weapons, but also to help deter massive conventional attack.

Our strong conventional forces help deter a deliberate conventional attack by denying the Soviets confidence of success. To obtain any such confidence, they must resort to extremely large-scale mobilization and fighting in which the risk of nuclear war becomes more credible. Having about the same amount of force as the Pact in various stages of build-up would, we believe, deter a Pact invasion. With such a ratio, the Soviets could have little confidence of success.

The main reason for adopting a revised strategy—away from massive nuclear retaliation to any aggression—is that threatening strategic-nuclear attack on Soviet cities is no longer a credible deterrent to political pressure or limited military aggression in Europe.

A second reason behind the new strategy is that nuclear weapons for tactical use, when both sides have them, are not an adequate substitute for conventional forces. Nuclear weapons would have to be used in large numbers or high yields to destroy a major Pact invasion force. The Soviets in turn respond in kind and destroy major forces on our side. Such a war would incidentally also kill millions of civilians and destroy cities. Defence by suicide is not a credible threat. Moreover, such a theater nuclear war would create enormous pressure for even more escalation to destroy the remaining nuclear delivery systems on both sides which could lead to more attacks on cities.

The importance of keeping such a conventional capability for NATO has been emphasized by the recent invasion of Czechoslovakia. The Soviets have demonstrated that they are ready to use military force in Europe if political means fail, and if they consider their vital interests to be at stake. Over a period of several months, the Soviets made demands on the Czech government, backed up by military mobilization, exercises and the like. Should the Soviets act in this way toward any NATO Ally, NATO should have the ability to respond by building up its own forces as the Soviets build up theirs.

Furthermore, events in Czechoslovakia underscore both the growing pressures within Eastern Europe for liberalisation and Soviet determination to oppose such pressures as forcefully as necessary, even in the face of propaganda costs and the risk of war. The situation in Eastern Europe may therefore become increasingly explosive—this is no time for NATO to cut its forces or ignore ways to make them more effective.

Hon. JOHN SHERMAN COOPER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR COOPER: A news story has just brought to my attention an unfortunate error in the memorandum I provided you recently on NATO and Pact conventional forces in Central Europe.

The material concerned is in Section II, Part B, so that the error will not be perpetuated, I would deeply appreciate it if you would simply delete the first and second paragraphs of Section II, Part B. Would you also call this deletion to the attention of those to whom you have given the paper?

Actually, that part is not germane to the purpose of the memorandum which was to give a rough comparison of forces prior to Czechoslovakia. But to my personal distress I find that the wording creates an impression which is opposite to the views which I hold and which careful government-wide assessments of the Czech situation confirm.

In short, the net threat—including the availability of forces and the possible Pact willingness to risk their use against NATO territory—has significantly increased, not reduced. It is clear that the Soviet forces in Central Europe, the principal threat, are greater in military strength now than before the occupation of Czechoslovakia. While some of those forces would be needed to watch the Czech population, it is my conclusion, and of course the position of the United States Government, that the Soviet Union has now demonstrated a willingness to use force to interfere in the internal affairs of another state that many persons had hoped was a relic of the past. Therefore, the combination of increased military and political threat is one of real concern to me, and the necessity for improvements in NATO's forces takes on new urgency. I regret any inconvenience caused by the necessity for correcting my memorandum, but it is important that persons using it understand my views.

Sincerely yours,

ALAIN ENTHOVEN.

ANNEX V

UNITED STATES TROOPS IN EUROPE

Report of the Combined Subcommittee of the Foreign Relations and Armed Services Committee of the U.S. Senate, October 15, 1968

A. SUBCOMMITTEE ACTION

The Combined Subcommittee of the Foreign Relations and Armed Services Committees on the Subject of U.S. Troops in Europe was appointed on March 1, 1967, to consider two resolutions, and a number of amendments thereto, relating to the subject of the level of U.S. forces stationed in Europe. These resolutions and amendments had been referred to both the Committee on Armed Services and the Committee on Foreign Relations.

The two resolutions were Senate Resolution 49, introduced by Senator Mansfield and 43 cosponsors on January 19, 1967, to which amendments were subsequently proposed by Senator Clark and Senator Dodd, and Senate Resolution 83 introduced on February 16, 1967, by Senator Javits and 11 cosponsors, Senate Resolution 49 declared it the sense of the Senate that "a substantial reduction of U.S. forces permanently stationed in Europe can be made without adversely affecting either our resolve or ability to meet our commitment under the North Atlantic Treaty." Senate Resolution 83 declared it the sense of the Senate that the European members of NATO "be urged to make a greater contribution" and that the redeployment of some U.S. forces was "properly an item for determination in consultation with our NATO allies." The texts of these resolutions and amendments are contained in appendix A to this report.

The subcommittee held its first meeting on April 13, 1967, in executive session. Senator Mansfield was elected chairman, and Senator Stennis, vice chairman, of the subcommittee. The subcommittee decided to invite Secretary of State Rusk and Secretary of Defense McNamara to testify on April 26, 1967.

The subcommittee met in executive session on April 19, 1967 to discuss the rescheduling of witnesses and decided to invite Secretary of Defense McNamara and Under Secretary of State Katzenbach—who would be Acting Secretary in the absence of Secretary Rusk—to testify on April 26 and to invite Secretary Rusk to testify alone on May 3.

The combined subcommittee met on April 26 in executive session at which time Secretary of Defense McNamara, Acting Secretary of State Katzenbach, and Under Secretary of State for Political Affairs Eugene Rostow testified. Although both hearings were in executive session a record of the hearings was published on July 31, after some material had been deleted for national security reasons.[1]

The subcommittee has not met since May 3 of last year. However, individual members of the subcommittee have continued to pursue the questions raised in the subcommittee's hearings in meetings of various Senate committees and on the Senate floor. The

[1] U.S. Troops in Europe, hearings before the Combined Subcommittee of Foreign Relations and Armed Services on the subject of U.S. Troops in Europe, U.S. Senate, 90th Cong., first sess. (Washington: U.S. Government Printing Office, 1967.)

speeches on this subject made in the Senate in 1967 and 1968 by members of the subcommittee are contained in appendix B. to this report.

B. INTRODUCTION

There is a division of opinion within the subcommittee on the question of the level of U.S. forces in Europe that should be maintained. Before the invasion of Czechoslovakia, some members of the subcommittee believed that there should be a substantial reduction in these forces phased over a number of years; other members of the subcommittee were opposed to a substantial reduction in these forces under the prevailing conditions in Europe and the Soviet Union. All of the members of the subcommittee are agreed, however, on certain basic propositions:

1. The level and composition of U.S. forces in Europe should be studied on a continuous basis and should be reassessed periodically, taking into account such factors as advances in the techniques of modern warfare, the risks and advantages of dual-basing, and political and military developments in Europe. The invasion and occupation of Czechoslovakia make such study and reassessment all the more important.

2. While there is no question of the essential importance to the United States of its NATO commitment, account must obviously be taken of the fact that our other obligations abroad and our responsibilities at home are placing an increasing strain on the resources available to meet this commitment.

3. The responsibility of defending the area covered by the North Atlantic Treaty is a joint responsibility to be shared by the United States and the other NATO countries. It is a responsibility which our NATO allies should take—but often do not seem to have taken—at least as seriously as do we.

4. The foreign exchange costs incurred by the United States through the stationing of its forces in Europe place an unacceptable strain on the U.S. balance of payments. The effective cooperation of our NATO allies is urgently required in seeking a long-term solution to this problem.

5. Changes in any NATO assigned forces are properly matters for consultation among NATO allies.

C. DEFENCE EFFORTS OF THE UNITED STATES AND ITS NATO ALLIES

U.S. Forces have been stationed in Western Europe in large numbers since 1951–52, when the United States bolstered its ground forces there by four divisions in the belief that hostilities in Korea augured a sharply increased Soviet threat to the countries of Western Europe.

By the middle of 1952, the buildup of U.S. forces had reached some 350,000. In subsequent years, U.S. Army, Air Force, and naval personnel stationed on or near the European Continent in support of NATO have numbered above 400,000, rising to more than 450,000 during the 1961–62 Berlin crisis, falling below 350,000 beginning in 1967. Dependents and U.S. civilian employees accompanying these forces have numbered at times in the several hundreds of thousands; foreign nationals employed by these forces have averaged, over the years, close to 100,000.

The bulk of U.S. forces in Europe have been stationed in West Germany where, for 16 years, the equivalent of some six U.S. divisions and a large Air Force contingent have shouldered a major portion of the defence burden in NATO's crucial central region. Despite a preoccupying balance-of-payments deficit, which began to assume ominous proportions in 1958; despite the ever more pressing demands of the Vietnam War; despite heavy commitments elsewhere in the world and the rising cost of urgent domestic programmes; the quantity and quality of U.S. forces in Germany and Europe have remained remarkably stable.

Over the years, some necessary and probably overdue trimming of personnel has been accomplished as a result of the phasing out of obsolescent bases and weapon systems and the cost-reduction programme of the Department of Defense. The relocation of U.S. and NATO installations from France in 1966–67 permitted the return to the United States of some 18,000 U.S. military and civilian personnel accompanied by about 21,000 dependents. In recent years, Vietnam has begun to take a toll in shortages of equipment and of trained officers and enlisted men, and in drawdowns in strength. But only this year has the United States finally carried out a limited redeployment of units from Germany—two infantry brigades, one armored cavalry regiment, and four air force squadrons, or about 33,000 military personnel and 15,000 dependents. While stationed in the United States, these units will remain fully committed to NATO and are scheduled to return once a year for exercises in Germany. This redeployment took place following lengthy consultation with West Germany and the United Kingdom during the 1966–67 trilateral talks and subsequent consultation with our other NATO allies.

Today, 18 years after President Truman first announced that he had approved substantial increases in U.S. forces in Europe, the United States still has some 304,000 military personnel in Europe (including Spain, the Sixth Fleet, and Turkey). In West Germany alone there are about 215,000 men organised in approximately five divisions plus various support groups and air units. Some 7,000 U.S. nuclear warheads are stored in Europe for use by U.S. and other NATO forces in case of need. Accompanying U.S. forces in Europe are about 260,000 dependents, of whom an estimated 165,000 are in Germany, and over 10,000 civilian employees of the Department of Defense. Foreign nationals employed directly or indirectly by U.S. forces in Europe now number over 75,000. Quite apart from the Atlantic Fleet, from U.S. strategic nuclear forces, and from NATO oriented elements of the strategic reserve, the U.S. contribution to NATO—in terms of the U.S. military presence in Europe alone—remains impressive. The U.S. Seventh Army continues to set standards unmet by the forces contributed by other NATO members.

By any reasonable measure, the United States has met its NATO commitments in the past and is meeting them today. By comparison the efforts of many of our NATO allies have been, and remain, in many respects disappointing.

In April 1951, the U.S. Senate passed Senate Resolution 99 expressing "the belief of the Senate that the threat to the security of the United States and our North Atlantic Treaty partners makes it necessary for the United States to station abroad such units of our Armed Forces as may be necessary and appropriate to contribute our fair share of the forces needed for the joint defence of the North Atlantic area" (the resolution is contained in appendix C to this report). In paragraphs 4 and 5 of that resolution, the Senate expressed its concern that the other members of NATO maintain and improve their defence efforts, and its "understanding" that the major contribution to NATO's ground forces in Europe should be made by the European members of NATO.

In subsequent years, three Presidents of the United States formally pledged that the United States would keep forces in Europe as long as they were necessary and desired. At the same time, they expressed their expectations that our allies would also make their full contributions to NATO defence, so that the burdens and responsibilities of the NATO's partnership should be shared equitably.

Fair shares of mutual defence burden cannot be quantified exactly, either for 1951 or for 1968. Moreover, it is probably impossible as well as undesirable to set standards for force contributions to the NATO defence effort on the basis of strict rations. Nevertheless, it is worth pointing out that U.S. forces were first sent to Europe in substantial numbers when the countries of Western Europe had not yet recovered from World War II, when the ability of these countries to earn foreign exchange was low and the so-called dollar gap was a serious preoccupation, and when their prospects for political and economic stability appeared uncertain. Yet substantial U.S. forces have remained in Europe while most of the countries of Western Europe have not only recovered from World War II but have reached new heights of prosperity, while some of them have accumulated impressive reserves of gold and foreign exchange, while Great Britain and France have steadily reduced their commitments in other areas of the world, and while a general mood of confidence has taken hold. But despite the pleas of U.S. and NATO political and military authorities, the defence efforts of our NATO allies have not kept pace with their capacity to contribute.

For example:

1. For years, NATO force goals for the central region in West Germany were 28½ to 30 assigned combat-ready divisions. These goals were never met, either in terms of the number of divisions or in terms of combat readiness. In the late 1950's, Great Britain withdrew almost two of the four divisions it had promised in 1954 to keep on the Continent. France steadily withdrew forces from Germany during the Algerian War, and at the conclusion of that war rebuilt her forces in Germany to only about one-half their previous level and refused to assign forces stationed in France to NATO command.

In April 1965, well behind schedule, West Germany committed the last of its promised 12 divisions to NATO. But several of these divisions were, and remain, undermanned and understaffed. The force contributions of other NATO members, in the central region and elsewhere, have shown similar deficiencies.

In December 1966, NATO adopted new force planning procedures which amounted to an acknowledgement that previous force goals had not been and were not about to be, met. A 1967 Department of Defence memorandum to the Combined Subcommittee stated the problem thus:

* * * there was a chronic disparity between the force goals proposed by the major NATO commanders and the lesser force levels that most member countries were prepared to provide (that is, commit) to NATO. The goals, in short, tended to be based on purely military considerations which did not reflect the political and economic factors affecting governmental decisions. The result was a shortfall in forces, especially in quality. This, in turn, made it difficult to carry out the strategy on which the goals had been based.[2]

Under the new force planning procedures, members develop and refine force proposals on a rolling 5-year basis and undertake firm commitments for 1 year. This process may indeed result in "realistic" and "attainable" goals, in the words of the Defence Department memorandum cited above. But there is no denying the fact that these goals will not necessarily reflect what NATO military commanders have always thought necessary and what NATO nations should provide and could provide if the political will existed to undertake their full share of NATO's defence burdens.

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[2] U.S. Troops in Europe. Hearings before the Combined Subcommittee of Foreign Relations and Armed Services Committees on the subject of U.S. Troops in Europe, U.S. Senate, 90th Congress, first sess. (Washington: U.S. Government Printing Office, 1967), p. 20.

At present, NATO has on paper some 22 to 23⅓ assigned divisions of uneven quality in the central region. France continues to station some two divisions in West Germany (5000 men were withdrawn in 1968), but they are no longer assigned to NATO. Like all other French forces, and French territory and airspace, NATO commanders cannot count on their availability in times of crisis as a result of French withdrawal from the military structure of NATO in 1966. Early in 1968, Great Britain withdrew one brigade and an air squadron from West Germany, as agreed in the 1966–67 trilateral talks. In May 1968, British Defense Minister Healey announced that Great Britain would increase forces earmarked to NATO by some 40 percent. Most of these forces, which are among those being withdrawn from "East of Suez" will remain stationed in Britain, however; and the future of the remaining British contingent on the Continent appears to depend on the outcome of the annual round of negotiations with West Germany to offset the balance-of-payments costs of maintaining this contingent. In the summer of 1967, the West German Government decided to cut previously planned defence expenditures by about 10 percent and not to increase its armed forces beyond the present level of about 460,000. These decisions meant that West Germany would not meet its commitment to raise armed forces of 508,000, that its 12 divisions would remain at less than full strength, and that necessary purchases of equipment would be deferred.

Prior to the Czech crisis it also seemed likely that West Germany would reorganise its armed forces to achieve some reductions in active-duty personnel. Also prior to the Czech crisis, Canada was reportedly "re-examining" its commitment of one brigade and six air squadrons to NATO forces in Germany, and the Belgian Government had adopted a reorganisation plan for its armed forces that would have meant a reduction in its NATO-committed brigades from six to four and a probable reduction in its forces in Germany. The status of this Belgian reorganisation plan is at present uncertain. But it is to be noted, in particular, that Belgium's six brigades are understrength and, in general, that reorganisations amounting to revisions downward of commitments to NATO are to be regretted.

The purpose of this report is not to point an accusing finger at some NATO countries and to exclude others. Deficiencies similar to those in NATO forces in the central region are almost certainly also to be found on the northern and southern flanks. Speaking of all of NATO's conventional forces, former Secretary of Defense McNamara said in his January 1968 "posture statement":

"Although there have been great improvements during the last 7 years, NATO, on the whole, does not have well-balanced conventional forces. And, there are still some qualitative deficiencies in the European NATO forces with regard to training, equipment, and supplies." [3]

2. NATO military commanders have long expressed concern about weaknesses in NATO's reserve forces. In case of hostilities, NATO's forces in being would require rapid and massive reinforcement. Most NATO nations stock supplies to sustain these forces in conventional combat in quantities that vary widely and that are reportedly regarded as insufficient by U.S. and NATO authorities. Reserve forces suffer from lack of training, shortages of modern equipment, and insufficient means of rapid transport. "The greatest deficiency in the European NATO forces," said former Secretary of Defense McNamara in his January 1968 posture statement cited above, "is the lack of an adequate mobilization base."

3. Ever since 1951, the United States has required that its army draftees serve 24 months. Numerous efforts have been made to persuade other NATO members to adopt 18 months as the standard term of service for men drafted into their armies. These efforts have met with only partial and short-term success. NATO military authorities continue to believe that to train troops for modern warfare "18 months service is the minimum useful service requirement," to quote the remarks of General Lemnitzer, the Supreme Allied Commander, to the North Atlantic Assembly in Brussels last year.[4]

Today, the only NATO nations other than the United States which require 24 months service for their army draftees are Greece, Turkey, and Portugal; all others have shorter conscription periods or no conscription at all. West Germany requires 18 months service for all its army draftees, but there has been talk of shortening this period. Belgium, Denmark, France, Italy, The Netherlands and Norway now require service for from 12 to 16 months, although, again, there have been pressures in many of these countries to shorten this period or even abandon conscription entirely. Canada has had not compulsory military service since World War II, Great Britain abandoned compulsory military training service in 1960, and Luxembourg did so in 1967. Iceland has no national military establishment.

4. Defence expenditures as a percentage of GNP, defence expenditures per capita, and the percentage of men of military age maintained full time in uniform, are at best only rough indicators of the defence effort of any given country. The United States is a wealthy nation; our real dollar per capita GNP is far higher than that of even the most prosperous members of NATO. Moreover, U.S. defence expenditures and the Armed Forces of the United States have expanded substantially in order to meet the ever-rising requirements of the Vietnam conflict. Nevertheless, even when the special achievements and the special burdens of the United States are taken into account, the defence efforts of our NATO allies appear disproportionately low. While U.S. defence expenditures as a percentage of GNP are almost 10 percent, NATO countries coming closest to this percentage are Portugal (6.7 percent), Great Britain (5.7 percent), and France (5.3 percent). All other NATO countries spend less than 5 percent of their GNP on defence. U.S. defence expenditures per capita are more than three times higher than those of France, which are the highest among our NATO allies. Only Portugal has a greater percentage of its men of military age in uniform than does the United States. The percentages of most of our allies are less than half that for the United States.

There has been numerous reports since the Soviet invasion of Czechoslovakia that some of our NATO allies are postponing previous plans to reduce their defence expenditures or otherwise trim their defense efforts.

It is to be expected that there will not only be a postponement of such plans but also a new effort made on the part of our NATO allies to meet their multilaterally agreed commitments which most of them did not seem disposed to meet prior to the invasion of Czechoslovakia. It is also to be expected that they will join with the United States in seeking prompt, effective and long-term means to counter the balance-of-payments costs associated with the stationing of U.S. forces in Europe.

The annual average U.S. balance-of-payments deficit from 1960 through 1966 was $2.377 billion. In 1967 the deficit was $3.575 billion, and in the first 6 months of 1968 it was $810 million. From 1961 through 1966, U.S. defense expenditures entering the international balance of payments in Western Europe were some $1.6 billion, receipts from military sales about $900 million, leaving a net foreign exchange gap which averaged annually about $600 million. During calendar year 1967, U.S. defense expenditures entering the international balance of payments in Western Europe were some $1.6 billion, receipts from military sales about $900 million, and the resulting net foreign exchange gap about $700 million, which was covered in part by West German purchases of medium term U.S. securities in the amount of some $250 million.

If U.S. forces and dependents in Europe remain at present levels, there seems little prospect that foreign exchange costs incurred by these forces will sink much below the $1.5 billion average for 1961–66. One-time costs associated with the move from France, the limited redeployment from Western Germany and special U.S. military purchases in Great Britain agreed to in connection with the trilateral talks, have helped to raise these costs to their current level of some $1.6 billion in fiscal year 1968. But even when balance-of-payments savings as a result of the recent redeployments begin to be realised, they seem likely to offset in large measure by rising maintenance costs. At the same time, receipts from military sales to our European allies have already dropped sharply to an estimated $500 million in fiscal year 1968 and do not show much prospect of rising significantly above this level. This drop in receipts is in large part a result of the termination in July 1967, at the request of the West German Government, of the socalled "offset" arrangements with the United States under which West Germany purchased, over a period of 6 years, U.S. military goods and services in amounts approximating annual U.S. foreign exchange costs in West Germany.

U.S. defence expenditures in West Germany are higher by far than those in any other European country, reportedly amounting currently to well over $800 million annually. At the same time, West Germany is running a large surplus in its balance of payments. In May 1967, and again in June 1968, the United States and West German Governments reached agreements on measures to be taken by West Germany to cover the large foreign exchange gap left by reduced German military purchases in the United States. The chief feature of these agreements, which apply to U.S. fiscal years 1968 and 1969, is the purchase by the West German Bundesbank of medium-term, nonconvertible U.S. securities in the amount of $500 million for each fiscal year. The 1968 agreement also provides for about $100 million in purchases of U.S. military equipment by the West German Defense Ministry and includes a West German undertaking to sell an additional $125 million worth of medium term bonds to private West German investors.

Some members of the subcommittee consider these recent agreements with the West German Government to be unsatisfactory on a number of counts. First, they are short term in nature, covering only the U.S. fiscal year immediately ahead. Second, while purchases of medium-term bonds count as a capital inflow on the U.S. balance-of-payments ledger, ultimately these bonds must be renewed or redeemed. Hence they should also be regarded as a potential capital outflow. Third, these bonds bear interest at current rates and thus result in some annual capital outflow to bond-holders.

Many Europeans opposed the limited redeployment from West Germany carried out this year and fear further U.S. troop reduc-

[3] Authorization for Military Procurement, Research and Development, fiscal year 1969, and Reserve Strength, hearings before the Committee on Armed Services, U.S. Senate, 90th Congress, second sess. (Washington: U.S. Government Printing Office, 1968), p. 103.

[4] Addresses by speakers at the 13th Annual Session, North Atlantic Assembly, Brussels, 1967, p. 33.

tions. At the same time, it appears that many NATO governments and central banks have cooperated only partially and sometimes grudgingly with the United States in its search for ways to alleviate its balance-of-payments problems. Even if bond purchases are regarded as an effective means of neutralizing U.S. foreign exchange costs arising from the stationing of U.S. forces in Europe, a significant foreign exchange gap remained in fiscal year 1968 and promises to remain in fiscal year 1969. Moreover, as a result of the Soviet invasion of Czechoslovakia, the U.S. is reportedly planning to return an air squadron and 2 brigades to Germany for earlier than planned exercises, which could lead to some unanticipated budgetary and balance-of-payments costs in fiscal year 1969.

For the foregoing reasons, the statement of former Secretary of Defense McNamara read at the NATO Ministerial Meeting in December 1967 is still very much to the point:

We will, therefore, continue to maintain forces in Europe for as long as they are desired. In saying this, however, I must also point out an anomaly in European attitudes which cannot persist. This is that on the one hand there should be no diminution of U.S. forces, but that on the other hand the responsibility for meeting the balance-of-payments deficit caused by such large-scale continuing U.S. deployments in Europe is none of Europe's affair. It is essential that deficits suffered by countries as a result of their stationing troops abroad in the common effort should be treated and solved by their allies on a cooperative basis. We would welcome suggestions from our allies on how to meet this pressing problem, since its solution cannot be further postponed.[5]

D. CONCLUSION

The invasion and occupation of Czechoslovakia have had a profoundly disturbing effect on the political atmosphere all over the world but particularly in Europe. In the present unsettled conditions, the time is obviously not propitious for substantial reduction of U.S. forces in Europe. Some manpower reductions might still be made, however, which would not affect the combat capability of U.S. forces on the central front.

Recent reported moves to reduce the number of U.S. administrative personnel in Europe should be encouraged. In this same vein, there should be a reduction in the size of certain military headquarters in Europe.

But if the situation in Czechoslovakia means that the time is not propitious for substantial U.S. reductions, it certainly also means that the time is not propitious for any diminution in the defense efforts of our NATO allies. On the contrary, the military ramifications of the invasion and occupation of Czechoslovakia should provide Western European governments with more tangible arguments for enlisting the support of their citizens behind defence efforts commensurate with their capacity to contribute.

ANNEX VI

INVESTIGATION OF THE PREPAREDNESS PROGRAM

Report by the Preparedness Investigating Subcommittee of the Committee on Armed Services, U.S. Senate, September 1968

CHAPTER III. THE THREATS PRESENT AND PROJECTED

A. SOVIET UNION

1. General

The Soviet strategic threat is highlighted by the high priority which the U.S.S.R. has given and is giving to strategic nuclear offence and defence. This is evidenced by the dramatic increase in the emplacement of ICBM's during recent years; the development and deployment of new systems, such as the ABM system around Moscow, and the fractional orbital bombardment system (FOBS); and the very clear determination to devote the resources and technology required to catch up with and perhaps surpass the United States in the strategic field. Future Soviet systems and forces will be the result of force level decisions not yet known to us, which, of course, will be influenced very strongly by its research and development capabilities. Our confidence in projections of the size, nature and composition of future U.S.S.R. forces are relatively low because we are dealing with the question of what they may decide to do, as well as what they are capable of doing.

The Soviet willingness to devote resources and determination to push for superiority in this field is substantiated by Soviet military spending for 1967. With a gross national product of less than half that of the United States, Soviet military and space spending in 1967 approached U.S. defence cost, if the expense of the war in Southeast Asia is excluded. In terms of rubles, as the Soviets would view the burden, this constitutes about 10 percent of the Soviet GNP.

The Soviet outlays over the past few years for offensive missiles and the Moscow ABM system (excluding R&D) have ranged between 10 and 15 percent of their total defence and space expenditures.

Roughly a third of the outlays for these missile systems, however, are for MR/IRBM's which can be targeted only against areas on the Soviet periphery.

It is apparent that the Soviets are building strategic nuclear forces which will give them greatly increased confidence that they will have, even in retaliation, the capability to assure the destruction of a significant portion of U.S. industrial resources and population.

The indications are that they will also strive through both strategic attack and strategic defence programmes to improve their ability to reduce the damage the United States could inflict on them should a nuclear war occur.

2. ICBM's

The number of operational launchers in the Soviet ICBM force has grown from less than 100 launchers in 1963 to some 700 by late 1967. By the end of 1968 they will number several hundred more. The Soviet ICBM force will continue to grow over the next few years, but at a considerably slower rate than in the recent past.

At the same time the Soviets have tried to reduce the vulnerability of their ICBM force to surprise attack. The first Soviet ICBM sites built in the early 1960's consisted of unprotected above-ground launchers and storage facilities. Later the missiles were placed in underground silos clustered together. The latest systems have been deployed in the fashion of the U.S. Minuteman missiles—in hardened and widely dispersed single silos, each presenting a separate aiming point for an attacking force.

The great throw weight of many of these missiles allows the Soviets greater flexibility to provide shielding of components, hardening, penetration aids, multiple warheads, decoys, and other refinements that would substantially enhance the effectiveness, survivability, and penetrability of their ICBM's. This cannot be overlooked in any discussion of the balance of strategic power and will be discussed later in this report.

3. Soviet strategic bomber force

While the ballistic missile has clearly replaced the manned bomber as the primary means of strategic attack, the Soviet bomber force still possesses a substantial strategic strike capability. The Soviet longrange aviation now comprises a force of 1,000 bomber/tanker aircraft. About 200 of these are heavy bombers and tankers and the rest are medium. The heavy bombers have the primary mission of intercontinental attack and it is estimated that the Soviets would use most of this force for that mission.

There is no evidence that the Soviets are proceeding with the development of a new heavy bomber and, should they elect to develop one, it is probable we would see indications of the programme 3 to 4 years before the aircraft became operational.

4. Missile submarine force

The Soviets have about 40 ballistic missile submarines and about 50 cruise missile submarines. They are placing increasing emphasis on their ballistic missile submarine force and are building a new nuclear-powered submarine comparable to our Polaris submarine that may be able to fire ballistic missiles to a range of 1,500 miles. The first unit of this class is just becoming operational.

Because of the short flight time and the current absence of detection systems which would ensure adequate warning, submarine missiles constitute one of the greatest threats to all soft military installations such as naval yards and airbases.

5. IRBM's and MRBM's

There have been no recent major changes in the Soviet medium-range and intermediate-range ballistic missile forces. The current force comprises something over 700 operational launchers. While not a threat to the continental United States, they are a major threat to Western Europe and other peripheral areas.

6. Defensive missile systems

The Soviet Union is employing two defensive missile systems at the present time. The GALOSH system being deployed around Moscow is the only system which the intelligence unanimously considers to have true antimissile capabilities. It is well along in construction and may now have a limited operational capability.

The intelligence assessment is that the GALOSH system probably cannot cope with the sophisticated reentry vehicles, penetration aids, and saturation attacks it would probably have to face in future engagements with U.S. ICBM's.

A second defensive system is the TALLIN system. Some of the intelligence community believe this system is designed for protection against attacks by new high-performance aircraft and air-to-surface missile like the B–52 launched, Hound Dog. Others of the intelligence believe, however, that the TALLIN system may have a capability against ballistic missiles.

7. Fractional orbit bombardment system

A new development in Soviet strategic weapons development has been the programme of space launchings to test what is referred to as a fractional orbit bombardment system (FOBS). This weapon probably would be deployed on the ground, launched at the opening of hostilities, and a nuclear warhead brought down on a preselected target on its first pass around the globe.

While FOBS would probably not be very effective except against a soft target, nevertheless, FOBS would give the Soviets greater flexibility and compound our early warning and defense problems. The weapons could be launched on a trajectory that could avoid BMEWS or on such a trajectory they will come on a target in the United States from the Equator.

8. Reentry vehicles, warheads, and penetration aids

Although there is no real evidence at this time that the Soviets have initiated any advanced reentry vehicle programme, it must be assumed that future designs will be directed at achieving lower costs of weapons delivery, reducing vulnerability, and im-

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[5] U.S. Treasury Department, Maintaining the Strength of the United States Dollar in a Strong Free World Economy. (Washington: U.S. Government Printing Office, January 1968), p. 81.

proving systems accuracy and penetration capabilities.

Improvements in reentry systems are hard to detect and there is a good chance that the Soviets already have research and development work in this field underway. Much can be done in research and development and the Soviets could be fairly well downstream on advanced programmes before they became known to our intelligence sources.

Among the Soviet objectives which could be accomplished and which must be watched for are the development of multiple reentry vehicles (MRV's), multiple independently targeted reentry vehicles (MIRV's), penetration aids, reduction of vulnerability of reentry vehicles. The introduction of MIRV's, could have a substantial impact on the balance of strategic power—depending on the effectiveness of U.S. countermeasures.

9. Summary

In the near time, that is within the next year and a half, the Soviet strategic threat to the United States is expected to have more than 1,000 ICBM launchers, about 40 ballistic missile submarines carrying a significant number of missiles, and 150 long-range bombers. During the same period, the estimated threat to peripheral areas will consist of about 700 MRBM and IRBM launchers, some 40 to 50 cruise missile submarines, and about 700 medium bombers.

The Moscow ABM system has been at least 10 years in development. Construction of launch sites and attendant radars began over 5 years ago and has proceeded irregularly since then. There have been recent signs that the Soviets have again slowed down the deployment of the system, thought to be similar to the old U.S. Nike-Zeus system which was never deployed. The missile for the Moscow ABM system, the GALOSH, was first seen in November 1964 when it was paraded, enclosed in its canister, through Red Square in Moscow. The system may now have limited operational capability, but the slow pace of development and the fact that it has not been deployed at other cities probably indicates that Soviet officials have reservations about its effectiveness.

(Rapporteur: Senator John Sherman Cooper
REPORT PRESENTED TO THE MILITARY COMMITTEE
(United States))

This is the third report on the state of NATO military forces which I have had the honour to prepare for the North Atlantic Assembly. In the report I submitted to the Assembly in November 1968, I concentrated mainly on the military situation and the balance of NATO and Warsaw Pact forces in the key central European sector, following the invasion of Czechoslovakia. The present report will address problems that must be faced in the future.

I.—TWENTIETH ANNIVERSARY OF THE NORTH ATLANTIC TREATY ORGANISATION

NATO is now twenty years old. From the time of the signing of the North Atlantic Treaty in Washington in April 1949, the political co-operation and military preparedness of the allies have effectively accomplished its purpose—deterring aggression against the territory covered by the Treaty. The need for the Alliance will continue for the forseeable future.

In 1949, compelling needs combined to make NATO possible: Western Europe at that time was clearly vulnerable to military attack from the East, its economy had not yet recovered sufficiently from the war to make the effort required to provide an adequate defence; the willingness of the Western European countries and the United States to subordinate some degree of national sovereignty—in the command and the deployment of forces—made it possible to create a NATO military force which prevented possible Soviet domination of Western Europe.

II.—NATO MILITARY STRATEGY—PAST AND PRESENT

From the outset, twenty years ago, NATO and the Soviet bloc forces have been governed by the imperatives of the awesome power of the nuclear deterrent. In the fifties, when the countries of Western Europe were still healing the wounds of the Second World War, rebuilding their shattered economies, and slowly remaking their armed forces, American nuclear strength, seconded by conventional armies of the allies, was the basis of the protection of Europe.

Due to the relative weakness of the allied forces, NATO's strategy at the time could provide only for limited conventional engagement, and failing that, a rapid escalation to nuclear conflict.

As the United States and the Soviet Union continued to develop sophisticated nuclear systems, and increasing numbers of deliverable warheads, and as the certainty of the nuclear annihilation of Western Europe, the Soviet Union and the United States, in the event of a nuclear exchange became apparent, the Alliance sought to develop a new strategy.

In 1966, the NATO member states adopted a new doctrine—that of "flexible response". The foundation of the strategy, if it is to be effective, rests upon the development and maintenance of adequate conventional forces, weaponry, readily available supplies, communications, and a capability of mobilisation adequate for any stage or level of attack, and without any lessening of nuclear capability. The concept of flexible strategy suggests a sustained period of defence, in contrast to the short duration of nuclear war, even if limited.

The purposes and advantages of "Flexible strategy" compared to reliance on the nuclear deterrent and nuclear war seem obvious. Its chief purpose is to deter a massive attack by Warsaw Pact conventional forces. In the event of an attack, it is assumed that the strategy would provide time for assessment of the scope of the attack, of the intent of the attacker, and for mobilisation of NATO forces. It would strengthen the capability to resist and overcome border clashes that might arise through miscalculation, irrational acts, or a breakdown in political communication between NATO and the Soviet bloc. Above all, the purpose of the strategy is to deter an attack that could lead progressively to the use of nuclear weapons.

While the purpose of the new strategy of "flexible response" is easily understood, and the strategy has been accepted by the NATO Governments, I believe it is evident that the implementation of the strategy—the provision of adequately trained forces, effective weaponry and the necessary logistical apparatus—has not been accepted by the member states.

At the core of an adequate conventional force is manpower. In previous reports, I have provided a comparison of NATO and Warsaw Pact forces, and their weaponry, and I do so again in Appendices I and II. Only small improvements have been made, despite events adverse to the Alliance, with which all are familiar.

The speedy and effective invasion of Czechoslovakia emphasised the need of implementing the new strategy—over one year ago.

In my report to the Military Committee in November 1968, I reviewed the military significance of the takeover of Czechoslovakia by the Soviet Union. At that time, I said: "It is the Rapporteur's view that the increase of the Soviet Union's forces and their development in Eastern Europe before and during the invasion has upset any assumed balance between NATO and Warsaw Pact conventional forces". The report noted that ten additional Soviet divisions had been moved from the USSR to forward positions in Eastern Europe.

While Soviet forces have been reduced since the Czechoslovakian invasion, approximately five Soviet divisions and 100 aircraft remain in Czechoslovakia, positioned to maintain firm control over its Government and people. Polish, East German and other Warsaw Pact forces which joined in the invasion of Czechoslovakia have withdrawn to their former positions. But the total strength of Warsaw Pact forces has increased over the level prior to the invasion, due to the retention of Soviet forces. Twenty-seven Soviet divisions are stationed in Eastern Europe compared to twenty-two divisions before the invasion.

In the central region, approximately 23 NATO divisions, 1,500 tactical aircraft, and 6,000 tanks face approximately 56 Soviet bloc divisions, 1,200 offensive tactical aircraft, and 13,000 tanks. Supporting the Pact divisions in reserve are large forces stationed in the Western Military Districts of the Soviet Union. These reserve divisions bring the total forces facing NATO in the central region to about 79 divisions and about 4,000 aircraft, including transport plans and helicopters. Warsaw Pact forces are well trained, well equipped, and combat ready. In the centre region of NATO, the M-day land forces of NATO number approximately 390,000 men, and they face approximately 415,000 men of the Warsaw Pact.

If the Government of Czechoslovakia conforms to the will of the Soviet Union, the Soviet divisions may be withdrawn. Such action by the Soviet Union, should it occur, would provide NATO with an important indicator of Soviet intentions. But at the present, since five additional Soviet divisions have been left in forward positions, NATO's defense planning must take them into account as a possible threat.

Obviously, the territory and military forces of France play a vital part in the strategy of flexible response. France, it is assumed, would support NATO in the event of a Pact attack, but it is not now an active military partner in NATO, and the uncertainty of its position in the event of an attack is a shortcoming that cannot be rationalised away.

In the face of increased Soviet forces in Eastern Europe and the withdrawal of France from the military alliance, NATO forces have been reduced in number and combat strength. The United States has withdrawn from Europe 32,000 and the United Kingdom 5,500 men, as part of a dual basing concept. The Government of Canada has announced its decision to withdraw 5,000 of its forces by 1970. In addition, the Canadian forces in Europe will be repositioned. All Canadian forces on the North German plain will be withdrawn and positioned together with its present forces in the South. The combined Canadian unit will have a new function and capability, because of the addition of helicopters and weapons of greater firepower.

The adverse effect of the United States and United Kingdom's recent withdrawal of forces may be tempered by their acceptance of the dual basing concept, and by their assignment of larger forces in the United States and the United Kingdom respectively, to specific NATO missions. However, the total number of United States [1] and British forces in place in Europe has been reduced. The key to the effective use of forces based in the United States and Britain is the capacity to return them rapidly to Western Europe, in the event of a crisis. It is claimed that the C–5A airplane, now in production, will provide the United States with the capability to return troops based in the United States and assigned to NATO, with their full equipment, within five days. But the return of large numbers of troops may become a political issue and occasion delay.

As I have noted, the strategy of "flexible response" depends not only upon adequate force levels, but upon supplies of neces-

[1] See Appendix III for United States military personnel in EUCOM 1950–1968.

sary material available quickly for use sufficient to meet and to control an attack and to prevent its escalation into nuclear, even tactical nuclear warfare.

My report of last November listed the glaring deficiencies which the Committee considered and, I believe, accepted. While steps have been taken to remedy these deficiencies, improvement is slow and in most areas it will be several years before the deficiencies are corrected. I refer to my report of November 1968 for a fuller description of the deficiencies.

A. Aircraft protection

Handicapped by the limited area available for aircraft dispersal, aircraft shelters against conventional attack are of the utmost importance. Shelters are being constructed upon a national basis, particularly by the United States, and already constructed shelters of World War II vintage are being utilized by other member states. While a program has been initiated, it is not thought that adequate shelter will be available for at least two or three years.

B. Tanks

The most glaring shortage of NATO equipment is its tanks. The Pact has three times as many tanks as NATO forces. The United States is asking funds from the Congress this year to continue development of a new improved tank for NATO—the MBT–70, but it will be several years before they are available. This is a quantitative, and perhaps qualitative imbalance that must be corrected in the coming years if NATO forces are to be able to stop the heavy thrust of a massive attack by Pact divisions, heavily supported by tanks.[2]

C. POL storage and distribution facilities

The French withdrawal from NATO raised problems regarding pipelines, both of commercial and military nature which will remain uncertain if France maintains its present position concerning NATO. POL storage and distribution facilities are not adequate to the task of waging a sustained conventional war. While steps are being taken to remedy this defect, it is my understanding that adequate funding has not yet been provided and if it were, two or three years would be required to provide these facilities.

D. Reserve material system

Increased quantities of improved conventional munitions are being built up, but the situation is not satisfactory.

E. Mobilization and reserve forces

It is estimated in the event of a Pact attack, Pact countries and particularly the Soviet Union could mobilise reserve forces within twenty-four days. Obviously, if NATO expects to contain such an attack, it must be able to mobilise quickly and effectively. But such mobilisation by NATO will be impossible unless reserve forces are in being and are sufficiently trained. The United States, in some measure because of the Vietnamese experience, has made great progress in training the combat readiness of its reserve forces and in providing means for their ready mobilisation. As few of the NATO countries have conscription systems, and as the period of troop training varies in time from 16 to 24 months, I think it obvious that unless there is improvement in force levels, training and mobilisation procedures in all NATO countries, NATO will not be able to mobilise to forces capable of meeting a sustained Pact attack.

In the event that members of NATO do not intend to provide for conscription, it would seem to me that they should consider the adoption of incentives to provide voluntary and trained forces. I believe it unanswerable that modern equipment requires longer periods of sustained training—a minimum of 18 to 24 months—as compared to that required in World War II.

F. COMMAND AND COMMUNICATIONS

The policy of "flexible response" requires the most advanced communications network for the command, control and disposition of NATO forces. NATO has instituted procedures for developing such a network, but it is an early stage of development and considerable funding to support it must be made available and very quickly.

General André Beaufre proposed to the Military Committee in June that the force capabilities of NATO could be improved by the development of highly mobile reserve units on a territorial basis. His suggestions were welcomed by the Committee. The Committee believed that reserve units of the kind proposed by General Beaufre could provide meaningful support to regular force units. In discussion of the report, the Committee agreed that a training period of four months would be sufficient for the guerilla role envisaged and that units serving in familiar terrain would enable speedy and effective mobilisation. Psychologically, units recruited and trained in the area of their home would have incentive to defend local areas. The Committee thought that an annual training period of three weeks would be required to keep such reserve units up to operational standards. The Committee may wish to suggest to the NATO Military Commands that General Beaufre's proposal be seriously considered.

The effectiveness of such reserve units is a subject beyond the capabilities of the Rapporteur to judge. I think it of value, but I must say that I do not believe that such reserves could take the place of fully trained regular reserve forces, as I have indicated.

A basic premise of NATO military thinking, based upon past Soviet military action, is that the Soviet Union will not commit large forces to combat unless Soviet forces have superiority of at least two to one, and some believe three to one. NATO force planning was, and is, aimed at strengthening its forces through a combination of advanced weaponry, supplies, communications, superior firepower and adequate force levels to the point where NATO strength will be qualitatively at parity with Warsaw Pact forces. This goal has not been reached.

In the past, attempts were made to measure the strength of the Warsaw Pact and NATO forces. The most comprehensive studies were made by the United States Department of Defense under Dr. Alain Enthoven, then Assistant Secretary of Defence for Systems Analysis. The attached table of comparison of forces was done under the quality of wapons systems and to attempt to correlate the effectiveness of systems and personnel. These studies were the source of much disagreement, but I believe it can be said that they served a useful beginning. NATO is now engaged in an overall force study of NATO and the Warsaw Pact. This report is expected to be completed in November. The agreed findings should give NATO Governments a more accurate idea of what remains to be done before the strategy of flexible response is a reality.

If NATO moves quickly and effectively to remedy its recognised deficiencies, there is reason to have confidence that the Soviets would not engage in a conventional attack of any size or at all, against NATO. But a situation of qualitative parity must be attained.

The take-over of Czechoslovakia in 1948 by Communist forces was a major impetus in the creation of NATO. Twenty years later the Soviet Union was compelled to use brutal military force in order to allay its leaders' fears that deviation from the Moscow view of communism, even that of a weak, minor state like Czechoslovakia, could not be tolerated. The Soviet occupation of Czechoslovakia and the gradual destruction of its popular communist government was a radical response demonstrating the weakness of the Soviet bloc. At the same time it gave a clear demonstration of the Soviet ability to crush revolt quickly and effectively.

NATO should continue to consider the significance of the withdrawal of France, the effective invasion of Czechoslovakia by the Soviet Union and the growing pressure for the lessening of NATO forces.

The questioning of the need for the continuance of NATO or its adequate support is undoubtedly due in part to a weariness of twenty years of costly and sustained effort. In addition, a significant element of our youth do not see the dangers of our security that we saw twenty years ago. NATO is at a crucial point. NATO purposes must be clearly understood by our societies if it is to remain strong, and not become a disintegrating and ineffective alliance. We should seek mutual NATO and Warsaw Pact force reductions, but maintain our strength in the absence of such mutual force reductions.

It is the course of reason to keep NATO forces as close to parity with the Warsaw Pact forces as possible. Our people would understand that a continued effort will lessen the danger of conventional and nuclear war. The efforts to maintain NATO is justified, members of this Committee would agree, because it allows for the mistakes of nations, miscalculations of diplomacy and the momentum of armies so difficult to reverse. Continued efforts to strengthen NATO will increase the margin of security for our countries and the world.

In order to continue a meaningful role of guardian of the West and protector of nations that value a democratic system, we must maintain an informed vigilance. Because the NATO nations are composed of political democracies, no decisions can be made without the consent of their peoples through the action of approval of their parliaments. In order to make sound judgments, the NATO parliaments and their people must have full, accurate and balanced intelligence about the threats that confront their continued existence as free democracies. A very just complaint has been made in recent years about the lack of accurate information about the nature of the balance between NATO and the Soviet bloc. This cannot continue. We must have full and, insofar as possible, public information about the nature of the threats we face if we are to expect our governments and people to prove and sustain a large and costly Alliance. This is a primary obligation of the military forces of our countries to our governments and in turn, of our governments and parliaments to our people. Vigilance is not possible without knowledge of the threat to be watched.

III.—TACTICAL USE OF NUCLEAR WEAPONS

The Nuclear Planning Group has reviewed the NATO guidelines governing the use of tactical nuclear weapons. It is reported that the outcome of this review was a strengthening of political controls over the release of tactical nuclear weapons in time of war. The strengthening of procedures for the use of tactical nuclear weapons is a much welcomed step. Further, it is understood that the Nuclear Planning Group will continue to work on ways to improve political controls over the use of tactical nuclear weapons.

There are over 7,600 tactical nuclear weapons in Western Europe. They range from small nuclear land mines with a sub-kiloton yield to a missile such as the Pershing with a range of about 400 miles carrying a nuclear warhead in the 100-kiloton range. The precise point at which tactical nuclear weapons would be used for reasons of ultimate security is necessarily a "grey area" between conventional and strategic nuclear warfare. If it is recognised that the warhead of the Pershing missile has an explosive force five

[2] See Appendix IV for comparison of NATO and Warsaw Pact tank forces.

times as great as the bombs used over Hiroshima and Nagasaki, and if it is recognised that a high proportion of the small nuclear weapons deployed in Western Europe would, if used singly, cause greater devastation than occurred in Japan in 1945, the reasonableness of the effort to strengthen NATO's conventional forces is given greater weight.

The use of tactical nuclear weapons of any kind, even if aimed only at military units in the field, would cause devastating damage to towns and wipe out the population of many cities. The United Nations has published a study of the effects of nuclear weapons[3] which shows that the result of tactical nuclear warfare and a nuclear full exchange in Western Europe would be almost indistinguishable. A full understanding by our governments, parliaments and peoples of our tactical nuclear capabilities will do much to underline the need for improving NATO's conventional forces in order to increase the time before such decisions to use nuclear weapons need be exercised.

It is the Rapporteur's hope that the use of nuclear weapons—tactical or strategic—will never become necessary. This is the chief reason why a credible conventional force must be developed and maintained.

IV.—LIMITING THE STRATEGIC ARMS RACE

The only rational alternative to maintaining the costly and burdensome military forces of NATO is mutual reduction of forces by NATO and the nations of the Soviet bloc. In the past few years, the desire of the governments of both East and West to lessen the burden of armaments has become apparent. Overtures made to achieve detente in Europe is one instance of this desire. The Nuclear Test Ban Treaty and the Nuclear Non-proliferation Treaty are efforts to halt the spread of the devastating power of nuclear weapons. There is growing recognition in the world that the spiraling increase of weapons in the world, both conventional and nuclear, if unchecked, can only lead to destruction of civilization as we know it on earth.

It was in this context that the debate in the Senate of the United States on the Anti-ballistic Missile issue was of such great importance. The issue is not yet finally resolved. The Senate voted to approve the authorisation of the installation of the limited ABM system. This authorization was given by the narrow margin of (50–50) and (51–49) on two amendments offered to defer deployment on an ABM system. Further legislative tests must be met before final approval is given to the Administration to proceed with deployment of the system. It is possible that the impending SALT talks will provide the basis for a halt to the next generation of weapons systems, for this is what is at issue in those talks. In the absence of arms limitations agreements, arms build-ups on both sides will continue as both the United States and the USSR will make every effort to preserve their deterrent. The technological response to the ABM is already being constructed—the MIRV. The deployment of FOBS, SRAM, SCAD, NOL and other as yet unnamed weapons systems are in the offing unless the United States and the Soviet Union and the other nuclear powers agree to a halt in the production of future weapons systems and a reduction of existing weapons systems.

The ABM and MIRV issue has direct relevance to NATO. If the Soviet Union and the United States go ahead with deployment of these weapons systems, the NATO countries quite properly must consider how these technological developments will affect present NATO strategy. There have been suggestions from some quarters in Europe, that the European members of NATO might consider development of their own ABM systems. Such speculation underlines the importance not only of maintaining an effective Western deterrent but also of achieving an agreement on the limitation of strategic offensive and defensive weapons systems.

The details of the ABM issue have been discussed exhaustively in newspapers and journals during the past year. Should members of the Committee wish to study the matter in detail, I would suggest the following:

1. Hearings before the Committee on Armed Services, United States Senate, Ninety-First Congress on "authorisation for Military Procurement, Research and Development, Fiscal Year 1970", Parts 1 and 2.

2. Hearings before the Subcommittee on "International Organisation and Disarmament Affairs of the Committee on Foreign Relations, United States Senate, Ninety-First Congress on Strategic and Foreign Policy Implications of ABM systems". Part 1.

3. Hearings before Subcommittees of the Committee on Appropriations, House of Representatives, Ninety-First Congress on the "Safeguard Antiballistic Missile System."

V.—A EUROPEAN NUCLEUS

In his report to the Political Committee last year, Mr. Blumenfeld proposed "constructive discussions" concerning a "European nucleus" within the Alliance. He called for a ministerial meeting to consider the "setting up of a European Authority for Joint Defence Efforts". The Assembly recommended the establishment of a Joint European Arms Procurement Agency—an idea which went part of the way towards the more comprehensive proposals contained in Mr. Blumenfeld's report.

This issue has caused public interest and discussion particularly in Europe over the past few months and it is also an idea which is bound to recur in the future.

Mr. Dennis Healey, the British Minister for Defence, spoke to the German Association for Defence Studies in Munich on 1 February, 1969. He stated: "What does seem to emerge strongly from a look at the possible burdens of the next decade is the case for more military co-operation among the European members of NATO—the establishment of a European identity within the Atlantic Alliance. In the past, many Europeans * * * have been reluctant to move too far or fast in this direction for fear of encouraging a reduction in America's commitment to NATO. I believe that today the argument points in the opposite direction". Mr. Healey argues that unless Europe "is prepared to put a collective view" on Soviet-American discussions on the nuclear balance between them "the chance of influencing the course of the discussions will be remote".

The idea of a European Defense Grouping has had precedents in the Anglo-French Treaty of Alliance and Mutual Assistance of 1947, the Brussels Treaty Organisation established in 1948 (together with the Western Union Command Organisation on the military side) and Western European Union which was set up by its seven member governments in 1954 when the Brussels Treaty was modified. The most ambitious form that this idea has taken so far was the proposed European Defence Community. The EDC Treaty was signed by the six governments which were members of the European Coal and Steel Community in 1952, but the French National Assembly voted against ratification in August 1954.

If the European countries are to think in terms of a European "personality" or Defence Grouping what would its membership be? The Common Market Six, some Europeans argue, provides a logical nucleus for such a Grouping. But it is evident that there are still deep political differences between France and its five partners. Britain makes a large and vital contribution to European Defence and thus the Europe of Seven, WEU. also provides a possible starting point. WEU is, however, like the Six, still divided on British entry into the Common Market. There are some who argue that a European Defence Grouping to be effective must possess an independent nuclear force.

If, under the new French Government, presided over by Mr. Pompidou, a change in European political relations were to lead to the resurgence of an EDC-type idea between the Six or the Seven, this presumably would not be satisfactory to the Northern Flank countries, Denmark, Norway and Iceland. Mr. Alastair Buchan, until recently Director of the Institute for Strategic Studies in London, has gone so far as to recommend the termination of Portuguese and Icelandic membership by bilateral defence arrangements with the United States. His suggestion is that a defence community could be formed by the remaining European members.[15]

According to some views, there would be a problem of political control of a European Defence Grouping. It is maintained that fully integrated nuclear and conventional forces might necessitate an integrated system of political control. Some go so far as to see a need for a single foreign policy for the participating states and other far-reaching measures needed to direct and organise these integrated European forces.

What could a European Defence Grouping accomplish? Could such a Grouping work out a joint European strategy which would be consistent with NATO's North American members? The Committee may wish to consider whether a degree of conventional strategic planning might be usefully worked out and jointly presented by the Europeans for consideration by NATO as a whole.

Despite proposals that have been made by General Norstad, the WEU Assembly and, more recently, by Dr. Henry Kissinger, that it might be possible to alter the traditional command structure of NATO forces by the appointment of a European SACEUR, the unanimous recommendation of NATO's Defence Planning Committee to the President of the United States that an American officer be appointed to replace General Lemnitzer as SACEUR did not come as a surprise. General Andrew J. Goodpaster has been appointed the new SACEUR. It had been argued that the appointment of a European SACEUR might go some way towards satisfying European demands for a greater say in the military command structure of the Alliance. There were, however, two reasons which militated against such an appointment. First, it is clear that an American general would have to remain in command of the American controlled nuclear weapons deployed in Western Europe and that this general could, in fact, remain the Supreme Commander as far as nuclear weapons were concerned. Second, the appointment of a European SACEUR would introduce an extra stage in the nuclear decision-making process which could lead to added delays in time of crisis.

It has been suggested that there are two functions which a European Defence Grouping could usefully perform in the future. Perhaps members of the Committee will suggest further possible functions. First, it is maintained that European countries need to co-operate much more closely than it the past over arms production. Many European planners believe European countries can only continue to maintain a viable military aircraft industry if they combine. A recent step taken by some of the European members of NATO to meet this situation is in the creation of the new European aircraft

[3] Report of the Secretary General on the effects of the possible use of nuclear weapons and on the security and economic implications for States of the acquisition and further development of these weapons. United Nations General Assembly, October 10, 1967.

[15] "The Future of NATO", by Alastair Buchan, Carnegie Endowment for International Peace, New York, 1967.

company called PANAVIA, which has been formed to build MRCA (multi-role combat aircraft). Because the requirements of various European NATO countries are so different, there remains great difficulties to be overcome before a multi-purpose aircraft can be developed by the mid-1970's to replace the F–104 series and F–4's now the backbone of the NATO air arm. But it is believed that these difficulties can be overcome.

Second, it is said, the European members of the Alliance could try to establish a joint position concerning the issues of disarmament and the limitation of nuclear weapons which remain to be negotiated between the United States and the Soviet Union. Some believe that there has been a tendency for the United States to work out a negotiating position on an issue such as the Non-Proliferation Treaty primarily in terms of what is acceptable to the Soviet Union and the United States to the detriment of some European interests.

Some say that the European NATO partners have been then left with the diffcult choice of being able to propose very minor alterations to the American proposals or refusing to accept these proposals at all. The argument goes on to state that the United States Government should pay far greater attention, in the future, to prior consultation with its allies about matters which it intends to negotiate with the Soviet Union. The Europeans for their part, it is said, should try to establish a common attitude which they can express jointly to the United States, since if they speak with a divided voice, their interests will be less influential. President Nixon's visit to Europe in February 1969 was largely concerned with this question. Determined efforts are now required on both sides of the Atlantic to make the aim of closer consultation between the United States and its European allies a reality.

The Military Committee may wish to consider whether the creation of a European Defence Grouping could be useful in itself and whether it would promote further moves towards Western European political integration. But it is most important that the emergence of new forms of European cooperation concerning defense and arms production should in no way damage the cohesion and effectiveness of the Atlantic Alliance as a whole.

VI.—THE MEDITERRANEAN

In my previous report, I referred to the "threat posed to NATO, especially to its Southern Flank countries, by the buildup of the Soviet fleet in the Mediterranean". During 1968, the number of Soviet naval vessels varied between thirty and sixty, and in general, remained at a level slightly below that of the 1967 peak.

There is nothing to indicate that this fleet does not intend to stay in the Mediterranean on a permanent basis. Like the United States Sixth fleet, it is not dependent on shore bases for supplies and equipment but is self-supporting, carrying its own floating bases with it in the form of auxiliary and supply vessels. This new capability gives the Soviet Union the possibility of applying a more aggressive naval strategy than in the past, especially in view of its emphasis on long-range submarines, landing vessels and the development of new types of ships such as helicopter carriers.

The Soviet fleet has port facilities at its disposal in Port Said and Alexandria in Egypt, and Latakia in Syria. It has also made use of facilities in Algeria and elsewhere in the Mediterranean.

The presence of the Soviet fleet in the Mediterranean has been considered to be primarily political in its significance. But the fleet also poses a military threat. A naval confrontation between the Soviet fleet and the considerably larger naval forces of the Alliance in the Mediterranean is extremely unlikely, except in the event of an all-out war. Yet, there are other dangers. First, there are situations whereby the Soviet fleet could threaten vital communication routes of the three Southern Flank countries—Greece, Italy and Turkey—which depend on sea routes to carry the great bulk of their imports and exports. Second, the Soviet fleet is in a position to hinder British and American submarines and the Sixth Fleet. Third, the presence of landing vessels in the Soviet fleet gives it the capability of carrying out military landings which could affect the situation in Albania, Yugoslavia, Israel and some Arab states. Fourth, increased Soviet interest and activity in the Persian Gulf and in the Middle East oil-producing states and the presence of the Soviet fleet in the Mediterranean could be viewed as part of a long-term strategy aimed at establishing a major influence in the oil-producing states. Finally, following the Soviet moves in Czechoslovakia last year, we cannot be sure that the Soviet fleet might not play a part in possible future Soviet repressive actions in Yugoslavia or Albania.

Soviet activity in the Mediterranean has not been confined to the build-up of a permanent fleet. Soviet technicians and military advisers have been placed in the United Arab Republic, Syria and Algeria in considerable numbers. The Soviet Union has largely rearmed Syria and the UAR, which lost so many aircraft, tanks, and vehicles in the June War of 1967. The strategic naval base of Mers-el-Kebir could in the future be used by Soviet submarines and naval vessels to track the passage of Western submarines and warships between the Western Mediterranean and the Atlantic.

NATO has responded to Soviet activity in the Mediterranean by:

(1) establishing on 21 November 1968, a new subordinate command, Maritime Air Force, Mediterranean (MARAIRMED); and

(2) making a decision in January 1969 to establish a small Mediterranean "on-call" fleet consisting of naval vessels of NATO countries already present in the Mediterranean.

MARAIRMED, which is commanded by Rear Admiral E. C. Outlaw, of the United States Navy, is a sub-command of AFSOUTH, under CINCSOUTH, Admiral Horacio Rivero of the American Navy.

The task of MARAIRMED is to co-ordinate air surveillance throughout the Mediterranean region and to keep track of Soviet naval units, both submarines and surface craft. Britain, Italy and the United States take part in the work of this new command. France cooperates actively with it. It is hoped that Greece, if it acquires suitable reconnaissance aircraft, will also eventually take part in MARAIRMED. The new command not only collects information concerning Soviet naval movements, but is also responsible for passing it on to the interested NATO countries. The establishment of the new NATO command and the decision to create an "on-call" fleet are to be welcomed.

Soviet naval expansion in the Mediterranean is part of a new Soviet global naval strategy. The North Atlantic, the Indian Ocean and the Persian Gulf have all been the scene of increased maritime activity by the Russians. Norway, which is in a particularly exposed geographical position to the USSR has been placed under pressure by Soviet naval activity both in the Baltic and off its Western coastline.[16]

During the past few years, the Soviet Navy has been reconstructed. According to an article by Martin Edmonds and John Skitt published in "International Affairs" in January 1969, the present strength of the Soviet Navy by type and distribution is approximately as follows:

Surface vessels	Arctic	Baltic	Black Sea	Pacific	Total
Cruisers	3	4	7	4	18
Destroyers	20	25	67	28	140
Frigates	15	10	.....	25	50
Escorts	30	100	20	150	300
Motor gunboats	100	150	220	130	600
Minesweepers	60	150	90	50	350
Submarines:					
Ocean and coastal	150	70	20	120	360
Nuclear	28	.....	.....	12	40
Fleet air arm:					
Medium bomber	150	150	.....	100	400
Reconnaissance	100	100	150	50	400
Carrier (helicopters)	.....	.....	1	.....	1

A considerable proportion of these vessels are equipped with guided weapons and about 10% of the submarines are equipped with ballistic missiles.

Equally important is the fact that Soviet naval strength has changed in recent years from being a primarily defensive fleet to being, as noted by Mr. F. Goedhart in his recent report for the WEU Assembly on the security of the Mediterranean, a more aggressive one, particularly in view of the greater emphasis on long range submarines, landing craft and the introduction of new types of vessels such as helicopter carriers. It is clear that the Soviet Union is developing a global naval strategy which will give it greater capability and range. This development is a most important one and should be carefully studied.

I should like to record a view expressed by some members of the Committee at its meeting in June. It was pointed out by them that most of Europe's oil supplies were now transported to the West from the Persian Gulf via the South African Cape route following the closure of the Suez Canal. These members felt that the adequate protection of this route was vital to the West and that although this route lay outside the geographical area covered by the North Atlantic Treaty, which meant that NATO itself was powerless to act, interested member Governments should consult together and, where appropriate, take co-operative action to secure the protection of this route.

I would like to report briefly on one very promising development of NATO naval activity. The Standing Naval Force Atlantic (STANAVFORLANT) during its first 18-months operation has become a viable symbol of NATO's naval strength. The thirteen ships from seven nations in four extensive exercises clearly demonstrated the ability of the NATO navies to operate together effectively over an extended period of time. The success of STANAVFORLANT, it is hoped by many in NATO, will prove the forerunner to larger NATO naval forces.

VII.—ARMS CONTROL AND DISARMAMENT

A. Mutual force reductions

Before the Soviet invasion of Czechoslovakia the North Atlantic Council was leaning in the direction of opening negotiations with the Soviet Union and its Warsaw Pact allies concerning the possibility of balanced mutual force reductions. The invasion of Czechoslovakia has changed this prospect. The members of the Military Committee may wish to discuss whether mutual force reductions are a possibility in the near future.

B. The non-proliferation treaty

I hope that the Non-Proliferation Treaty, tabled by the American, British and Soviet Governments will be the first step in a series of disarmament measures that will reduce the risk of nuclear warfare. I am, however, very much aware that the signing and ratification of the NPT poses problems for several European countries. The question of Euratom inspection and control is a vital concern. Further, the reported desire of

[16] See "Current Soviet Maritime Strategy and NATO", by Martin Edmonds and John Skitt, "International Affairs", January 1969.

some parties in France and Britain for an eventual merging of the British and French nuclear deterrents into some kind of European nuclear defense organisation is an added inhibition. I should very much welcome the opportunity of hearing the views of members of the Committee on these questions.

C. Article VI of the treaty

This article states: "Each of the Parties to the Treaty undertakes to pursue negotiations in good faith of effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a Treaty on general and complete disarmament under strict and effective international control".

Article VI of the NPT imposes an obligation upon the United States and other NATO signatories to enter into strategic arms control discussions with the Soviet Union. Members of the Military Committee should discuss possible implications of the NTP upon NATO and the Warsaw Pact.

D. Limitation of nuclear arms stocks

In the context of Article VI of the NPT I very much hope that the Soviet Union and the United States will begin discussions concerning the limitation of strategic nuclear weapons.

Before the United States enters into bilateral negotiations with the Soviets, President Nixon has said that the European members of the Alliance will be consulted. This consultation is already under way on the whole range of issues to be discussed with the Soviet Union.

There are 750 IRBMs deployed by the Soviet Union aimed against targets in Western Europe. Any nuclear disarmament involving ICBMs or, at the other end of the scale, the withdrawal of American tactical nuclear weapons from Western Europe, would require that Soviet medium range missiles targeted on Western Europe be removed. Speed and determination to achieve results are desirable if the "SALT" talks on the limitation of nuclear weapons are to succeed, but in the process of such talks, I am confident that the United States Government will consider the vital interests of its allies of highest priority. Detailed discussions have in fact been held in the North Atlantic Council between the United States and its allies concerning the preparation of the SALT talks.

VIII.—BURDEN-SHARING

The United States spends almost 10% of GNP on defense. Its Western European allies spend from between 1.2% in the case of Luxembourg and 2.6% in the case of Denmark, up to 6.7% in the case of Portugal, 5.7% in the case of Britain, and 4.6% in the case of Turkey of their GNP on defense.[17] This has been the basis for the argument that the European members of the Alliance have not borne their fair share of the collective defence burden of NATO.

Percentages, of course, can be misleading. It is comparatively easier for the United States with its very large GNP of $789.3 billion in 1967, and its *per capita* GNP of $4,037 for the same year, to devote a higher proportion of its GNP to defence than for a European country. The United States share of the total GNP of the NATO countries is over half. In comparison with the United States, the *per capita* GNP of some of the European members of the Alliance was, in 1967, $1,859 for Germany, $1,067 for Britain and $475 for Portugal.[18]

There is also another important point which is often overlooked in discussion of this problem. That is that a high proportion of American defence expenditure does not concern NATO at all.

In an article published in "Foreign Affairs" in January 1969,[19] former Ambassador Harlan Cleveland stated: "We spend about ten percent of our GNP for defence, but that of course includes the heavy budgetary drain of the war in Vietnam; the "pure" U.S. contribution to NATO would run well under two percent. even if our Atlantic Navy and all of our GNP is a substantial amount."

As I pointed out in my paper to the Military Committee in November 1968, the cost of United States forces committed to NATO totals over $12 billion yearly. On the other hand, with the exception of Britain, France and Portugal, which have extra-European defence commitments, practically the whole total of the defence expenditure of the European members of the Alliance is devoted to NATO. This is particularly so in the case of Germany, all of whose forces are NATO "assigned." Viewed in this overall context, the financial contributions of the European members of the Alliance to the common financing of the Western security are substantial, but a greater overall effort is still needed.

It would be useful to establish the financial pattern of intra-Alliance armaments sales and intra-Alliance general trade figures. Western Europe is one of the major sales areas for American exports of all kinds. In 1967, United States' exports to EEC totaled $5,580,000 and to EFTA totaled $3,174,000,000. Imports from these areas totaled $4,441,000,000 and $2,882,000,000[20] respectively. By the end of 1966, direct American investments in Europe amounted to $11,200 million whereas European investments in the United States totaled $6,273,000,000 at the same time.

The advanced and modern weapons and all elements of the logistics system, which we have discussed, must be provided to NATO forces if the approved strategy is to be successful. It has been and is the Rapporteur's view that the force levels of many of the NATO members are not adequate. It is recognised also that the provision of additional large forces by the Federal Republic of Germany might be considered provocative by the USSR, but this problem might be remedied by the development of trained reserves.

During this calendar year, the Congress and the American people have examined the defense budget more closely than at any time since World War II. Both the Executive branch and the Congress have ordered reductions in defence spending of the order of $5 billion. Reductions in United States forces have been announced by the President. The United States Senate, in its consideration of the defence bill, voted with overwhelming approval to reduce and maintain reductions in overall levels as forces are withdrawn from Vietnam.

There is dissatisfaction in the United States and in the Congress over the size of its forces in Europe under NATO command. The reasons are quite well known. Included are the continuing adverse balance of payments, the cost of maintenance of such forces, domestic pressures for reduction of governmental expenses and the requirement of vast sums to meet the social needs of the country.

I must say also that the general opinion is held that the other members of NATO have not progressively met their share of NATO burdens. I have opposed the reduction of United States NATO forces, as I believe that United States security is enhanced by a strong NATO organisation. But if firm steps are not taken by other members to increase the strength and effectiveness of NATO military forces, the demand for the approval of resolutions such as that introduced by Senator Mansfield and others, and of even greater importance, the reduction of funds appropriated to NATO may very well become successful.

I am sure that members of the Committee will advance other issues of importance for discussion at the meeting of the Committee.

IX.—CONCLUSIONS AND RECOMMENDATIONS

The strategy of flexible response is worthy of full support because of the added security it can bring to NATO member nations. It offers the possibility of additional time for reasonable efforts to be made to halt disastrous escalation to nuclear war in the event of an outbreak of hostilities between Warsaw Pact and NATO forces.

(1) If the strategy of flexible response is to be carried out, member governments must end the present trend of force reductions, bring existing NATO-committed units up to full strength, make up weapons deficiencies, improve communications, command and control facilities, build up logistic stockpiles and improve mobilisation and reserve capabilities.

(2) A determined effort should be made by member governments to inform their people fully about the realities of the threat faced by NATO and the costs in money and manpower required to meet those threats.

(3) Diplomatic efforts to achieve mutual force reductions should be vigorously pursued. In addition, member countries of NATO should make every effort to contribute to the success of the SALT talks. It is hoped that SALT talks will lead to a series of meaningful agreements leading to a limitation and reduction of nuclear arms. Full consultation of its allies by the United States concerning the SALT talks should be a priority for United States policy.

APPENDIX I

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE (SYSTEMS ANALYSIS) OCT. 22, 1968

TABLE 1.—WORLDWIDE NATO AND WARSAW PACT FORCES, MID-1968

[Excluding U.S. increases for Vietnam]

	NATO	Warsaw Pact
Manpower:		
Army/Marines	3,000,000	2,850,000
Navy	1,070,000	470,000
Air Force	1,400,000	880,000
Total men	[1] 5,470,000	4,200,000
Tactical Aircraft:		
Total inventory	11,500	9,000
Nominal inventory value	$27,000,000,000	[2] $16,000,000,000
Total Defense budget	[3] $75,000,000,000	[4] $50,000,000,000

[1] This total includes the forces of France.
[2] Approximate.
[3] Does not include U.S. costs for Vietnam.
[4] At U.S. prices. That is, the United States could "buy" the Warsaw Pact forces—pay the men at our pay scales and build the equipment in our own factories—for about $50 billion per year.

APPENDIX II

TABLE 2.—CENTER REGION NATO AND WARSAW PACT FORCES, MID-1968 DATA [1]

	NATO [2]	Warsaw Pact [3]
Land forces—M-Day:		
Divisions	27½	46
Manpower in divisions	389,000	368,000
Manpower in divisions forces	677,000	619,000
Riflemen (NATO as percent of pact)	100	----------
Equipment (NATO as percent of pact):		
Tanks	60	----------
Antitank weapons	150	----------
Armored personnel carriers	130	----------
Artillery and mortars (number of tubes)	100	----------
Divisional logistic lift	150	----------
Total vehicles	135	----------
Engineers (percent)	137	----------

[17] 1967 figures.

[18] The figures in this paragraph come from OECD sources and are estimated at current market prices.

[19] "NATO after the Invasion".

[20] OECD Sources.

	NATO [2]	Warsaw Pact [3]
Tactical air force:		
Number of deployed aircraft	2,100	2,900
Percentage of force by mission deployed in Europe	20	40
Percentage of force by mission capability (center region):		
Primarily interceptors	10	42
Multipurpose fighter/attack	48	15
Primarily attack	9	6
Reconnaissance	13	8
Low performance	20	29
Total (percent)	100	100
Effectiveness indicators (NATO as percent of pact):		
Payload	280	
Typical loiter time	[4] 250–500	
Crew training	180	

[1] These data relate to the situation prior to the Czechoslovakian crisis. Revised figures have not yet been established but they are unlikely to make a significant difference in the rough balance portrayed in this table. Center region includes West Germany, Belgium, Netherlands, and France for NATO; East Germany, Poland, and Czechoslovakia for the pact.

[2] Includes 5 French divisions.

[3] 22 of which are Soviet, and 24 of which are East European, including 8 Czech.

[4] Range depends on tactical mission profile assumed.

Appendix III. U.S. military personnel in EUCOM (1950–68)

As of Dec. 31:	*U.S. military personnel*
1950	145,000
1951	346,000
1952	405,000
1953	427,000
1954	404,000
1955	405,000
1956	398,000
1957	393,000
1958	380,000
1959	380,000
1960	379,000
1961	417,000
1962	316,000
1963	380,000
1964	374,000
1965	363,000
1966	366,000
1967	337,000
1968	316,000

APPENDIX IV

MEDIUM-HEAVY TANKS AVAILABLE TO COMMANDERS,[1] 1968–69

	NATO	Warsaw Pact	U.S.S.R
Northern and Central Europe:			
In peacetime	4,800	11,500	6,000
After mobilization of 1st line reserves	6,100	14,600	6,750
Southern Europe:			
In peacetime	1,600	4,300	1,100
After mobilization of 1st line reserves	1,800	5,500	2,600
Total Europe:			
In peacetime	6,400	15,800	7,100
After mobilization of 1st line reserves	7,900	20,100	9,350

[1] NATO is estimated to have on average some 50 percent more antitank weapons.

Source: The Military Balance, 1968–69, Institute for Strategic Studies, London.

APPENDIX V

THE MILITARY BALANCE BETWEEN NATO AND THE WARSAW PACT

Ground formations	Northern and Central Europe			Southern Europe		
	NATO	Warsaw Pact	(of which U.S.S.R.)	NATO	Warsaw Pact	(of which U.S.S.R.)
CATEGORY						
Ground forces available to commanders in peacetime (in division equivalents):						
Armored	8	30	19	6	11	3
Infantry, mechanized and airborne	16	35	20	27	23	4
Manpower (in thousands): Combat and direct support troops available	600	925	600	525	375	100
Tanks: Medium/heavy tanks available to commanders: In peacetime	5,250	12,500	8,000	1,800	4,600	1,300
Air Forces: Tactical aircraft in operational service:						
Light bombers	50	260	220		60	60
Fighter/ground attack	1,150	1,285	820	550	215	105
Interceptors	450	2,000	885	300	860	295
Reconnaissance	400	250	220	125	50	40

Source: The Military Balance, 1969–70. Institute for Strategic Studies, London.

Mr. MATHIAS. Mr. President, I want to thank the distinguished Senator from Kentucky. I want to thank him for the generous words he has used and directed at me personally; but, far more than that, I want to thank him for being willing to participate in this colloquy and being willing to become a cosponsor of the resolution.

His experience in this area is unique in the Senate. His experience in the whole world of foreign policy is of extraordinary depth and value. His participation lends a great deal of added significance to the discussion here this morning. I want to thank him for that participation.

Mr. GRAVEL. Mr. President, will the Senator from Maryland yield?

Mr. MATHIAS. I am happy to yield to the Senator from Alaska.

Mr. GRAVEL. I have just returned from a meeting of the Interparliamentary Union in Europe where we visited Warsaw, Berlin, The Hague, Brussels, and then returned home.

Of course, this subject came up on several occasions.

Mr. MATHIAS. It is very difficult to avoid that in Europe.

Mr. GRAVEL. Very much so. What troubled us in that regard is that it made us realize how complex the problem is.

Of course, as the Senator knows, as a matter of policy I take the other view, that we should reduce our forces in Europe.

By going over there and seeing the situation, we know it is not quite that simple.

I want to compliment the Senator for his resolution. It will serve to focus attention on the entire issue. But, I wonder whether it is not a reaffirmation of the status quo, although that has certain merit to some degree.

I would hope that we could find some way to develop some pressure so that we could have some pressure on this.

The argument I heard in Europe, basically presented by our executive people, was that it all has to begin at the level of SALT and then we can sort of back down to doing something between NATO and the Warsaw Pact.

I raise this as a question: Is that the only place where we can begin, at the top? It does not strike me as really a human answer.

Mr. MATHIAS. Let me say to the Senator from Alaska that the resolution I have offered here today does not prejudge the issue at all. The resolution is directed, rather, at finding ways to continue the benefits of the Atlantic Alliance into the future while, at the same time, finding ways to reduce the burdens on this country, and on Western Europe itself, for that matter.

As the Senator suggests, these are difficult and complex questions but the resolution attempts to direct itself not just to the question of troop levels but to the whole community of interest with Western Europe which has altered the picture so much in the past 20 years, such as the enormous increase in trade, which is the great revolution in foreign policy in our time and has altered our relationship with Europe; the growth of international corporations and supra-international corporations which is a different aspect of our life today and did not exist when the alliance was first created; the growth of wealth in Europe which makes a difference from the original proposition on which the alliance was founded; and the status quo as we have known it.

All of these are factors which I would hope would be considered.

What I am suggesting by this resolution is not just an automatic continuation of the staus quo but we are hoping by this resolution to stimulate an initiative on the part of Europe, comparable to the efforts of the three wise men over 20 years ago, to set new goals and establish new objectives for the decade of the 1970's and, thereafter, to find ways and means to reach those goals and accomplish those objectives.

Mr. GRAVEL. I could not agree more with my distinguished colleague and I could not flatter him more than by saying he has undertaken a task that is extremely laudatory. In comparison, and it is not a reflection on my colleague, because what he is doing I praise, but I am trying to broaden the picture. I was distressed to see our Nation, as a matter of policy, totally silent on Willy Brandt's ostpolitik, which I thought was the only good step which could be taken by Europe in the last decade.

Mr. MATHIAS. I have publicly supported the ostpolitik. I think the ostpolitik is one of the very reasons we do not want to precipitate unilateral action on the question of the NATO troop levels, because I do not believe that Chancellor Brandt has any possibility of succeeding if we alter the security arrangements radically at this time when he is attempting the ostpolitik.

Mr. GRAVEL. I think my colleague from Maryland is correct in that regard. Any precipitate action at this point would not be good. That certainly is what I believe from my recent trip in Europe.

Mr. MATHIAS. I would doubt that the Bundestag, for instance, would modify the Bonn-Moscow treaty if there were fears of a sudden, significant reduction in U.S. forces which might cause a whole shifting over of the checkers on the European checkerboard at this moment.

Mr. GRAVEL. Mr. President, I certainly do want the record clear, at least from my point of view, that there should not be any precipitate action. The reason I say this is that I detected it among our people abroad. There should not be a locking in, a very hard locking in, in this area because of what the Senator says has been going on, which has been going on, in order to give us an unusual opportunity to feed the interests of detente.

Mr. MATHIAS. Mr. President, the Senator has grasped the significance of what I am trying to do, which is to avoid either a locking in with the status quo or just suddenly pulling the rug.

What I think we have to do is to recognize that there are significant changes both in Europe and in the United States. We cannot close our eyes to this change. We have to open our eyes and recognize the change and make adjustments in our mutual arrangements which are compatible with the different atmosphere of the seventies.

Mr. GRAVEL. Mr. President, I think that my friend, the Senator from Maryland, has undertaken an outstanding task particularly in view of the immediate future when some Senators will be traveling after the adjournment of the Senate to the NATO conference. I think that they will come back with a lot of questions and a lot of views concerning which direction we should go and the view that perhaps we are not showing enough interest in Europe in view of the financial interests we have.

Mr. MATHIAS. Mr. President, would not the Senator agree that our job in the Senate will be much more difficult next year as we consider the Mansfield resolution, or some similar proposition, if there is a total blackout of responsiveness and initiative coming from Europe and that the Europeans must address themselves to this problem? They must not allow themselves to drift because that would put the whole burden of decision here.

Mr. GRAVEL. Mr. President, we must agree that it is probably the Mansfield resolution which has caused some introspection and thought and ringing of hands in Europe which would not have taken place. It is human nature to feel that way if we pick up the tab, sit back and write the check. I think the Senator is applying pressure to have them look at their hole card. I think this is beneficial from the point of view of individuals generally and from the point of view of nations.

I want to make it abundantly clear that what the Senator is suggesting is exactly what I am suggesting. Something has to be done. We have to begin to think about it, but not in an irresponsible way. I agree with the Senator.

Mr. MATHIAS. Mr. President, as I stated earlier, the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD), has shown deep wisdom and restraint in giving notice by the introduction of his resolution but withholding action while it serves as a warning sign and a signal.

What, in effect, I am doing by my resolution today is blowing an additional whistle to signal the need for European initiative so that when the matter comes up for debate here, we can have the benefit of that European initiative and the views embodied in a European point of view.

Mr. GRAVEL. Mr. President, I think that the only service I could render would be to add the statement that this particular action does not temper the pressure meant to be applied by the resolution, which I think has been beneficial.

Mr. MATHIAS. Mr. President, I agree, it is not tempered at all. It is intended as sort of a last clear chance for the European point of view to be presented so that it can be considered as part of the intelligent and responsible debate on the whole subject of the security of Western Alliance.

Mr. GRAVEL. Mr. President, I compliment the Senator on his effort.

Mr. MATHIAS. Mr. President, I appreciate the participation in the debate by the Senator from Alaska.

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

Mr. GRAVEL. Mr. President, would the Senator from Maryland withhold that request?

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

Mr. GRAVEL. Mr. President, I would like to make a few brief remarks.

The PRESIDING OFFICER. Under the previous order, the Senator from Florida (Mr. GURNEY) was to be recognized for a period not to exceed one-half hour.

Mr. MATHIAS. Mr. President, I yield to the Senator from New York (Mr. JAVITS).

Mr. JAVITS. Mr. President, I join with the Senator from Maryland in this initiative which I consider to be both timely and significant. I am chairman of the Policy Committee of the North Atlantic Assembly, the parliamentary wing of NATO.

The problem is not as one-sided as it looks to many in this country with respect to European participation in its own defense and in such emergencies as the Mideast. They disapprove very thoroughly of what we have done—and continue to do—in Vietnam. They felt that it was irresponsibility, and lacked authority. They feel that it is a pretty poor substitute for what we are committed to and what is called for under the NATO Treaty. They did not feel that it demonstrated any weight on the part of the United States in the terms of the way in which we utilize our resources and other capabilities. They are, bluntly, disappointed in our leadership qualities.

I think that the idea of the Senator from Maryland (Mr. MATHIAS) is excellent.

Mr. President, I joined in it because I think that the Senator from Maryland has indicated a road which can be very productive and very helpful in greatly improving our relations with our European allies in NATO, and in focusing the attention of the Senate on the key issues and real facts of the situation we face.

I compliment the Senator. I shall work with him not only to have his resolution agreed to but also to make it work.

Mr. MATHIAS. Mr. President, I thank the Senator from New York for his participation and for his cosponsorship.

Mr. SCOTT. Mr. President, I rise to commend the junior Senator from Maryland for the statement he has just made and for the resolution which he has introduced.

I share with him the concern for the situation which exists between our North Atlantic Treaty Organization allies.

The North Atlantic Treaty Organization was founded in 1949. Its establishment was brought about in the hope that it would be in a position to prevent Europe, and possibly the world, from ever again being involved in another holocaust which only a few short years before had been terminated.

Since that time situations around the world have changed and certainly the situation in Europe has changed. Therefore, it is necessary for the NATO communities to change also.

The resolution introduced today by the Senator from Maryland calls for continuing review of the purposes and the strengths of the NATO alliance and provides that the Senate of the United States would benefit from the views of the President, who has just recently returned from discussions in Europe, and reaffirms the support of the Senate for the declared intentions of the President to continue to seek on a regular basis the views of our allies regarding America's relationship with Europe.

I again commend the Senator from Maryland for the statement which he has made and for the introduction of the resolution which I am pleased to cosponsor.

ORDER FOR RECOGNITION OF SENATOR JAVITS TODAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the remarks of the Senator from Florida (Mr. GURNEY), the distinguished Senator from New York (Mr. JAVITS) be recognized for not to exceed 10 minutes.

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

OUR DUTIES AND OBLIGATIONS IN LATIN AMERICA

Mr. GURNEY. Mr. President, I think Senators of all persuasions can agree that one of the tragic consequences of the prolonged American involvement in the war in Vietnam has been the fact, owing to this major preoccupation, that we have neglected our other national priorities and relegated our other proper and legitimate concerns to the backburner. We have heard much discussion on the Senate floor in this session concerning domestic priorities and by and large I think that some refocusing is both necessary and desirable. I would like to touch today, Mr. President, on another priority in our foreign relations

and that is our hemispheric relations, our duties and obligations in Latin America.

Mr. President, President Eisenhower formally severed diplomatic relations with Cuba in January of 1961, a few weeks prior to the inauguration of President Kennedy. Our national attention was riveted on Cuba during the first months of President Kennedy's term with the abortive Bay of Pigs invasion and again in 1962, 8 years ago this month, when we had the confrontation with the Soviet Union concerning the stationing of offensive missiles in Cuba. I think we have a national consensus that President Kennedy's handling of that crisis—the defusing, if you will of that nuclear bomb—was the finest hour of his Presidency. It was, as he remarked in a lighter vein after the fact, the day "he really earned his pay." President Kennedy and the Congress later demonstrated their concern about Latin America with the Alliance for Progress. But events have not borne out our initial optimism about the Alliance.

But, beginning in the winter of 1962 and carrying on to the present day, our national attention has shifted to Southeast Asia. The Diem regime came to a bloody end on November 1, 1963, with the murder of Diem and the army coup that toppled his government. Twenty-one days later, in Dallas, President Kennedy himself was murdered by a wretched little man who had once been a functionary of the Fair Play for Cuba committee and who had lived in self-imposed exile in the Soviet Union; who was married to the daughter of a Soviet intelligence officer; a man who had renounced his American citizenship and was a Marxist by his own admission.

In the field of foreign affairs, the dramatic shift of attention to the Far East occurred in 1963. In the summer of 1964, Congress passed the Gulf of Tonkin resolution and the bombing of North Vietnam began in earnest in January of 1965. My purpose is not to revive those years or those decisions. Perhaps the shift was necessary or inevitable. In any event, there was a shift and I emphasize my central point that, to the extent that we have become preoccupied—some would say obsessed with Southeast Asia—there has been a corresponding neglect of our duties, obligations, and responsibilities in Latin America.

It is axiomatic, Mr. President, that we have a special relationship with Latin America. It is in the first level, based on geography and the concept of a hemispheric community. The 26 countries of Latin America look to the United States for investment capital, technological hardware, skills and processes; the United States depends on Latin America for much of its raw material, the exotic metals so necessary to modern technology. This interdependence is more and more necessary and desirable. But, beyond the physical level, we must recognize the unifying factors on the psychological level. We also have a fabric of treaties, organizations, and commitments which are the formal and obvious elements of the inter-American system. But apart from the economic interests and the treaties and the conventional security arrangements, the relationship is special and unique and we can neglect it only at our own peril. And, Mr. President, I think we have been neglecting it, and that is not good.

Governor Rockefeller's report on his mission to Latin America at the request of President Nixon highlighted this very point:

> The United States has allowed a host of narrow special interests, a series of other foreign policy priorities, budgetary and balance of payments constraints, a burgeoning bureaucratic tangle, and well-intentioned but unrealistic rhetoric to submerge this special relationship to the point where many of its neighbors in the hemisphere wonder if the policies, so critical to the development process of other nations, have been distorted to serve a variety of purposes in the United States having nothing to do with the aspirations and interests of its neighbors; in fact, all too often, these purposes have been in sharp conflict with the goals of development.
>
> Moreover, in its relations, the United States has all too often demonstrated, at least subconsciously, a paternalistic attitude toward the other nations of the hemisphere. It has tried to direct the internal affairs of other nations to an unseemly degree, thinking, perhaps arrogantly, that it knew what was best for them. It has underestimated the capacities of these nations and their willingness to assume responsibility for the course of future developments. The United States has talked about partnership, but it has not truly practiced it."

His report, while careful to stress that generalizations about the 26 countries of Latin America are dangerous—because of their varying levels of development, varying forms of government, varying conditions and vast differences among the countries themselves, and between the peoples within the countries—his overall conclusion is that anti-American sentiment in Latin America has grown precipitously in recent years. His view is—and I think there is a good deal of commonsense in this conclusion—that we have allowed our special relationships with Latin American countries to deteriorate. He says:

> If we cannot maintain a constructive relationship in the western hemisphere, we will hardly be able to achieve successful order elsewhere in the world. Moreover, failure to maintain the special relationship would create a vacuum in the hemisphere and facilitate the influence in the region of hostile foreign powers.

Essentially that is what we see happening right now.

In the decade that has passed between 1960 and 1970 there have been sweeping changes in Latin America, not all of them good. We can take some consolation from the fact that much genuine progress has been made. But, we should very properly be alarmed and concerned about our other developments.

In Chile, Dr. Salvadore Allende, a Marxist, polled 36.3 percent of the popular vote, the high vote in a three-way race, and the indications are that a few days hence, on October 24 the Chilean Congress will confirm his claim to the Presidency. If it does, it will be the first time in history that a great nation has voted a Communist government into office. A few years ago, such a thing would have been impossible in Chile.

Just last week, a palace revolution has brought a change of government to Bolivia. All indications are that it is leftist. If it is not Communist, it undoubtedly will be friendly to the Soviets and hostile to the United States.

We are acutely aware of the course of events that followed a similar leftist coup in Peru in 1968. That government has been consistently hostile to the United States and since coming to power has expropriated large property interests of American companies.

In Uruguay, forces are at work which, if unchecked, will certainly consume that unfortunate country. The Tupamaros, as we all know so very well, recently kidnaped and murdered Daniel Mitrione, an American expert on police matters who was attached to our Embassy in Montivideo. Even as we discuss this today another American diplomat is in the hands of the Tupamaros, his life in jeopardy. We have received reports that the Tupamaros have an international Communist brigade, not unlike the international brigade that fought on the loyalist Communist side during the Spanish civil war. It is made up of French, Spanish, and other Europeans in addition to Argentinians, Brazilians, and Paraguayans. It has formal links with and exchanges personnel with a movement of the revolutionary left in Chile and the revolutionary armed forces, a terrorist group, in Argentina.

President Jorge Pucheco of Uruguay has publicly indicated he has substantial proof that the terrorists in his country are acting in concert with and at the direction of Cuba's Latin American solidarity organization, the organ that Castro uses to export his revolution.

Three years ago this month, Mr. President, Ernesto Che Guevara was captured and executed in the remote Bolivian jungles. He met his ignominious end with a handful of terrorists in the hinterland.

Since the death of Che and in recognition of his failure, the subversive elements in Latin America have apparently had a change of heart about the utility of rural guerrilla warfare. They have switched instead to urban terrorism.

It has been reported in the press that the Communist parties of Argentina, Brazil, and Uruguay meeting in Montivideo in the spring of 1968 agreed to a plan for all-out urban terrorism. We have witnessed in the last 2 years, Mr. President, the effectiveness of this wicked plan. Our diplomats and those of other friendly states have been kidnaped, shot, and in some instances murdered.

In January 1968, guerrillas in Guatemala City machine-gunned to death two American military attachés who were returning to the embassy after having lunch.

In August 1968, U.S. Ambassador Gorden Mein was murdered in Guatemala City.

In October 1968, U.S. Army Attaché Charles Chandler was murdered by terrorists in Sao Paulo, Brazil, as his 9-year-old son watched.

In June 1969, terrorists firebombed 13 Buenos Aires supermarkets owned by the Rockefeller family. In September 1969, U.S. Ambassador C. Burke Elbrick was kidnaped in Rio de Janeiro and returned to safety only after 15 political prisoners were flown to sanctuary in Mexico.

In March 1970, the Japanese consul general in Sao Paulo was kidnaped; and in the same month, an American labor attaché, Sean Holly, was kidnaped and ransomed for a political prisoner. Our air attaché, Col. Donald Crowley, was kidnaped and later returned safely after 20 Brazilian prisoners were freed.

Last April, Karl von Spreti, the West German ambassador to Guatemala was murdered in cold blood when the government refused to bow to the ransom demands of releasing political prisoners.

Later that same month our consul in Porto Alegre, Brazil, was wounded in escaping from a terrorist ambush.

In May 1970, Pedro Eugenio Aramburu, former President of Argentina, was kidnaped from his home in Buenos Aires and murdered.

In June 1970, Ehren von Holleben, the West German ambassador to Brazil, was kidnaped in Rio by terrorists and one of his body guards was murdered. Von Holleben was later exchanged for 40 prisoners who were flown to Algiers.

Daniel Mitrione was murdered in August of this year, and Claude Fry, our aid agronomist in Uruguay is still in the hands of the Tupamaros.

These incidents which I have cited are just the tip of the iceberg, and serve only to highlight the fact that Latin America is shifting more and more away from U.S. friendship and into the eager, embracing arms of the Soviet Union.

All this is also by way of prelude and introduction to recent events in Cuba, which comprise the latest, brazen Soviet incursion in this hemisphere.

I am alarmed that so little attention has been paid to this very serious new push by the Soviets for further military leverage in the backyard of the United States and right under our noses.

I refer to the announcement that the Soviets may be in the process of building a permanent nuclear submarine base in Cuba. This story has been in the process of developing for some time—at least since May. In the hearing before the Subcommittee on Inter-American Affairs of the House Foreign Affairs Committee released August 20, 1970, there was testimony that a Soviet task force, including two conventionally powered and one nuclear-powered submarine visited Cienfuegos Harbor in Cuba in May 1970—page 29 of House document, Cuba, and the Caribbean. The task force also included a guided-missile cruiser, a missile-equipped destroyer, and an oil tanker. In April and May of 1970 three flights of two Soviet reconnaissance aircraft flew nonstop from the Soviet Union to Havana. Since May, a submarine tender, another tanker, and an LST arrived in Cienfuegos Harbor. Various other published data indicated that a substantial building program is going on at Alcatraz Island in Cienfuegos Harbor.

This was the setting, then, for the September 25 announcement from the White House. The White House spokesman said the United States would look with utmost seriousness on Russia's establishing a submarine base in Cuba, noting that the Pentagon had "firm indications" that the Soviets may be establishing a permanent submarine base in Cuba. That same unnamed spokesman said that President Kennedy's 1962 policy declaration was still current U.S. policy; that the presence of hostile offensive weapons in the Caribbean was unacceptable.

Mr. President, the implications of this apparent new Soviet threat are staggering. In 1962, we were concerned about the presence of Russian missiles which had a range of approximately 1,000 nautical miles. Soviet nuclear submarines are now equipped with Polaris type ballistic missiles each with a range of about 2,000 miles—twice as far as those in 1962.

The Soviets now have 13 Polaris-equipped nuclear submarines operational; each such submarine carries 16 nuclear missiles with 1-megaton warheads. The Soviets reportedly are building 15 new nuclear submarines right now.

These Russian Polaris type missiles, like ours, can be fired from underwater; they travel at supersonic speeds into the stratosphere against targets, as I say, up to 2,000 miles away. Fighter planes are useless against such missiles, and, as we know, our ABM system is not operational and will not be for some time.

I think, Mr. President, that the apparent intention of the Soviet Union to build such a facility in Cuba is a most serious threat to the security of the United States, and is one, Mr. President, which we cannot ignore or lightly dismiss. If such a base should become operational, one does not have to be a mathematician to realize that this move would effectively increase by some substantial figure the Soviet nuclear submarine capability in the Atlantic. The submarines could remain on station much longer. They would not have to make the long trip back to the Soviet Union at regular intervals. Crews could take the necessary rest/recreation intervals at Cienfuegos. It would do away with the need for at-sea refueling for conventional submarines. Repairs and maintenance could be accomplished much more easily and rapidly at a Soviet base in Cuba. It has, in a sense, the same elements as the Cuban missile crisis of 1962, only this time the offensive missiles are more effective and more mobile.

Quite apart from the published reports, I have received reports from some friends in the Cuban refugee community in Florida which are also very disturbing. I have been told, for instance, by a source who has provided reliable information in the past, that the wire stories have a basis in fact. The most recent information I have received is that extremely powerful floodlights are now in place on Cayo Alcatraz Island and that construction work is proceeding on a 24-hour basis. These lights are visible in Cienfuegos City at the northern end of the harbor—Cayo Alcatraz is at the southern end of the harbor immediately inside the breakwater. Three Cuban barges in tandem, possibly a dry-dock, are now stationed near Alcatraz Island. Cuban fishermen have been forbidden to go anywhere near Alcatraz Island, and the few permanent Cuban residents on Alcatraz, mostly fishermen and marginal farmers, have been evacuated from the island. Fidel Castro reportedly has been making weekly visits to Alcatraz.

British-made buses are reportedly carrying increasing numbers of Russian sailors from mainland points near Alcatraz Island to Cienfuegos City. I have been told that antisubmarine nets have been installed around the approaches to Alcatraz Island. My informants tell me that there has been a great deal of Soviet naval activity in Cienfuegos Harbor and that the presence of Soviet personnel is no longer a startling sight for Cubans in the area.

I think the situation calls for our immediate and full attention and careful analysis of the significance of this latest Russian incursion into Cuba and this hemisphere. It is well that the White House and the Pentagon gave the Soviets early warning that we knew of their intentions and put the United States on the record concerning it.

The question to be resolved by the U.S. Government now is whether we can tolerate a Soviet presence of this magnitude in our hemisphere.

It strikes me that U.S. acceptance and acquiescence of the building of such a Soviet installation in Cuba would have grave consequences, not only from the point of view of our security, but on the psychological level, as well. If this is a test probe and we acquiesce to the permanent Soviet presence in Cuba with submarine bases of this sort, we can expect other and more dangerous probes. If we bow now, the pressure will not diminish, it will increase.

If the early intelligence is correct and the Soviets are in fact developing a submarine base in Cuba, we will have to deal with only two alternatives: Either the stand this Nation took in the Cuban missile crisis of 1962 dies, or we take some affirmative counteraction, for the presence of such a Soviet nuclear sub base on our doorstep is incompatible with the reaffirmance in 1962 of the Monroe Doctrine.

I do not think, Mr. President, and I do not think other Senators believe, that the Monroe Doctrine should be discarded.

It is quite another matter if our early intelligence is wrong or has misled us. In that case there would be no problem of any magnitude. But if the early signs are correct, that the Russian Communists intend to have an operational submarine base in Cuba, then it behooves the United States to reassess its whole foreign policy vis-a-vis Soviet Russia.

Mr. President, I would urge most emphatically that the Department of Defense proceed immediately to determine, with the more than adequate means at its disposal, whether the Soviets intend to place a permanent submarine base or station in Cuba, and that it report to Congress and the American people the results of its investigation. If the Soviets have no such intention, we should know it. If the Soviets are building such an installation, we should know it and know it as soon as possible. It occurs to me that we have a right to know the full facts on this matter at the earliest possible date, so that we can take appropriate action. Candidly, I am not satisfied with the information which has so far been made available to the Congress.

This Nation has been at war in Southeast Asia for a longer time than in any other armed conflict in our history. We regard it as important to U.S. security that we preserve the integrity and exist-

ence of free nations in that part of the world. I support this policy.

We regard it as important to U.S. security that we make available to Israel our best jet fighter planes, sc that this tiny nation may preserve its freedom from Arab-Soviet aggression. I support this policy.

But in terms of security of the U.S. Government, and especially in terms of the safety of the lives of U.S. citizens, it occurs to me that the construction of a Soviet nuclear sub base in Cuba is of far greater priority to the United States and of much, much greater magnitude of threat to the United States and of much greater urgency of attention and action.

I am for helping our friends within our capabilities, but even more I am for taking care of ourselves first in this matter of national security.

I would suggest respectfully, and at the same time emphatically, that we need to know more about the nuclear sub base in Cuba and that we need to know it now.

Mr. President, there was a press release yesterday, October 13, on this subject. It reads in part:

On September 25, in response to a number of queries about Cienfuegos, we said we were watching the situation very closely. We stated then that we were *not* sure that they are building a submarine support facility.

Secretary Laird said on Sunday, October 11, that we have no evidence that a Soviet submarine has used the Cuban base. At his news conference yesterday, the Secretary reiterated that while we would regard the development of a base for nuclear-powered missile submarines in Cuba as a very serious matter, "I can say that there is no evidence at this time that a Polaris-type Soviet submarine has used Cuba as a base." The Secretary said, as has been stated previously, that we are watching this very carefully.

Further, our intelligence appears to incate that Soviet vessels that had berthed in Cienfuegos in early September have now departed Cuban waters and have been sighted proceeding eastward.

It might be speculated that this news is encouraging and may indicate that the Soviets are having second thoughts about a base in Cuba.

However, the news release, Mr. President, is careful to recite that the Pentagon is still watching developments in the area closely, and it is significant that there is no categorical statement that the Soviets are not in the process of building a submarine base in Cienfuegos.

The news release concludes:

In short, we have said on numerous occasions that we were watching the Soviet ship movements closely, but were not sure as to whether or not a submarine support facility was being established at Cienfuegos. That is the situation today.

In fact, there is no mention or comment on the status of the construction on Alcatraz Island.

This morning, there were news stories in the Washington Post and the New York Times and, I assume, in other newspapers, that Tass, the Soviet news agency, published a statement that the Soviet Union denies that it is constructing a submarine base in Cuba. I must say that that does not reassure me; in fact, it arouses my suspicion. An emphatic denial by the Soviets in an important miiltary or foreign policy matter is more likely to mean that they are doing the exact opposite.

All of us can vividly recall how just a few weeks ago the Soviets made a commitment to the United States and Israel in connection with the cease-fire in the Middle East. They breached the agreement just as soon as it was made.

Although they agreed not to move their missile sites and missiles, as soon as the cease-fire went into effect, they prepared new forward SAM sites and moved their SAM's forward.

One can speculate that one of the main reasons for entering into the cease-fire agreement was to gain this missile advantage along the Suez Canal area.

So this morning's news in no way reassures me of Soviet intentions in Cuba, so far as this possible submarine base is concerned. Rather, it makes me more suspicious.

Mr. President, I repeat: Until Soviet intentions are clear and we know one way or the other what plans they have, we in the Senate must also continue to give this matter our closest attention.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may yield successively to the Senator from Washington (Mr. MAGNUSON), the Senator from Montana (Mr. MANSFIELD), the Senator from Louisiana (Mr. LONG), and the Senator from West Virginia (Mr. BYRD) without losing my right to the floor, and without having the time charged to me, as I have only 10 minutes.

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

H.R. 14678—ILLEGAL FOREIGN FISHING IN U.S. TERRITORIAL WATERS

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by myself, concurred in by my distinguished colleague (Mr. JACKSON) on H.R. 14678.

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

Mr. MAGNUSON. Mr. President, the Committee on Commerce has favorably reported, without amendment, H.R. 14678, a bill to strengthen the penalties for illegal foreign fishing in the territorial waters and contiguous fishery zone of the United States.

As many of you are aware, the problem of massive foreign fleets fishing the adjacent waters of the United States has been a growing and critical one in recent years. Although the Congress previously acted on this question in the 88th Congress providing a maximum fine of $10,000 or imprisonment for not more than 1 year, or both, for such violations, it has become increasingly evident that the penalties were totally inadequate in light of the size of the foreign vessels and the amount of fish which might be aboard, especially considering the question of proof that the catch was taken within U.S. fishery zone waters.

H.R. 14678 provides assistance in both of these areas. First, the maximum has been increased to $100,000 and, second, the catch aboard will be presumed to have been taken in violation of the act. The presumption would be rebuttable, but the burden would be upon the operator of the offending foreign vessel to prove the fish were taken legally.

Mr. President, when we analyze U.S. Coast Guard reports that it is likely that only 10 percent or less of the violators are apprehended, it seems obvious that the penalty must be substantial enough to make the risk of apprehension in an illegal fishing act a matter of more severe consequence. H.R. 14678 seeks to do just this.

In addition, our present patrol of the coastal areas in question—particularly off the coast of Alaska—is extremely inadequate, and this bill would assist in authorizing the enforcing Federal departments to also utilize equipment, including aircraft and vessels, to assist in this task.

This Nation has a responsibility to maintain conservation of these adjacent resources and your committee feels that proper enforcement and penalties are a good step toward fulfilling that responsibility.

S. 4477—INTRODUCTION OF A BILL TO DIRECT THE SECRETARY OF COMMERCE TO REPORT ON NATIONAL AND INTERNATIONAL ENVIRONMENTAL MONITORING SYSTEMS

Mr. MAGNUSON. Mr. President, I introduce for appropriate reference a bill authorizing and directing the Secretary of Commerce to make a report to Congress on national and international environmental monitoring systems. We now recognize that every new technological development can be expected to have some impact on the environment. Human health and well-being depend to a large extent upon our being able to minimize the adverse environmental effects of commerce and commercial technology. Knowledge of the environmental consequences of commerce comes in part from monitoring programs, a number of which are already in operation. In order that the Department of Commerce, especially the National Oceanographic and Atmospheric Agency (NOAA), and the Congress may be fully informed of existing and proposed systems, I believe it imperative that there be a comprehensive report dealing with these environmental monitoring systems. This bill provides for such a report by the Secretary of Commerce with the assistance of the president of the National Academy of Sciences.

Both national and international monitoring systems must be considered, because the problem of environmental contamination is global. Pollution of the Yangtze is no less important to us in the long run than the pollution of the Potomac. Existing national and international systems will thus be categorized and evaluated with the objective of arriving at recommendations for significantly improved worldwide monitoring.

The current mercury crisis has dramatically demonstrated the need for careful monitoring and communication between nations. The problem there was

basically lack of knowledge, both of the presence of mercury in the environment and of the dangers posed by the chemical. Whereas some in this country knew of the dangers, they were not aware that the chemical was being discharged into our waters. Others, familiar with the practice of mercury dumping, had no suspicion of the dangers inherent in that practice.

Clearly these gaps in our knowledge must be eliminated with all possible dispatch. Institutions such as those envisioned in my world environmental institute resolution will serve to house and distribute all available environmental information. New institutions will also be needed, however, to increase the volume of information available.

The focus of the bill I introduce today is on this latter function of information collection. It is my hope that when we have a clear picture of what is now being done in this area, we will be able to plan future environmental monitoring more wisely, avoiding both gaps and overlaps in the protection of mankind from environmental hazards.

I note that the distinguished present occupant of the Chair (Mr. HOLLINGS) is a cosponsor of this measure.

The PRESIDING OFFICER (Mr. HOLLINGS). The bill will be received and appropriately referred.

The bill (S. 4477) authorizing and directing the Secretary of Commerce to make a report to Congress on environmental monitoring systems, both national and international, introduced by Mr. MAGNUSON, for himself and Mr. HOLLINGS, was received, read twice by its title, and referred to the Committee on Commerce.

APPOINTMENT OF COUNSEL TO REPRESENT THE SENATE IN AMICUS CURIAE CAPACITY IN APPROPRIATE JUDICIAL PROCEEDINGS

Mr. MANSFIELD. Mr. President, on Monday, October 19, the Supreme Court will be hearing the case having to do with the legislation passed by the Senate and the House of Representatives and signed by the President, giving 18-year-olds the right to vote.

As the sponsor of that measure, I have a certain amount of personal interest in what will be happening on that occasion, and it is my devout hope and prayer that the Supreme Court will find it within its wisdom—though I am not trying to influence it—to confirm the validity of the intent and purpose of Congress and the President, and the precedent laid down by the three-judge Federal court some 3 days ago in upholding what Congress has done through statutory legislation.

Therefore, in view of the fact that this case will be heard on Monday next, I ask unanimous consent that Calendar No. 1075, S. Res. 436, a resolution relative to appointment of counsel to represent the Senate in amicus curiae capacity in appropriate judicial proceedings wherein constitutionality of the statute lowering the voting age to 18 is contested, and for other purposes, be indefinitely postponed.

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

Mr. JAVITS. I yield to the Senator from Louisiana.

AUTHORIZATION TO PRINT HEARINGS OF THE COMMITTEE ON FINANCE

Mr. LONG. Mr. President, the Committee on Finance has been conducting hearings, and we also voted yesterday with regard to a trade amendment somewhat similar to that voted by the Ways and Means Committee of the House of Representatives, which will probably be acted upon in that body before it is acted upon in the Senate.

During the course of the hearings, objection was heard to a request that the committee be permitted to meet. On that occasion, we had in town a good number of witnesses, some of whom would have difficulty in arranging to be present at a later date, and we were working against a time limit. Therefore, the chairman of the committee felt it desirable simply to declare that the committee was no longer meeting officially as a committee but was meeting as an informal group of Senators for the purpose of taking testimony.

In other words, Mr. President, it would require consent of the Senate to print the testimony taken of the Secretary of State, the League of Women Voters, and the AFL–CIO which was taken during a period of time when objection was heard and the committee was meeting informally and not in position to meet officially as a committee.

I discussed this matter with Senators, and I believe it appropriate to request unanimous consent that the testimony of witnesses that occurred during that period may be printed as a part of the hearings on this measure and that the expenses of the reporter be paid.

The PRESIDING OFFICER. Without objection——

Mr. JAVITS. Mr. President, I reserve the right to object. The Senator was not quite through yet.

Mr. LONG. Mr. President, there are a number of ways in which this matter can be handled to make the information available to the Senate. For example, it is my privilege, and that of any other Senator, to stand on the floor and read what the Secretary of State, the League of Women Voters, and the AFL–CIO testified in the RECORD. It is also our right to pay the reporter and to have it printed, or we could put on a fund-raising dinner. I do not think we would have any difficulty. Or, we could sell copies and make a profit.

In any event, it seems to this Senator that the information should be made available. If there is objection to printing this matter, to make it available to the Senate, I will find some other way to make the information available to the Senate, but I need to know in what fashion I should proceed.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Reserving the right to object, Mr. President, I am the one who objected to the sessions. I objected because I believed that 2 days of hearings on so portentous a bill was hardly a hearing. I made that point with the aid of other Senators, whose help I most gratefully acknowledge, on both sides of the aisle. I had no desire, and I have no desire, to have any smallness about this. Of course, we are not going to make the chairman of the Finance Committee go through the gyration of inserting in the RECORD whatever he wishes, as he could, or anything like that, or having him pay a reporter.

What I do ask, however, is that the unanimous-consent request may be modified so that it will show, in connection with the printing of these particular statements and questions and answers, that they be printed separately. This will show that they were the result of informal presentations to certain members of the committee and were not testimony of witnesses, as is perhaps other documentation which will be produced in respect of whatever bill is reported by the committee. But as to the mechanics of actually presenting it to us in a printed way, in a convenient form, and as to the cost of printing or the cost of reporters, I have no objection whatever. If the Senator will modify his request accordingly, so far as I am concerned, I am content.

Mr. LONG. Mr. President, with regard to the Senator's suggestion, the record I propose to print would so show that—in fact it clearly shows that objection is heard and if need be I will pay the reporter and we will meet informally and I will take this testimony. I will be glad to have the RECORD show that the Senate went out of session about 2:30 that afternoon and that at that point we were not meeting at a time when the Senate was in session.

Mr. JAVITS. That is correct. I think it was 4 o'clock, but it does not matter.

Mr. LONG. One day it was 2:30 and another day it was about 4.

The PRESIDING OFFICER. Is there objection to the modified request?

Mr. FULBRIGHT. Mr. President, reserving the right to object—I shall not object—I raise this simply because this type of thing has occurred to the Committee on Foreign Relations. Objection was made, and we did not hold the hearing.

I think that in the interest of conformity and of understanding by various chairmen, perhaps the Rules Committee should give some attention to this matter. I think the Senator has a point about the witnesses, and we have had the same situation in the Foreign Relations Committee. I do not think one committee should act one way and another committee should act another way.

I only raise this question as a matter of interest. I think that this type of matter should receive further attention by the Rules Committee and the leadership, so that we all will know what the proper procedure is under these circumstances.

Mr. HANSEN. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may yield to the Senator from Wyoming, with the time not to be charged to me.

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

Mr. HANSEN. I should like to ask the Senator from New York whether my understanding of his stipulation is correct in connection with the testimony and the responses to questions that were raised by members of the committee who were then sitting informally, as was declared by the distinguished chairman of our committee. Would this stipulation result in everything that was said, all the responses that were made that afternoon, taking on a character different from that which would be the case if we could have been in formal session? I am not quite clear as to the purpose of the distinguished Senator from New York in saying that this testimony and the statements and the responses to questions should not be considered as—I have forgotten precisely the words.

Mr. JAVITS. Should not be considered as witnesses or testimony, but should be considered as an informal presentation to certain members of the Finance Committee by certain people whom the committee had intended to call as witnesses in those sessions.

My only reason for my reservation and the request I have made of Senator LONG is to keep good the good faith of my objection.

The Senator knows that the Senate could pass anything without hearings, if it chose. We are not in a court, where the matter is going to go up on appeal and then the appelate court will weigh what was not objected to in the record and what was objected to. In order to keep the good faith of my objection, I have made these statements.

Mr. LONG. Mr. President, I should like to get this matter straight with the Senator from New York.

It is fine with me for the record to show at what point objection was made and that the committee was aware of it and at what point the Senate went out of session.

I do not think it wise or desirable to print it as a separate document, because that means we will have to leave out the part at which Mr. Gilbert, the Special Trade Representative of the President, was answering the question of the Senator, and we will have to have a separate document which will end at an abrupt point. We would then transfer back to the hearing.

Mr. JAVITS. May I suggest that the Senator have printed as a supplement what was done in the objected-to time and put it in the same binding. Make it a supplement and put it in the same binding. Show what committee members were present, because it was informal and it was not testimony before the committee.

I just want to show what happened factually, to maintain the good faith of my objection.

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

Mr. JAVITS. I yield, with the understanding that the time will not be charged to me.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the unfinished business not be laid before the Senate at the close of the morning hour, at 11 o'clock this morning; that the Senator from New York retain the floor until he is finished; and that the period for the transaction of routine morning business not exceed 1 hour.

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

Mr. LONG. Well, Mr. President, I say to the Senator that if he wants to insist that this matter be printed as a separate document——

Mr. JAVITS. I do not.

Mr. LONG. So that there will be two documents, one in which the testimony would not appear in consecutive order, to which there would be no objection, but it would be better, I think, that the testimony appear consecutively in the record.

Mr. JAVITS. But at the head of that particular section it will show what happened. That is all I insist upon.

Mr. LONG. Fine.

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

The Senator from New York (Mr. JAVITS) is now recognized.

AN EFFECTIVE ANTIPOVERTY PROGRAM—OEO LEGAL SERVICES

Mr. JAVITS. Mr. President, as ranking minority member of the Senate Committee on Labor and Public Welfare—which is responsible for legislation and legislative oversight on the poverty program, I rise today to express my deep concern over a number of changes in that program reported to be under consideration by the administration.

First, yesterday's Washington Post carried an article which indicates that the Office of Management and Budget has ordered the Office of Economic Opportunity to cut its budget for fiscal year 1972 by 50 percent. Additionally, the administration may be considering transferring a number of the antipoverty programs to other agencies, according to the Post article.

Both the White House and the Director of the Office of Economic Opportunity have denied the report, indicating that planning is still in a preliminary stage and that plans will not be made public until the President announces the budget for fiscal year 1972.

However, to guide the planning—not only for the fiscal 1972 budget, but in connection with the forthcoming consideration of legislation for an extension of the poverty program, I wish to record my opposition to any actions on the part of the administration that may result in a diminution of the total amounts of money available for programs conducted under the authority of the Economic Opportunity Act—particularly those available for local initiative and programs conducted by community action agencies—and in opposition to any transfers of programs which could lessen the vitality of those programs or reduce the involvement of the poor and their representative agencies in program planning and conduct.

We need an increase—not a decrease—in funding if we are ever to deal with the problems of poverty. While it is true that the number of poor people in the United States has been decreasing since the poverty program began, there are now more than 24.3 million persons living below the poverty line—a number equal in size of half the population of Great Britain. We have increased funds for the poverty program each year since the program was first begun in 1965, but even with the $2 billion plus budget requested for fiscal year 1971, programs under the Economic Opportunity Act will meet the needs of less than 31 percent of all poor children ages 3 to 6 who need early childhood education; only 1.7 percent of the hard-core drug addicts among the poor; only 8.9 percent of those who could benefit from family planning services; only 17 percent of the poor who need legal services; and only 7.3 percent of the migrant and seasonal farmworkers.

The administration is to be commended for its efforts in manpower, hunger, and welfare reform, but even if these proposals are fully implemented they will fail to reach many of the poor. Food stamp programs and commodity programs now reach only 9,500,000 of the Nation's 24.3 million poor, and even under the administration's plans for an expansion of those two programs, total participation over the next 2 years will include only 17,500,000 poor persons—approximately three-quarters of the poor. Manpower training programs for fiscal year 1971 are projected at a higher level than last year, but one which will provide employment and training opportunities to less than one-tenth of the unemployed and underemployed persons who can benefit from such programs, according to Department of Labor estimates.

Mr. President, as we can never regard an increase in cash or an expansion of services for the poor as a substitute for actions undertaken by the poor themselves, the funds for programs conducted by the Office of Economic Opportunity and by community action agencies should be increased. As we expand our overall poverty efforts, it becomes that much more essential that we increase funding for community action agencies and similar organizations at the local level to insure that any new efforts are accompanied by effective "outreach" to the poor, and to maintain the basic involvement of the poor in antipoverty efforts.

Mr. President, the Washington Post article suggests that the administration is contemplating a number of additional transfers of OEO programs to other agencies. Specifically, the article indicated that the Administration is considering:

Merger of the VISTA volunteers into a new federal volunteer agency, which also would include the Peace Corps and Teacher Corps.

Removing the legal services program from OEO and establishing legal aid for the poor in a new government corporation.

Increasing the cost of Community Action agencies that must be paid by local communities above the present 20 percent "local share" of program costs.

Eliminating or transferring to another agency the emergency food and medical program, now part of the anti-hunger effort.

Mr. President, I am not opposed to the general concept of "spinning off" successful programs to established agen-

cies, but I view with great concern any plans to transfer or otherwise affect indigenous programs such as VISTA, legal services, or community action, which have been the backbone of the poverty program from the standpoint of the poor and the establishment of their dignity and motivation. In the case of any proposed transfer or related action, the burden is on the administration to show that it will result in strengthening our antipoverty efforts and in sustaining a meaningful involvement of the individuals and organizations on the local level that are most sympathetic to the problems of the poor. I feel I must oppose transfers which may result in the absorption of programs originally established for and by the poor into the porous body of established bureaus so as to lose much of their character and therefore their effectiveness.

Mr. President, even before we consider the question of the extension of the poverty program and the level of funding for fiscal year 1972, the administration faces an important test of its commitment to antipoverty efforts in connection with its plans for one of the most vital programs: the legal services program. I hope that the administration will hold to its previous commitment as to the independence of that program which provides the poor with meaningful access to legal advice and to the courts. Specifically, I urge three things.

First, that the administration abandon any plans that it may have contemplated for "regionalization" of the legal services programs by placing them under the management of the national OEO operations office and the OEO regional directors, rather than under the Office of Legal Services, as is now the case. The Director has indicated that "regionalization" of legal services under OEO administration—as well as conduct of the program by a separate governmental agency—is under consideration.

When the support of the organized bar was first obtained for the legal services program in 1965, assurances were given that the program would be developed, implemented, and managed by lawyers. Nevertheless, in the early days of the program, the legal services programs were often subordinated on the local level to community action agencies, with a resulting diminution of the professional independence of program lawyers.

The current administration, with the full support of the organized bar, sought to insure the independence of the legal services program and its lawyers by having it administered by a separate office within OEO. In his August 11, 1969, message to the Congress, announcing a reorganization of a number of OEO programs, the President stated:

> The Office of Legal Services will also be strengthened and elevated so that it reports directly to the Director. It will take on central responsibility for programs which help provide advocates for the poor in their dealings with social institutions. The sluggishness of many institutions—at all levels of society—in responding to the needs of individual citizens is one of the central problems of our times. Disadvantaged persons in particular must be assisted so that they fully understand the lawful means of making their needs known and having those needs met. This goal will be better served by a *separate* Legal Service Program, one which can test new approaches to this important challenge. (Emphasis added.)

Appearing before the Subcommittee on Employment, Manpower, and Poverty, on October 7, Donald Rumsfeld, Director of the Office of Economic Opportunity, described the decision to centralize legal services as a "temporary" action "necessary to develop the necessary management procedures." Referring to the earlier decision to centralize, he said:

> At that time, it was my intent that when the reorganization process was complete and when the program was in order it would again be handled in a way similar to other programs.
>
> We are now reviewing how the program may best be managed. The period of consolidation and reorganization begun last July is complete. The question that remains is what management arrangement will provide the best management of the program from the standpoint of the poor.
>
> Under the present arrangement, responsibility for funding decisions, evaluations, monitoring, technical assistance, program policy and the like is lodged in the headquarters legal service office. It may well be desirable to move responsibility for one or more of those activities to the agency's federal regional directors who are charged with the principal responsibility for the operational programs in their regions and who, one would hope, would have more information about local situations than federal officials located in Washington. The questions we are addressing is how best to involve these federal regional directors in the management of headquarters-funded operational programs.
>
> We have no final decision on how this should be accomplished or the precise nature of the new management structure that will be instituted.

Subsequent to the Director's testimony the subcommittee received into its hearing record a copy of an OEO memorandum dated August 12, 1970, to Mr. Terry Lenzner, Director of the legal services program from OEO Deputy Wesley L. Hjornevik. The memorandum defines what may be meant by "regionalization" in the case of the legal services program: First, responsibility for the legal services operating programs would be placed under the Office of Operations rather than the Director for Legal Services; second, regional legal services staffs would be responsible to regional legal directors rather than to the Director of Legal Services in Washington; third, the policies and procedures for the administration of legal services programs would be established by the Office of Legal Services; fourth, any direction regarding legal services activities "will follow the command channel through the Office of Operations"; fifth, determination of regional legal services allocations "will be made by the Office of Legal Services and concurred in by the Office of Operation."

Mr. President, on October 7 and 9, the subcommittee heard persuasive testimony by representatives of the organized bar, the League of Woman Voters, and those conducting vital legal services programs in California, Massachusetts, New York, and Washington, D.C., all of whom appeared in opposition to regionalization.

In a joint statement before the subcommittee on October 7, the American Bar Association, the National Bar Association, and the National Legal Aid and Defenders Association described the effects that regionalization could have on the legal services program. These organizations testified that regionalization would have a substantive impact on the program and would interfere in the lawyer-client relationship, that the uniqueness of the legal services program requires independent administration and that regionalization would interfere with the individual attorney's ability to meet ethical and professional standards. Moreover, the joint statement noted:

> The denuding of the Legal Services Program of its professional qualities would result in the consequent loss of some of the brightest young lawyers working for clients in the legal services agencies. No self-respecting lawyer will continue to work in a program where he is subordinate to laymen in professional matters. Headquarters and regional services staff were greatly demoralized by the difficulties created through divided responsibility both nationally and regionally under the prior administration. Transfer of administration primarily to Regional Directors would be intolerable to these lawyers.
>
> The regionalization would cost the Legal Services Program the enthusiasm and close supervision of the organized bar at best. At worst, it would result in the withdrawal of support for the program by the bar. Such loss of support would seriously cripple the program and dilute the quality of services available to the poor.

Mr. President, when he appeared before the Subcommittee on Employment, Manpower, and Poverty, on November 14, 1969, in strong opposition to the amendment then proposed by Senator Murphy—which would have given the Governors a final veto over legal services programs—Director Rumsfeld responded to a question regarding the effect of the amendment:

> I think that would be a very undesirable thing, to permit someone to control, *anyone*, frankly, the kind of activities that legal services program attorneys are involved in. (Empasis added.)

I am strongly opposed to any action that would place anyone—whether he be a governor, a mayor, an OEO regional director—and whatever may be his disposition toward the poor—between an attorney for the aggrieved poor and our system of justice.

In his testimony before the subcommittee, on October 7, the Director indicated that no final decision has been made on any proposed change, and I urge him to reexamine the proposals in light of the testimony before the subcommittee. Moreover, I hope that as the spokesman for the poor in the Federal Government and as Special Assistant to the President, the Director will counsel the administration against any such action.

If there are administrative changes necessary to improve the program, the adminstration should make its proposals and present its plans in detail before the appropriate committees of the Congress long before any decision is implemented so that the committee members and others interested in the program will have enough time to determine what is

in the best interest of the program and of the poor.

Second, that the administration should support efforts to provide additional funds for the legal services program.

The administration has requested $2,080,200,000 for fiscal year 1971 for all poverty programs under the Economic Opportunity Act—an amount just $32,000,000 above the request for fiscal year 1970.

On August 24, 1970, I submitted, with Senator GAYLORD NELSON, amendment No. 858 to H.R. 18515, the Labor-HEW appropriations bill—which we will consider shortly—to increase poverty program funds from the $2,046,200,000 approved by the House to $2,195,500,000—an increase of $149,300,000. I hope the administration will support this amendment so that it will have the flexibility to provide a greater amount to the legal services program, as well as to other programs. Even with the $61,000,000 requested by the administration for fiscal year 1971 for legal services, offices throughout the Nation will be forced to shut down or greatly diminish their services.

In New York City, for example, seven out of the 26 offices that provide legal advice to indigent persons may have to be closed shortly. During the past 5 years, the program has grown from a $26 million operation serving 165,000 clients to one which is funded at $59,000,000, serving almost 1 million clients in the last fiscal year. Nevertheless, appropriations for legal services under the administration's proposed budget plans for fiscal year 1971 will reach only 17 percent of the poor persons who require legal services. The American Bar Association, a staunch supporter of the legal services program, has testified before committees of the Congress that the fiscal appropriation for the legal services program must be increased to at least a level of $90,000,000.

If these efforts to increase the appropriation for the legal services and for other programs are not successful, then I urge the Director to reexamine its priorities and compare the importance of legal services and other efforts conducted by the Office of Economic Opportunity—for example, demonstration projects. I am sure this evaluation will lead the Director to conclude that the legal services program must be provided with the maximum amount possible.

Third, that the administration convene, late this year or early next year, a White House or other national conference on law and poverty to be attended by representatives of the private bar, leaders of the American Bar Association and other national bar organizations, legal services lawyers, client groups, members of the judiciary, public interest lawyers, and representatives of appropriate Federal agencies for the purpose not only of considering the advisability of any proposed change in the legal service program, but to explore the new ways of involving members of the bar and others in serving as advocates of the poor. I propose that the conference also examine related issues, such as proposals to administer the legal services program by an independent corporation or within another agency of the Federal Government—as mentioned in the Post article—the coordination of all Federal legal assistance programs, the role of para-professionals in the delivery of legal services, the optimum use of volunteer lawyers in representing poor clients, and the integration of civil and criminal services within the concept of the neighborhood law office. The last such conference was held in Washington on June 23, 1965.

Mr. President, early next session we will consider legislation to extend the poverty program. I indicated in a statement in the Senate on October 7 the kind of extension that I consider most meaningful. There is is no program more vital than the legal services program. What those in the administration, as well as in the Congress, do with the legal services program will tell the poor the extent to which we are serious about the "war against poverty."

There are some who hold that the poverty program has only kindled frustration by making promises that government cannot keep. The right to justice under law is a promise established by the Constitution, not by the poverty program, but programs like the legal services program can help to give it meaning. If the poor lose their faith in this program, then what can be said for their faith in other programs or, for that matter, in our entire system of justice?

As emphasized by George W. Moore, appearing on behalf of the National Clients Council before the Subcommittee on Employment, Manpower, and Poverty on October 9, 1970:

> We clients did not start out believing blindly that the law was our friend, that the courts would do justice, and that lawyers were fighters for equal justice for the poor. In fact, we started by fearing the law as the enemy; fearing lawyers and the courts as part of a system which repossessed our furniture, evicted us, garnished our salaries, and sent our children to reform schools. This program has won the trust—a precarious trust, but a growing trust, among minority groups. What makes this even more amazing is that the legal profession is over 98% white. And we hardly need tell you that racism in this country has bred extreme distrust and hostility. Yet, the clients have come to trust this program because the lawyers in it fight for us; the program staff fights to protect its integrity; and the organized bar fights to insure that the highest standards of professional conduct are maintained. We know, at least so far, that the attorney in this program owes his full loyalty to his client and only to his client—not to some politician. And the client community has a solid basis for believing that regionalization will change all this. If the poor lose faith in this program, in the possibility of equal justice through law, then all of us know the alternatives that remain.

Mr. President, I ask unanimous consent that the following material be printed in the RECORD: The article entitled "White House Orders OEO To Cut Next Budget by 50%" from the October 13, 1970, issue of the Washington Post; an article from the October 14 issue of the Post entitled "White House Says No OEO Cuts Set"; the statement by Donald Rumsfeld, Director, Office of Economic Opportunity, before the Subcommittee on Employment, Manpower, and Poverty, October 7, 1970; the Joint Statement of the American Bar Association, the National Bar Association, and the National Legal Aid & Defender Association before the subcommittee on October 7, 1970—which sets forth in more detail the background of the organized bar's involvement in the legal services program and the basis for their opposition to regionalization; and an article contained in the October 4 issue of the New York Times, concerning the situation in the New York legal services program.

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

WHITE HOUSE ORDERS OEO TO CUT NEXT BUDGET BY 50%

(By Nick Kotz)

The White House has ordered the Office of Economic Opportunity to cut its antipoverty budget by 50 per cent next year, from a present budget of $2.08 billion to $1.05 billion.

OEO Director Donald Rumsfeld has protested in a letter to the Office of Budget and Management that the proposed fiscal 1972 budget "would mean severe cuts in Head Start, Community Action, migrant and Indian programs, and research and development activities."

Questioned yesterday about the proposed OEO budget reductions, an administration official said "it is not fair to conclude that a great gutting is happening" based on preliminary negotiations between OEO and White House budget officials.

The official, who declined to be quoted by name, said a lower OEO budget could be expected as the President will recommend that some established antipoverty programs be transferred to other agencies.

Rumsfeld, however, apparently took into consideration anticipated transfers of programs, as he protested the budget cuts.

Even after program transfers are made, Rumsfeld wrote OBM Director George Shultz, OEO would have only $570 million available in fiscal 1972 to fund programs operating this year at a cost of $1.3 billion.

Rumsfeld responded to the White House call for a $1.05 billion budget with a $1.23 billion budget recommendation.

Even this budget, Rumsfeld said, would require severe cuts in some programs, including emergency food and medical services.

The administration's proposed budget for OEO and Rumsfeld's response have not been made public, but are the subject of heated controversy among antipoverty program officials who fear dismemberment of OEO's principal programs. (Documents concerning the proposal were made available to The Washington Post.)

These officials are equally concerned with Rumsfeld's tentative recommendations on means of further reducing his agency's budget. Among these recommendations are:

Merger of the VISTA volunteers into a new federal volunteer agency, which also would include the Peace Corps and Teacher Corps.

Removing the legal services program from OEO and establishing legal aid for the poor in a new government corporation.

Increasing the cost of Community Action agencies that must be paid by local communities above the present 20 percent "local share" of program costs.

Eliminating or transferring to another agency the emergency food and medical program, now part of the anti-hunger effort.

The transfers of VISTA, legal services, and other programs are initiatives Rumsfeld is considering both as budget savings and as means of carrying out the President's directive to transform OEO's role into that of a research agency, rather than that of an administrator of ongoing programs.

The President already has publicly called for transferring the antipoverty agency's manpower programs to the Labor Depart-

ment and various child care and health programs to HEW. Other program transfers, however, still are in the planning stage.

OEO officials concerned with legal services, VISTA and the emergency food and medical services program privately express fear that their programs will be left defenseless and subject to future elimination, if they are removed from the protective cloak of OEO.

These officials contend that increasing the local cost of Community Action programs will provide an excuse for unfriendly local officials to eliminate these programs.

In submitting his proposed budget to the Office of Management and Budget, Rumsfeld also outlined new initiatives he would like to undertake next year. These are:

Concentration on needs of American Indians.

Significant expansion of community-wide health care, family planning and narcotics programs.

Launching of two or three major experiments in the areas of housing, employment and the Social Security system. A "housing vouchers" program would give the poor money to invest in adequate housing.

WHITE HOUSE SAYS NO OEO CUTS SET

Nixon administration officials denied yesterday that there will be any major cut next year in antipoverty programs administered by the Office of Economic Opportunity.

White House Press Secretary Ronald Ziegler and OEO Director Donald Rumsfeld both denied a Tuesday report in The Washington Post that the administration's proposed 1972 budget would force cutbacks in Head Start, Community Action, and OEO research and development programs.

The Post story was based on a letter and memorandum from Rumsfeld addressed to George Shultz, Director of the Office of Management and Budget, and to his deputy, Caspar Weinberger.

Rumsfeld said yesterday in an interview that neither message actually was sent to the OBM officials.

He acknowledged, however, that the messages accurately portrayed what OEO considers "a miscalculation" by budget officials in determining the effect on OEO's budget when manpower programs are transferred to the Labor Department.

Rumsfeld said in the messages that OEO programs operating this year with $1.3 billion would have only $750 million available next year if the miscalculations are not corrected.

"That's a miscalculation that will never happen," Rumsfeld said yesterday.

However, Rumsfeld refused to say what the actual proposed OEO budget would be after the so-called miscalculation is eliminated. He said the budget planning is in a preliminary stage and will not be made public until the President announces it in January, 1972.

In the message addressed from Rumsfeld to Shultz, he responded to an OBM call for a $1.05 billion budget with three options of $1.23 billion, $881 million and $781 million.

While expressing preference for his first option of a $1.23 billion budget, the Rumsfeld memorandum addressed to Shultz also stated: "Our Option 1 budget is a base for working toward a President's budget request for OEO that probably will end up closer to Options 2 and 3."

STATEMENT BY DONALD RUMSFELD, DIRECTOR, OFFICE OF ECONOMIC OPPORTUNITY, BEFORE THE SUBCOMMITTEE ON EMPLOYMENT, MANPOWER, AND POVERTY, U.S. SENATE, OCTOBER 7, 1970

Mr. Chairman, Members of the Committee: It is a pleasure to appear before this Committee. I particularly welcome this opportunity to discuss with you the subject of legal services. I have discovered in recent weeks that a good deal of misunderstanding and misinformation surrounds this subject, and I hope this hearing will provide an opportunity for better understanding of the matter.

In May of 1969, when I became Director, the legal services program was a part of the Community Action Program. It was understaffed both at headquarters and in the regions. When Mr. Terry Lenzner became Director of the Legal Services Program, he discovered that the filing system was inadequate—and, in instances, non-existent with no useful grant management system. The basic information necessary to manage a program did not exist, and there was insufficient manpower to institute the necessary management controls.

At that time, I made the decision to temporarily centralize the operations of legal services in Washington for the period of time necessary to develop the necessary management procedures. At that time, it was my intent that when the reorganization process complete and when the program was in order it would again be handled in a way similar to other operational programs.

Since that time, management of legal services has improved. The program has established a grants management procedure and now has in place the first uniform, systematic evaluation plan. We have increased staff—both at headquarters and in the regions.

We are now reviewing how the program may best be managed. The period of consolidation and reorganization begun last July is complete. The question that remains is what management arrangement will provide the best management of the program from the standpoint of the poor.

Under the present arrangement, responsibility for funding decisions, evaluations, monitoring, technical assistance, program policy and the like is lodged in the headquarters legal service office. It may well be desirable to move responsibility for one or more of those activities to the agency's federal regional directors who are charged with the principal responsibility for the operational programs in their regions and who, one would hope, would have more information about local situations than federal officials located in Washington. The questions we are addressing is how best to involve these federal regional directors in the management of headquarters-funded operational programs.

We have no final decisions on how this should be accomplished or the precise nature of the new management structure that will be instituted. We are studying the question. The agency is addressing this issue in a series of meetings with both regional and headquarters staff. Also, a subcommittee of the Legal Services National Advisory Committee is studying the issue.

The confusion about this subject was highlighted during a meeting I had not long ago. During the course of our discussion, I discovered that one young man was convinced that so called "regionalization" of legal services meant turning the program over to regional commissions, like the Appalachian Regional Commission. Obviously, this is not the case. Another was convinced, inaccurately, that it meant turning the program over to state governors and their state regional planning districts. Another erroneously thought it would place legal services control with mayors. I have found similar confusion with other groups as well.

Consequently, I welcome the opportunity to meet with this committee and comment on this subject. Once there is a common understanding of what is being considered, the fears expressed should prove to be unfounded.

In the first place, in my judgment, none can legitimately question the support of the Administration, or of this Agency, of an effective legal services program. One of my first actions, little over a month after I became Director, was to establish Legal Services as a separate office within the agency, with an Associate Director reporting to me.

As I stated at that time: "The legal services program has come to symbolize much of the mission of this agency: justice for effective advocacy on behalf of the poor and orderly institutional change within the framework of the legal system."

In August 1969, the President issued a message on the Office of Economic Opportunity in which he paid tribute to legal services, assigning it "central responsibility for programs which help provide advocates for the poor in their dealings with social institutions." The President said:

"The sluggishness of many institutions—at all levels of society, in responding to the needs of individual citizens is one of the central problems of our time. Disadvantaged persons in particular must be assisted so that they fully understand the lawful means of making their needs known and having those needs met. This goal will be better served by a separate legal services program, one which can test new approaches to this important challenge."

When one talks of regionalization of legal services, or of decentralization, it is not a matter of weakening or diminishing its influence or changing policy, but rather improved ways of administering the program, so it may be even more successful.

This committee is familiar with the agency's reorganization plan which was put into effect in August of last year. That reorganization was instituted for the purpose of improving the agency's management capability. I can say now, a year later, that the Office of Economic Opportunity is managing its resources in a more efficient manner and that we are more effectively delivering the programs to the poor.

A principal element in the reorganization was the establishment of the Office of Operations which administers the agency's field activities through ten Federal Regional Directors who report to the Assistant Director for Operations. This office was created for three reasons:

(1.) To provide for a separation of the activities involved in operational programs as distinct from those involved in developmental, research, or demonstration programs.

(2.) To insure that greater support is provided to community action agencies and other local organizations and

(3.) To insure more effective management for the new ten-region structure.

The Office of Operations consolidated in one office the activities of the field-related operational activities.

One of the problems faced by government today is how to manage resources in a way that maximizes their impact and avoids burgeoning bureaucracy.

The Office of Economic Opportunity has 10 regional directors to direct the activities of the Federal regional offices. We have made continuing and intensive efforts to involve these regional directors in the formulation and implementation of agency policy. This has improved our capacity to manage the resources available. What we have achieved is an integrated management operation in which the 10 Federal regional offices, through the Office of Operations, can more efficiently carry out the policies of the agency. This process, whether one calls it "decentralization" or "regionalization", is in some instances a useful way of managing a large operational system of government.

I should also say a word about the notion of "independence" as it applies to legal services. There is a distinction to be drawn between, on the one hand, the freedom of legal services attorneys to exercise their professional judgment in representing clients and, on the other hand, the manner in which the programs activities are managed by Federal employees, whether located in the Washington headquarters offices or in the Federal regional offices.

There is no question but that legal services programs exercise their professional responsibilities as lawyers, subject, of course,

to the restraints imposed by Federal statute, Federal regulations, policies established by the boards of directors of the local programs and the Canons of Ethics. However, this has no relationship to questions involving the management structure used by the Agency in administering the program.

By statute, the Director of OEO bears the responsibility for formulating and carrying out the policies under which the program will operate. He should, in my judgment, carry out those responsibilities utilizing management structure which judgment will best serve the poor.

I can assure the committee that the structure that is selected for managing legal services will be one designed to continue the program as an effective one on behalf of the poor and that it will insure the program's continued operation in a manner consistent with the highest traditions of the legal profession.

JOINT STATEMENT OF AMERICAN BAR ASSOCIATION, NATIONAL BAR ASSOCIATION, NATIONAL LEGAL AID AND DEFENDER ASSOCIATION

(In Support of the Legal Services Program of the Office of Economic Opportunity, Before the Subcommittee on Employment, Manpower, and Poverty, U.S. Senate, October 7, 1970.)

Mr. Chairman and Members of the Subcommittee: It is always a pleasure to appear before this Subcommittee to discuss the interests and concerns of our Associations in the Legal Services Program of the Office of Economic Opportunity.

This marks the sixth joint appearance of our groups before this Subcommittee. The continuing interest of the Subcommittee in the Legal Services Program bears a very close relationship to the significant growth and strength which the Program has enjoyed since the leaders of the organized bar, the Department of Justice, and the Office of Economic Opportunity co-sponsored the National Conference on Law and Poverty in June of 1965.

It is our understanding that this hearing has been convened to consider the effect on the Legal Services Program of the so-called "regionalization plan" which is currently being studied in the Office of Economic Opportunity. Representatives of each of our organizations serve on the National Advisory Committee to the Legal Services Program, which since 1965, has counseled the Director of the Agency and the Legal Services Director on matters of policy affecting the Program. At a meeting of the NAC on September 11, 1970, we were informed by Director Rumsfeld and other representatives of the Agency that the question of administrative reorganization of the Agency, and specifically of the Legal Services Program, was under active consideration.

The Director indicated that prior to his making a final decision on regionalization of the Legal Services Program, he would consider the views of the National Advisory Committee. To the end of developing these views, a Subcommittee of the NAC was established and is currently conducting an investigation of regionalization and its effect on the Legal Services Program. Without intending to prejudice the efforts of the Subcommittee or predict the contents of its report, we feel it might be helpful to review with you the concerns of the profession with any administrative reorganization which would change the existing lines of communication and authority governing the operation of the Legal Services Program.

When the support of the organized bar for the Legal Services Program was secured in 1965, unequivocal assurances were given to the Associations represented here today that the Legal Services Program would be developed, implemented and managed by lawyers. A threat to this professional independence developed in 1967 when the Agency sought to implement a report of McKinsey & Co., management specialists, which sought many of the same ends which appear to be involved in the current regionalization study. At that time, a subcommittee of the NAC under the chairmanship of Jacob D. Fuchsberg, a past-President of the American Trial Lawyers Association, produced a report which raised the professional concerns with lay administration of Legal Services Programs by regional community action program directors. For the information of the Subcommittee, a copy of the report of the NAC to Sargent Shriver will be furnished for the record.

In 1967, as now appears to be the case, OEO management officials indicated that the implementation of the McKinsey report was solely a matter of administrative concern to the Agency and that it had as its goal improvement in the administrative functioning of the Agency. According to these officials, implementation would not adversely effect the professional quality of the Legal Services Program. We argued then, as we argue now, that the proposed administrative reorganization would have substantive impact on the professionalism of the Program.

As this Subcommittee knows, the recommendations of the McKinsey report were not officially implemented with respect to the Legal Services Program. However, relationships between the Community Action Program and Legal Services continued to threaten the independence of lawyers in providing professional representation to the poor. In February of 1969, leaders of the organized bar met with Secretary Finch of the Department of Health, Education and Welfare and Chairman of the Cabinet Committee on Urban Affairs and Secretary Romney of the Department of Housing and Urban Development, a member of the Cabinet Committee, to express concerns with the management of the Legal Services Program and the incursions on the professional independence of program lawyers. On July 14, 1969, OEO Director Rumsfeld coupled the announcement of his appointment of Terry Lenzner as Director of the Legal Services Program with a pronouncement that the Program was being elevated to the status of a separate division of the Agency reporting directly to him. The recognition by Director Rumsfeld of the points raised so vigorously and continuously by the legal profession was welcomed. It was concluded that attempts to derogate from the effectiveness of Legal Services had been permanently interred. Obviously, the indirect information given to the organized bar that return to a discredited format was under consideration produced an instant reaction against any attempt to reverse Director Rumsfeld's decision. (Attached hereto are copies of a memorandum submitted to Secretaries Finch and Romney at the meeting in February 1969 and the statement of Director Rumsfeld on the Legal Services Program dated July 14, 1969.)

REORGANIZATION WOULD HAVE SUBSTANTIVE IMPACT ON THE PROGRAM AND WOULD INTERFERE IN THE LAWYER-CLIENT RELATIONSHIP

Contrary to the position of OEO officials that regionalization will result in more efficient management and administration of the overall OEO program, the proposed plan, if applied to Legal Services, would have substantive impact on the professional independence of the attorney and would interfere in the lawyer-client relationship.

Prior to the establishment of the Program as a separate division, experience with divided responsibility in the regions between Community Action staff and Legal Services staff demonstrated that much friction developed between the two. Such decisions as those concerning funding, allocation of staff, staff salaries, and utilization of clerical support were inordinately delayed and much of the productive time of the lawyers in the regional offices was occupied in attempting to explain decisions on professional aspects of the Legal Services Programs to the Community Action staff. Similar controversies required substantial time on the part of neighborhood lawyers in local legal services programs, particularly the chief attorney's time, which thereby was diverted from the primary function of rendering services to clients. Frustrating delays in obtaining relatively simple decisions demoralized many lawyers in the program causing them to question whether or not the program would continue during the next year and often resulted in interruptions in meeting payrolls. Incalculable damage resulted to the professionalism of the program as a result.

Lay domination of lawyers at the regional level by Community Action officials earlier in OEO history quickly began to filter down to the programs at a local level. Community Action administrators in the localities, observing this relationship in the region, began to assert improper claims of authority upon the operations of legal services agencies resulting in tremendous time demands on the part of local lawyers to resist such encroachment, to maintain their professional independence, and, indeed often to prevent interference with the attorney-client relationship, including the handling of specific cases.

UNIQUENESS OF THE LEGAL SERVICES PROGRAM REQUIRES INDEPENDENT ADMINISTRATION

It has been argued that the Legal Services Program is no different from other OEO programs and that there is, therefore, no justification for exempting it from the regionalization proposal. This it patently untrue. No other OEO program has the unique combination of attributes possessed by the Legal Services Program. These include:

(a) The imperative ethical and professional standards governing the rendering of legal services;

(b) the controversial nature of the program, including particularly the concerted local and national efforts to prevent the vigorous assertion of the rights of the poor;

(c) the remarkable success in attracting some of the best qualified and dedicated young members of the profession;

(d) the strong support of and close supervision by the legal profession of this national emphasis program resulting in uniform guidelines and the highest degree of professional integrity in service of the poor.

The uniqueness of the Legal Services Program has been expressly recognized by the Congress. The report of the House Education and Labor Committee on the Economic Opportunities Amendments Act of 1967 provided in part:

"The Legal Services Program is governed by national guidelines which were developed by OEO, with the assistance of lawyers on the National Advisory Committee and the legal profession generally, to meet the unique professional problems involved in rendering these services. These problems include: legal ethics, including the preservation of proper lawyer-client relationships, confidentiality of communications between lawyer and client, the exercise of independent judgments by lawyers, complete fidelity to the client's cause, rendering of a full range of adequate legal services, insistence upon the use of properly qualified lawyers and legal personnel and observance of all standards of the legal profession governing such services." (H. Rept. No. 866, 90th Cong., 1st Sess., p. 24.)

There could be no clearer expression of Congressional intention than this mandate.

A review of the hearings on OEO authorization legislation conducted by this Subcommittee and the House Education and Labor Committee as well as Section 223(a)(3) of the Economic Opportunity Act, quoted below, will clearly show that the Congress was responding directly to the expressed concerns of the organized bar regarding encroachments upon the original commitments to professional management and direction of the program.

INDEPENDENCE OF THE LAWYER

The independence of the lawyer to represent his client without interference is a prime incident of the lawyer-client relationship. Without it, no client can be assured that he will receive the lawyer's best effort and the precious rights of the poor, minority groups and of others having unpopular causes will go undefended. The principle is enshrined in the adversary system which lies at the heart of our system of justice. It is designed to protect the rights of clients, not to satisfy the vanity of lawyers. It is required by:

(1) Section 222(a)(3) of the Economic Opportunity Act, as amended, stating that "projects involving legal advice and representation shall be carried on in a way that assures maintenance of a lawyer-client relationship consistent with the best standards of the legal profession";

(2) The Code of Professional Responsibility of the American Bar Association—see EC 5-1, 5-21, 5-22, 5-24, 7-1. The Code protects the client not only against "compromising influences and loyalties", "desires of third persons", and other influences upon his own lawyer, but against all outside interference, including even that exercised by well meaning board members in a legal services program (EC 5-24); a lawyer is enjoined to "constantly guard against erosion of his professional freedom"[1]

(3) The need to retain the confidence of clients; clients are quick to sense where their lawyer's loyalty lies and whether he concerns himself solely with the client's best interest; attempts to persuade the disadvantaged to use the system and to help themselves through legal means will be destroyed if the client loses confidence in the true independence of his lawyer to give his all.

These ethical and professional standards cannot be properly implemented by laymen. As indicated previously, the structure in the regions will quickly determine the pattern at the local level where the vital services are rendered. Erosion of these standards will preclude lawyers from rendering services to the poor in local programs where these standards are no longer maintained. The denuding of the Legal Services Program of its professional qualities would result in a consequent loss of some of the brightest young lawyers working for clients in legal services agencies. No self-respecting lawyer will continue to work in a program where he is subordinate to laymen in professional matters. Headquarters and regional legal services staff were greatly demoralized by the difficulties created through divided responsibility both nationally and regionally under the prior administration. Transfer of administration primarily to Regional Directors would be intolerable to these lawyers.

The regionalization proposal would cost the Legal Services Program the enthusiasm and close supervision of the organized bar at best. At worst, it would result in the withdrawal of support for the program by the bar. Such loss of support would seriously cripple the program and dilute the quality of services available to the poor.

There is no better way to conclude this presentation than with the following excerpt from a resolution adopted by the Board of Governors of the American Bar Association on October 18, 1969:

"Whereas such power contravenes the American Bar Association's commitment to secure full and effective legal services to the poor by providing every person in our society with access to the independent professional services of a lawyer of integrity and competence; and

"Whereas enlarging the scope and effectiveness of the power to veto legal services programs is highly undesirable because experience has shown that the power to veto may be used to circumscribe the freedom of legal service attorneys in representing their clients to address issues of governmental action or omission affecting the rights of their clients, and to discourage actions which are politically unpopular or adverse to the views of the majority; and

"Whereas such limitations impair the ability of legal services programs to respond properly to the needs of the poor and constitute oppressive interference with the freedom of the lawyer and the citizen: Now, therefore, be it

"Resolved, That the American Bar Association reaffirms its position that the Legal Services Program should operate with full assurance of independence of lawyers within the program not only to render services to individual clients but also in cases which might involve action against governmental agencies seeking significant institutional changes . . ."

EXCERPTS FROM CODE OF PROFESSIONAL RESPONSIBILITY OF THE AMERICAN BAR ASSOCIATION[1]

Canon 5: A Lawyer Should Exercise Independent Professional Judgment on Behalf of a Client.

Ethical Consideration 5-1: The professional judgment of a lawyer should be exercised, within the bounds of the law, solely for the benefit of his client and free of compromising influences and loyalties. Neither his personal interests, the interests of other clients, nor the desires of third persons should be permitted to dilute his loyalty to his client.

Ethical Consideration 5-21: The obligation of a lawyer to exercise professional judgment solely on behalf of his client requires that he disregard the desires of others that might impair his free judgment. The desires of a third person will seldom adversely affect a lawyer unless that person is in a position to exert strong economic, political, or social pressures upon the lawyer. These influences are often subtle, and a lawyer must be alert to their existence. A lawyer subjected to outside pressures should make full disclosure of them to his client and if he or his client believes that the effectiveness of his representation has been or will be impaired thereby, the lawyer should take proper steps to withdraw from representation of his client.

Ethical Consideration 5-22: Economic, political, or social pressures by third persons are less likely to impinge upon the independent judgment of a lawyer in a matter in which he is compensated directly by his client and his professional work is exclusively with his client. On the other hand, if a lawyer is compensated from a source other than his client, he may feel a sense of responsibility to someone other than his client.

Ethical Consideration 5-24: To assist a lawyer in preserving his professional independence, a number of courses are available to him. For example, a lawyer should not practice with or in the form of a professional legal corporation even though the corporate form is permitted by law, if any director, officer, or stockholder of it is a non-lawyer. Although a lawyer may be employed by a business corporation with non-lawyers serving as directors or officers, and they necessarily have the right to make decisions of business policy, a lawyer must decline to accept direction of his professional judgment from any layman. Various types of legal aid offices are administered by boards of directors composed of lawyers and laymen. A lawyer should not accept employment from such an organization unless the board sets only broad policies and there is no interference in the relationship of the lawyer and the individual client he serves. Where a lawyer is employed by an organization, a written agreement that defines the relationship between him and the organization and provides for his independence is desirable since it may serve to prevent misunderstanding as to their respective roles. Although other innovations in the means of supplying legal counsel may develop, the responsibility of the lawyer to maintain his professional independence remains constant, and the legal profession must insure that changing circumstances do not result in loss of the professional independence of the lawyer.

Canon 7: A Lawyer Should Represent a Client Zealously Within the Bounds of the Law.

Ethical Consideration 7-1: The duty of a lawyer, both to his client and to the legal system, is to represent his client zealously within the bounds of the law, which includes Disciplinary Rules and enforceable professional regulations. The professional responsibility of a lawyer derives from his membership in a profession which has the duty of assisting members of the public to secure and protect available legal rights and benefits. In our government of laws and not of men, each member of our society is entitled to have his conduct judged and regulated in accordance with the law; to seek any lawful objective through legally permissible means; and to present for adjudication any lawful claim, issue, or defense.

[1] Pertinent excerpts from the Code of Professional Responsibility are attached hereto.

[1] Adopted by the House of Delegates of the American Bar Association on August 12, 1969 to become effective for Association members on January 1, 1970

POOR FACING CUTS IN LEGAL SERVICE

SEVEN OF 26 OFFICES PROVIDING FREE ADVICE WILL CLOSE

Legal services for the city's poor will be cut back this month because of increased operating costs and a lack of additional financing by the Federal Office of Economic Opportunity.

Richard A. Seid, associate general counsel of Community Action for Legal Services, said last week that seven of 26 offices that provide virtually free legal advice to indigent persons were scheduled to be closed shortly. If the offices are closed, 15 of the organization's 150 lawyers would be dismissed.

Community Action for Legal Services serves as the central coordinating agency for the 10 corporations that operate the legal-assistance offices to aid poor people in civil cases, including landlord-tenant disputes and divorce suits.

$4.8-MILLION NEEDED

According to Mr. Seid, $4.8-million is needed to maintain services at their current level. However, Mr. Seid said that his agency was told by the Office of Economic Opportunity's northeast regional office not to submit a budget in excess of $4.3-million for the 1970-71 fiscal year, which began last Thursday. The $4.3-million is the same amount allotted by the O.E.O. for the 1969-70 fiscal year.

Officials of Community Action for Legal Services, which is in its third year, have made only a partial determination of which services will no longer be financed.

Mr. Seid said that two Legal Aid Society offices, the Rockaway branch in Queens and the civil appeals bureau in Manhattan, would not receive money.

In addition, he said that the South Bronx office of the Bronx Legal Services Corporation and the Fort Greene office of the Brooklyn Legal Services Corporation would be closed.

Mr. Seid said that the remaining three offices to be closed most likely would be selected from those operated by Harlem Assertion of Rights and the Bedford-Stuyvesant Legal Services Corporation. Each agency operates three offices.

Mr. Seid called rising costs "the prime factor contributing to our decision." He said that salaries and rents had increased greatly, thereby forcing the closure of offices.

"Our own office is understaffed, and we intend to add personnel," he said.

DIRECTORS EXPRESS DISMAY

Directors of the agencies affected expressed dismay last week and said that a diminution of existing services would severely hurt the indigent. In a recent 12-month period, 68,906 new cases were begun by the 26 offices.

Mortimer Getzels, attorney-in-charge of O.E.O. projects for the Legal Aid Society, said that he doubted that the society could continue to operate is Rockaway office and civil appeals bureau without Federal funds.

"Without the O.E.O. money, we anticipate that the Rockaway office will have to close on Nov. 30 and the civil appeals bureau on Dec. 31," he said.

Mr. Getzels said that he expected "vehement protests" by residents of the Rockaways and other affected areas at the next meeting of the Council Against Poverty on Thursday.

The council is scheduled to review the decisions made by Community Action for Legal Services and then forward its opinion to O.E.O. The opinion is not binding, however.

Ralph A. Accoo, chief counsel of Harlem Assertion of Rights, said last week that his agency had three "strategically placed officers in an area in which 450,000 people are in need of our services."

He continued: "There is a definite need for what we are offering, and we have had to turn away people. I think the community will be militant enough to demand its rights."

William L. Reese, deputy executive director of the Bedford-Stuyvesant Community Legal Services Corporation, said that the closing of one of his agency's offices would "severely cut down legal services." He said that "we may now find it impossible to implement proposed community projects, such as a consumer information program."

Mr. MONDALE. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I am happy to yield to the Senator from Minnesota, who has been such a fine leader in this field.

Mr. MONDALE. I thank the Senator from New York for his characteristic leadership on this issue. I know of few programs which have cost so little and produced so much as the OEO legal services program.

I think it is a testimony to this program that it has a remarkable range and enthusiastic support, including that of the American Bar Association, which I think does not need defense in terms of its conservative orientation. It nevertheless is a strong leader and supporter for an independent professional OEO legal services program.

As the Senator from New York knows, they testified the other day in the strongest possible terms in favor of retaining the present structure of the OEO legal services program.

I was most impressed by their testimony and the testimony of attorneys from throughout the country and the positions taken by the National Association of Law Schools, the Federal Bar Association, the National Clients' Council, and others, strongly supporting this program as presently structured.

I would very much hope that it might be continued. I am very fearful that if it is not, a deep and pervasive schism will result because this is one program in which the poor felt that they had the same rights as other Americans.

It is a conservative program which provides for the due rights of appeals and the opportunities which the rest of American citizens enjoy.

Mr. President, I think it would be a terrible blow to the credibility of American institutions and toward our effort to gain the love and affection of the poor for the so-called system.

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

Mr. JAVITS. Mr. President, I ask unanimous consent that I be permitted to continue for 2 additional minutes.

Mr. MANSFIELD. Mr. President, I will not object at this time. However, we have important business to transact today.

Mr. JAVITS. Mr. President, I will take only 1 minute.

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

Mr. JAVITS. Mr. President, sociologists and students of this program tell us that there is nothing that adds more to the feeling of dignity on the part of the poor and the feeling that they belong than this program.

This effort is backed up by the bar associations. I know of nothing that has grown faster or contributes more to this effort, and at a cheaper rate, than the legal services program. The cost is $59 a year per client. The program costs $59 million for one million clients.

I hope very much that the Senator will be zealous in protecting this program, and that goes for those who want to economize. I hope that we do not see the program go down the drain through some unwise administration move.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. EAGLETON) laid before the Senate the following letters, which were referred as indicated:

REPORT OF DEPUTY DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET

A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law a report on appropriations and transfers made to meet the costs in fiscal year 1970 of pay increases granted by or pursuant to the Federal Employees Salary Act of 1970 (P. L. 91–231) and the Act of December 16, 1967 (81 Stat. 649) (with an accompanying report); to the Committee on Appropriations.

APPROVAL OF LOAN TO NEBRASKA ELECTRIC GENERATION AND TRANSMISSION COOPERATIVE, INC. OF COLUMBUS, NEBR.

A letter from the Acting Administrator, Rural Electrification Administration, U.S. Department of Agriculture, transmitting, pursuant to the request in Senate Report No. 497 information concerning the loan approved to Nebraska Electric Generation and Transmission Cooperative, Inc. of Columbus, Nebr., for the financing of certain transmission facilities (with an accompanying paper); to the Committee on Appropriations.

PROPOSED CONSTRUCTION OF CERTAIN FEDERAL BUILDINGS IN CALIFORNIA

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a prospectus which proposes construction of a Federal Office Building at Santa Rosa, and an amendment to the authorized prospectus for the construction of a courthouse, Federal office building, and parking facility at San Diego (with an accompanying paper); to the Committee on Public Works.

ENROLLED BILL SIGNED

The ACTING PRESIDENT pro tempore (Mr. METCALF) announced that on today, October 14, 1970, he signed the enrolled bill (H.R. 17654) to improve the operation of the legislative branch of the Federal Government, and for other purposes, which had previously been signed by the Speaker of the House of Representatives.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HUGHES, from the Committee on Labor and Public Welfare, with an amendment:

S. 3562. A bill to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence (Rept. No. 91–1341).

By Mr. JAVITS (for Mr. FULBRIGHT), from the Committee on Foreign Relations, without amendment:

H.R. 6240. An act to amend the act entitled "An act authorizing the village of Baudette, State of Minnesota, its public successors or public assigns, to construct, maintain, and operate a toll bridge across the Rainy River at or near Baudette, Minnesota," approved December 21, 1950; and

H.R. 15069. An act to authorize the Thousand Islands Bridge Authority to construct, maintain, and operate an additional toll bridge across the Saint Lawrence River at or near Cape Vincent, N.Y. (Rept. No. 91–1342).

EXECUTIVE REPORTS OF A COMMITTEE

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

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

John Richardson, Jr., of Virginia, Louise Gore, of Maryland, Pierre R. Graham, of Illinois, Harold Taft King, of Colorado, and Kimon T. Karabatsos, of Virginia, to be representatives of the United States of America to the 16th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization; and

Edward T. Brennan, of Massachusetts, Edward O. Sullivan, Jr., of New York, R. Miller Upton, of Wisconsin, and Tom R. Van Sickle, of Kansas, to be alternate representatives of the United States of America to the 16th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BROOKE:

S. 4475. A bill for the relief of Joyce Cerita Bent; to the Committee on the Judiciary.

By Mr. TYDINGS:

S. 4476. A bill for the relief of Mr. Michael LaMotte; to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself and Mr. HOLLINGS):

S. 4477. A bill authorizing and directing the Secretary of Commerce to make a report to Congress on environmental monitoring systems, both national and international; to the Committee on Commerce.

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

By Mr. MAGNUSON (by request):

S. 4478. A bill to amend title 5, United States Code, to provide for maximum entrance and retention ages, training, and early retirement for air traffic controllers, and for other purposes; to the Committee on Commerce.

By Mr. HARRIS:

S. 4479. A bill for the relief of M. Sgt. George H. Jennings, Jr., to the Committee on the Judiciary.

By Mr. MONDALE:

S. 4480. A bill to improve the quality and availability of medical care in communities presently lacking in adequate medical care services; to the Committee on Labor and Public Welfare.

(The remarks of Mr. MONDALE when he introduced the bill appear below under the appropriate heading.)

By Mr. SPONG:

S. 4481. A bill granting and ceding to the city of Alexandria in the State of Virginia, certain waterfront land along the Virginia shoreline of the Potomac River, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. SPONG when he introduced the bill appear below under the appropriate heading.)

By Mr. ELLENDER:

S. 4482. A bill to confirm the private land claim of William Kinchen; to the Committee on Interior and Insular Affairs.

By Mr. BAYH:

S. 4483. A bill for the relief of Luigi Fornasier, Lucille Maria Fornasier, and Lucio Fornasier; to the Committee on the Judiciary.

By Mr. STEVENS (for himself, Mr. BELLMON and Mr. HANSEN):

S. 4484. A bill to amend the Natural Gas Act of 1938; to the Committee on Commerce.

(The remarks of Mr. STEVENS when he introduced the bill appear below under the appropriate heading.)

By Mr. BYRD of West Virginia:

S. 4485. A bill to provide protection for heads of executive departments of the United States; to the Committee on Post Office and Civil Service.

(The remarks of Mr. BYRD of West Virginia when he introduced the bill appear below under the appropriate heading.)

By Mr. NELSON:

S. 4486. A bill to establish a national policy and program with respect to wild predatory mammals, and for other purposes; to the Committee on Commerce.

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

By Mr. HANSEN (for Mr. BENNETT):

S. 4487. A bill for the relief of William Arthur Herbertson; to the Committee on the Judiciary.

By Mr. GRIFFIN (for Mr. MURPHY):

S.J. Res. 243. Joint resolution authorizing the President to proclaim annually the day of November 1 as "National Women in Education Day."; and

S.J. Res. 244. Joint resolution to authorize the President to issue annually a proclamation designating the calendar week during which the third Wednesday of March occurs as "Community United Operation Total Health Week"; to the Committee on the Judiciary.

S. 4480—INTRODUCTION OF THE COMMUNITY MEDICINE ACT OF 1970

Mr. MONDALE. Mr. President, American medical care is the best in the world—for those who can find it and afford it. But soaring costs, the demise of the general practitioner, and the flight of doctors from small towns, rural areas, and the inner city are increasingly putting this care out of the reach of those who often need it most.

There are at least 53 counties in the Nation that do not have a physician; fully 37 percent of all U.S. counties have less than a third as many doctors, in relation to their population, as does the Nation in general. Even in areas where medical care is readily available—as we were recently reminded in testimony regarding the health of our migrant workers—certain segments of the population are scarcely served at all.

Our rural areas can be characterized by generally low-levels of available medical care. In the Nation's urban areas, however, service levels vary widely. Some areas have more physicians than can be used efficiently, while in others, the residents are tragically underserved. According to a recent survey of ghetto blacks and rural Appalachian whites, the prevailing health condition of poverty areas justifies referring to these groups as "the living sick." Pollster Louis Harris commented as follows:

> For two out of three people in the U.S., "feeling fine" means that there is nothing the matter with them. But for two out of three ghetto blacks and rural poverty whites in Appalachia, "feeling fine" means literally, "not as sick as usual."

In spite of unprecedented increases in personal expenditures for health, and notwithstanding an increase in the number of medical school graduates, there is no evidence that the Nation's poor are healthier, or find it easier to obtain medical care. The National Center for Health Statistics said 3 years ago that serious illness among the poor is appreciably higher than in any other group. The poor have four times as much mental and nervous trouble; six times as much arthritis and rheumatism; six times as many cases of high blood pressure; over three times as many orthopedic impairments; and almost eight times as many visual impairments. These findings would be no different today.

The typical response to this health care crisis has been to furnish assistance to those who cannot afford decent medical care—as in the medicaid program—and to assist medical schools in order to increase the Nation's supply of physicians. Over the past decade, for example, Federal appropriations for medical education have increased sixfold—from $95 million in the academic year 1958–59 to more than $600 million in 1967–68. Federal dollars now pay for 60 percent of all medical school expenditures, compared with 30 percent 10 years ago; and local, State, and private support has also risen. While greatly increased costs have eroded much of this increased support, the number of students and graduates have both increased somewhat.

However, it is becoming increasingly clear that additional physicians trained in the traditional fashion for our existing patterns of medical care cannot begin to achieve an equitable distribution of health care for all Americans. The maldistribution of physicians and the inefficient use of health personnnel are symptoms of fundamental defects in the way health services are organized, paid for, and governed. Where these structural defects have been corrected—as for example, in the Kaiser-Permanente and similar health plans—it has been found that unnecessary demand can be reduced, and that productivity can be increased without adding physicians. Clearly, it is time for basic reforms both in the Nation's health industry, and in the education and training which supports it.

Fortunately, promising reforms in the delivery of health care are already underway. A prime example is the proposed legislation to encourage the formation of large health maintenance organizations, which would pull together the personnel and facilities required to provide comprehensive health care. They would do so through annual contracts, at rates determined and paid in advance, thereby sharing the risk of illness with their subscribers. This key feature of the proposal would be a powerful incentive to provide quality services at the lowest possible cost. Methods for increasing productivity and reducing costs are already known and tested—automated laboratory equipment, computerized information systems, organizing health personnel into efficient health teams, and so on.

The introduction of these reforms will mean that future patterns of medical practice will bear little resemblance to what we know now. In order to prepare physicians and other health workers to function well under these changed conditions of practice, it is clear that parallel reforms should now be undertaken in medical education.

Dissimilarities between medical education and medical practice have long been the object of criticism. Distortions in medical training arise because of the academic isolation of the medical school from the health needs of the community. Clinical training occurs almost exclusively in teaching hospitals, which—in spite of their scientific and technological excellence—are far from typical of practice conditions the physician will encounter in the community.

Medical center patients are typically indigent, have rare medical conditions, and are often acutely ill. The emphasis in medical care is on expensive, episodic treatment, directed by a handful of eminent specialists. Moreover, the clinical training of physicians, nurses, and allied health personnel is planned and carried out independently, with no effective coordination of the activities of those who will be expected to function increasingly as a team, if forecasts of future medical practice are correct.

One medical school dean summarized the situation in these words:

> Service is on the basis of clinical experience. Involvement in a real life situation involving illness, worry, and death is a strong stimulus to learning. At the expense of exposure to these life situations, medical schools have tended to get carried away with the unusual and rare. They have preferred to expose the student more to such rare maladies as Henoch's purpura, syringomeylia, and ochronosis than to put him out where he can see those diseases he will most frequently see as a practitioner.

One unfortunate and ironic result of this is that, immediately surrounding many major medical teaching centers, there are pockets of poverty in which may be found the highest morbidity and mortality rates in the entire Nation.

In some medical schools, departments of community medicine have made valiant efforts to amend the health problems of the community, but there has been little support for their efforts. However, a growing number of medical educators is becoming aware of the problem and looking for solutions. The medical school dean I quoted a minute ago is now the Assistant Secretary of Health, Education, and Welfare for Health and Scientific Affairs—Dr. Roger O. Egeberg. In the same address from which the previous remarks were taken, Dr. Egeberg gave his views on the nature of the reforms that are needed in medical education if community health problems are to be alleviated, and if doctors are to be appropriately trained for medical practice. In the words of Dr. Egeberg:

Historically, medical education and medical service have been teammates since before Hippocrates. Recently, however, things seem to have fallen out of balance; service has regrettably become subordinate.

I would like to suggest that if we are to deal squarely with the increased and increasing responsibilities which confront the medical community, two issues are vital: First, we must restore the balance by assuring the exposure of the medical student to service during his own medical education within the framework of the medical schools. Second, and of equal importance, we must involve the medical schools more actively in service beyond its walls.

Mr. President, I am introducing legislation which addresses the critical relationship between medical education and our inadequate health delivery system. The basic objective of this bill, the Community Medicine Act of 1970, is to pull America's medical schools—their faculties and their students—out of their academic isolation and into the arena of true community health needs.

This bill will provide for special improvement grants to medical schools and teaching hospitals for the operation of medical care systems for underserved populations as an integral part of their clinical training programs. To be eligible for such grants, medical schools would be required to:

First. Revise their training programs to include clinical educational experience in communities which have clearly demonstrable, high health risks and low levels of service. This would be accomplished by reducing time spent in clinical training in traditional hospital settings, and by increasing time spent in comprehensive, family-centered clinical teaching centers that emphasize prevention, early detection, and home care.

Second. Plan these revisions jointly with hospitals, community colleges, and other institutions training nurses and allied health workers, so as to assure the inclusion of clinical training and experience for service on health teams during the undergraduate years.

Third. Establish comprehensive total health care service organizations for a defined, underserved population, although it would be understood that the population covered would not consist exclusively of persons from this underserved group.

Project grant funds will be used primarily for support of educational personnel and for research on the delivery of health services to the underserved. Grants will be awarded directly to medical schools and teaching hospitals, generally for a 4-year basic period, but extendable where appropriate for a period up to 3 additional years.

Proposed authorization levels envision grants to approximately 50 medical schools and teaching hospitals under the fiscal 1972 authorization of $25 million. Authorizations for ensuing years provide for a gradual growth in participation up to 300 medical schools and teaching hospitals under the fiscal 1976 authorization of $150 million.

Mr. President, four centuries ago the Chamberlain forceps was invented, a medical invention which was eventually to revolutionize childbirth. But for nearly 200 years this simple instrument of mercy was kept a family secret, and made available only to those who could pay enough. Women whose husbands were too poor to afford the forceps either suffered prolonged agonies of labor, or, as was common, died about as unpleasantly as one can. This state of affairs was accepted—unfortunate, perhaps, but good business.

Today we are faced with a similar situation. We have to decide whether American medicine is to remain a Chamberlain forceps—available only to those who can afford it—or is to be let out of our medical centers and made available to those who need it. If we are to say—as I believe we have been saying for a number of years—that decent health care is a birthright of all Americans, then we must be prepared to enact the fundamental changes to realize this vision. While this bill is only a step, I believe that it can become a vehicle for the basic reforms which must come in medical education.

I urge its favorable consideration by my colleagues, and I ask unanimous consent that the text of the bill be printed in the RECORD.

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

The bill (S. 4480) to improve the quality and availability of medical care in communities presently lacking in adequate medical care services, introduced by Mr. MONDALE, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 4480

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Community Medicine Act of 1970".

STATEMENT OF PURPOSE

SEC. 2. (a) It is the purpose of this Act to assist communities and defined population groups which are characterized by a lack of adequate medical care services to secure more adequate medical care services by making grants, as provided in this Act, to public and private nonprofit medical schools and community teaching hospitals which operate comprehensive medical care systems under which medical care services are provided to such communities or such population groups.

(b) Any grant made under this Act to any medical school or community teaching hospital shall be made for the purpose of assisting such school or hospital in establishing and operating, in connection with the comprehensive medical care system operated by it—

(1) programs which provide educational experiences for medical students, interns, residents, and other health care personnel;

(2) programs which have been jointly planned by such school and one or more hospitals, community and junior colleges, or other institutions, which provide training in nursing or the allied health professions under which students of such hospitals, colleges, and other institutions who are undergoing such training will obtain practical experience and specialized training while serving on health teams established and operated as a part of such comprehensive medical care system; and

(3) programs under which such school, hospital and other health care institutions or institutions providing training of nurses or allied health professions personnel will jointly undertake to provide comprehensive total health care services for a defined population group which is characterized by a lack of adequate medical care services.

GRANTS TO MEDICAL SCHOOLS AND TEACHING HOSPITALS

SEC. 3. (a) From the sums appropriated pursuant to section 4, the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") is authorized to make grants, in accordance with the provisions of this Act, to carry out the purposes of section 2.

(b) No grant shall be made under this Act unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulations prescribe.

(c) (1) Grants under this Act shall be in such amounts and subject to such limitations and conditions as the Secretary may determine to be proper to carry out the purposes of this Act.

(2) In determining the amount of any grant to a medical school or hospital under this Act, the Secretary shall take into consideration—

(A) the number of medical students, interns, residents, and other health care students or trainees who would participate in the program with respect to which the grant is to be made;

(B) the number of individuals for whom improved health care services would be provided under such program;

(C) the extent to which the field of community medicine (when compared to other fields of medicine) is emphasized in the curriculum of such school or hospital; and

(D) the need of such school or hospital for assistance under this Act to carry out the program with respect to which the grant is requested.

(d) (1) Any grant under this Act to any medical school or teaching hospital with respect to any program shall be used only for the purpose of assisting such school or hospital to defray expenses incurred by it in meeting salary and other personnel costs for individuals participating in, supervising, or administering such program, or individuals engaged in research in the delivery of health services to defined population groups.

(2) Grants under this Act may be paid in advance or by way of reimbursement, and in such installments as the Secretary may determine.

(e) No grant under this Act shall be made to any medical school or teaching hospital with respect to any program for any year if, prior to such year, such school or hospital has received a grant under this Act with respect to such program for 7 years.

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. For the purpose of making grants to carry out the purposes of this Act, there is authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1972, $50,000,000 for the fiscal year ending June 30, 1973, $80,000,000 for the fiscal year ending June 30, 1974, $110,000, for the fiscal year ending June 30, 1975, and $150,000,000 for the fiscal year ending June 30, 1976.

DEFINITION

SEC. 5. (a) For purposes of this Act, the term "nonprofit" when applied to any medical school or teaching hospital, means a school of medicine or hospital which is owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(b) For purposes of this Act, the term "teaching hospital" means any hospital which has graduate medical education program, approved by a nationally recognized accrediting body, and which makes extensive use, as defined by regulations, of the regular hospital staff in its medical education program.

S. 4481—INTRODUCTION OF BILL TO CEDE CERTAIN BOUNDARY PROPERTY TO THE CITY OF ALEXANDRIA

Mr. SPONG. Mr. President, at the request of city of Alexandria officials I am introducing a bill which would relinquish any title claim by the U.S. Government to certain boundary land between the city of Alexandria and the District of Columbia.

The Virginia shore property involved is located along the south shore of the Potomac River between Second and Gibon Streets, at Alexandria. The physical condition of this area has to such great extent deteriorated, stagnated, and become a source of pollution that it is, for the most part, a rundown wasteland.

Because of the uncertainty of whose responsibility it is to clean up the so-called mess, no one has accepted this responsibility. It is, therefore, extremely important, once and for all, to determine ownership, so that the duties and responsibilities may be assumed by owners of the riparian properties, with proper authority to maintain and keep the shore in a proper and good condition.

For many years, ownership of the property and the boundary lines in this area have plagued the United States, the State of Virginia, and the city of Alexandria. The details of the underlying facts which led to the present problem are contained in a report by a Boundary Commission created by an act of Congress, approved March 21, 1934—48 Stat. 453—a brief statement concerning which is contained in this memorandum.

To determine the boundary line between the District of Columbia and the State of Virginia, and in an effort to settle claims to property along or affected by said boundary line Congress, by the aforesaid act—jointly with an act of the Virginia General Assembly—created the District of Columbia-Virginia Boundary Commission.

The Commission was authorized and directed to survey and fix the boundary line and to have said line, when so determined, to be marked by suitable monuments. Following completion of its investigation, the Commission made its report, designated as "House Document No. 374—74th Congress, Second Session."

There was submitted to the Commission a proposed agreement between the city of Alexandria and the United States—pages 17–19—with respect to that portion of the Alexandria waterfront from the north line of the city limits to Jones Point. Among other things, the agreement referred to appropriate boundaries along the Virginia shore of the Potomac River, including the mean high-water mark on the existing natural bank or shore of the river, the line along and upon bulkheads by which the natural or filled-in area along said river or shore may be, which excepted any area where such bulkheads or other structures, if any, extended beyond the bulkhead line as may be established by the Secretary of War, in which event the boundary line, for that particular distance, shall be as recommended by the Commission to be the lawfully established bulkhead line. There was also reference for payment by the owner of Virginia upland of fair and reasonable compensation to the United States for any land which is filled-in below the high-water mark.

The Commission accepted the aforesaid proposed agreement between the city of Alexandria and the United States and recommended to Congress that it be adopted and confirmed.

The Commission's report further stated that the high-water mark of 1791 is a point of conjecture; that the U.S. Government has attempted to describe and locate this line; and that the same condition is true so far as the low-water mark of 1791 is concerned. The Commission concluded that its opinion was therefore that inasmuch as the line cannot be definitely established, the only equitable way in which a fair line can be arrived at, is by locating the low-water mark as of today, and recommended it as and for the boundary line existing and to exist between the District of Columbia and the Commonwealth of Virginia.

Subsequently, for jurisdictional and other purposes, and acting on the report of the Boundary Commission, there was established both a pierhead line and a bulkhead line along the shore of the river from Second Street to the District of Columbia-Maryland boundary line.

Under the act of Congress of October 31, 1945—59 Stat. 552, 554—the boundary was established between the District of Columbia and the State of Virginia along the aforesaid pierhead line. The act provided, however, that—

> Nothing in this Act shall be construed as relinquishing any right, title, or interest of the United States to the lands lying between the mean high-water mark as it existed January 24, 1791, and the boundary line as described in Section 1 (of the Act); or to limit the right of the United States to establish its title to any of said lands * * * or the jurisdiction of the courts of the United States for the District of Columbia to hear and determine suits to establish the title of the United States to all lands, in the bed, marshes, and lowlands, of the Potomac River, and other lands * * * below the mean high-water mark of January 24, 1791.

The area involved in the instant bill is that portion of shoreland between the bulkhead line and the 1791 mean high-water mark line. This portion of land is of no value to the United States and until the title defect is corrected, the city of Alexandria is unable to reasonably proceed with improvement of that portion of the waterfront, leaving it to remain as an unsightly, blighted area.

The PRESIDING OFFICER (Mr. HOLLINGS). The bill will be received and appropriately referred.

The bill (S. 4481) granting and ceding to the city of Alexandria in the State of Virginia, certain waterfront land along the Virginia shoreline of the Potomac River, and for other purposes, introduced by Mr. SPONG, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 4484—INTRODUCTION OF A BILL PROHIBITING THE IMPORTATION OF ALGERIAN NATURAL GAS

Mr. STEVENS. Mr. President, the United States is facing an increasing shortage of natural gas. Last fall during the debates on the depletion allowance, I warned that this situation was developing. I asked then that the Nation adopt a policy which would encourage rather than discourage the discovery of new reserves. Unfortunately, that advice was not heeded.

Now a new change in our policy threatens to discourage further our petroleum companies from investing in the development of a strong, stable industry. The Federal Government is, I am informed, considering the granting of permits to import natural gas from Algeria, a nation which has systematically confiscated the rights and property of American petroleum companies operating in that nation. In other words, in order to fill the shortage for which a shortsighted policy is partly responsible, we are, apparently ready to adopt an even more shortsighted policy and deal with pirates.

In August 1967, shortly after the Algerian Government had assumed control of the American oil companies on the pretext that we were a belligerent in the Arab-Israel conflict, that Government nationalized the refining and marketing properties of Standard Oil of New Jersey and Mobil Oil Corp. and has not yet compensated the companies involved for the properties taken.

During 1968 and 1969 the Algerian Government continued to attempt to extort more beneficial contract terms in return for the appropriated oil properties and has increased substantially the reference price on which royalties must be paid. In addition, Algeria has adopted a 100-percent repatriation requirement, which means that all money received for Algerian oil overseas must be returned to Algeria. In other words, American companies have received no payment for the property taken and are receiving no income from the properties "controlled" by the Algerian Government.

It seems obvious to me that it would be unwise for the United States to adopt a policy which would make it dependent on a country whose trading character is

as questionable as Algeria's for a commodity as critically important as natural gas.

My State of Alaska now has large reserves of natural gas, but we do not have any market for it. In order to ship our gas to where it is needed, it must be liquefied at very low temperatures and shipped in cryogenic tankers. Unfortunately, the United States has never built this type of tanker and it will be extremely costly and time consuming to do so. The legislation we passed recently to authorize the creation of construction reserve funds may aid in the construction of LNG tankers.

We are presented with the ultimate dichotomy. We pay a foreign nation, which has pirated the resources and property of U.S. companies, to ship those resources on foreign ships employing foreign seamen to American ports in the name of lower costs for U.S. consumers.

Mr. President, no jobs are saved by paying foreigners to supply us with resources we have right here at home. And the costs are not less to the consumer—as the Hawaiians.

But the shortsightedness of this policy is not so much in the fact that it costs us jobs—although that certainly weighs very heavily on my State, where unemployment has reached 13 percent statewide—and as high as 85 percent in some localities—in what should be the height of the working season. The real danger is in what this policy means for the future. The Federal Government is, I fear, deliberately pursuing a policy which makes the United States increasingly dependent on foreign energy sources. In 10 years, under current policies, it is estimated that nearly half of our petroleum must come from foreign sources. What will happen if foreign crises cut off those sources? The answer is obvious—we cannot exist without petroleum.

As I indicated earlier, Algeria has so far not provided compensation to American nationals who have had their property appropriated by the Algerian Government. Until it does, it is simple justice that we should not purchase products from that nation.

I introduce a bill which will prohibit the importation of natural gas from any nation which has expropriated property since January 1, 1967, until such country makes adequate and effective compensation.

Section 3 of the Natural Gas Act is as follows:

Exportation or importation of natural gas

After six months from June 21, 1938, no person shall export any natural gas from the United States to a foreign country or import any natural gas from a foreign country without first having secured an order of the Commission authorizing it to do so. The Commission shall issue such order upon application, unless, after opportunity for hearing, it finds that the proposed exportation or importation will not be consistent with the public interest. The Commission may by its order grant such application, in whole or in part, with such modification and upon such terms and conditions as the Commission may find necessary or appropriate, and may from time to time, after opportunity for hearing, and for good cause shown, make such supplemental order in the premises as it may find necessary or appropriate.

The proposed bill, which adds a proviso to section 3 of the Natural Gas Act would prohibit the Federal Power Commission from approving an importation from any country which has expropriated substantially all of the American owned property in the petroleum industry of that country. Once such an expropriation or seizure takes place, no importation from the expropriating country could be approved by the Commission until all of the owners of the expropriated property have received adequate and effective compensation.

There is some question today whether new forms of natural gas, such as liquefied natural gas, fall within the scope of section 3, or whether, instead, they are covered only by section 7 of the act. To prevent the possible development of an unwanted loophole, my bill applies to importation under all sections of the act. The bill is further limited to expropriations which have occurred since January 1, 1967. This limitation prevents the revival of old disputes; on the other hand the prohibition does cover many of the recent, sweeping expropriations of American petroleum property abroad.

Let me reiterate the purpose of this bill. First, it prevents possible American reliance for its essential gas supplies upon inherently unstable or unfriendly sources. Second, it will prevent those nations which have expropriated property of U.S. nationals from being rewarded with profits from American consumers of natural gas.

As I have explained, the need for this bill is vividly illustrated by the pending application before the Federal Power Commission for authorization to import Algerian natural gas into the U.S. market. The Algerian Government has repeatedly demonstrated its hostility toward the United States by illegally expropriating the American owned petroleum interests there and by breaking diplomatic relations with the United States. The United States should not reward or approve illegal actions, nor should it place reliance upon a source of supply of energy which is both unfriendly and unpredictable.

I ask unanimous consent that text of my bill be printed immediately following my remarks.

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

The bill (S. 4484) to amend the Natural Gas Act of 1938, introduced by Mr. STEVENS, for himself and other Senators was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 4484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, Section 3 of the Natural Gas Act of 1938 (15 U.S.C. 717(b) is amended by adding at the end thereof the following proviso:

"*Provided*, That no importation shall be approved under this or any other section of this Act if such import originates in a country which, itself or through an agent or subdivision, after January 1, 1967, has expropriated, nationalized or seized ownership or control of, or has taken other measures which have the effect of expropriating, nationalizing, intervening or seizing ownership or control of all or substantially all of the American-owned property within the petroleum industry in such country, and adequate and effective compensation has not been paid therefor. As used in this proviso, American-owned property means any property, right or interest owned by any United States citizen or by any corporation, partnership or association not less than 50 percent beneficially owned by United States citizens."

S. 4485—INTRODUCTION OF A BILL TO PROVIDE PROTECTION FOR HEADS OF EXECUTIVE DEPARTMENTS OF THE UNITED STATES

Mr. BYRD of West Virginia. Mr. President, I introduce today for appropriate reference a bill which would provide protection for the heads of the executive departments of the United States. Each Cabinet officer would be authorized to appoint or designate such personnel as he determines necessary to provide for that protection.

This legislation is very much needed. Hostility toward U.S. domestic and foreign policies has been lately directed toward members of the President's Cabinet. During the past year several Cabinet officers have received threats of physical harm, and have had their person endangered during protests, some threats occurring even within their own offices. In at least two separate incidents, the Secretaries of Health, Education, and Welfare and Housing and Urban Development were accosted.

These men should be protected. They have been given tremendous powers and responsibilities by the Congress. They are in the line of succession to the Presidency. They share with the President the responsibility for the national security of our country, and several have knowledge of information of the highest classified nature regarding our defenses.

In carrying out the business of the Government, Congress has invested in these men great discretionary authority. Cabinet members are responsible for the proper disbursement of billions of dollars of taxpayers' money, and for the administration of vast executive departments which form the backbone of our Government.

Their functions are important, and Cabinet members deserve proper protection.

The PRESIDING OFFICER (Mr. HOLLINGS). The bill will be received and appropriately referred.

The bill (S. 4485) providing protection for heads of executive departments of the United States, was received, read twice by its title and referred to the Committee on Post Office and Civil Service.

S. 4486—INTRODUCTION OF A BILL TO ESTABLISH A NATIONAL POLICY AND PROGRAM WITH RESPECT TO WILD PREDATORY MAMMALS, AND FOR OTHER PURPOSES

Mr. NELSON. Mr. President, every year the Nation spends over $7 million to support a wildlife control program in which

a small army of some 700 poisoners ranges across vast tracts of mostly public lands in the West, poisoning and otherwise killing predatory animals and rodents.

The body count of dead animals, including rodents, is in the millions yearly. Whole ecosystems are altered, with one kind of predator being replaced by another, or with entire species disappearing in large regions. In some areas, wildlife populations reach such an imbalance that a new poisoning program is needed to correct it.

While there is no accurate toll of the animals killed in all Government control programs, a report submitted in 1963 by the agency chiefly responsible for the killing listed, over a 1-year period, the recorded destruction of 190,763 animals. These figures may be taken as a minimum: 842 bears, 20,780 lynx and bobcats, 89,653 coyotes, 294 mountain lions, 2,779 wolves—mostly red wolves, and mistakenly labeled coyotes—6,941 badgers, 1,170 beavers, 24,273 foxes, 7,615 opossums, 6,685 porcupines, 10,078 raccoons, 19,052 skunks and 601 "miscellaneous" victims. Most of this activity was carried out west of the Mississippi River.

For 55 years, the Federal Government has been conducting its program of wildlife killing spreading poison over millions of square miles, and never in all that time has there been a comprehensive assessment of the ecological effects of that poisoning. Never has there been any attempt to study and understand the effect of this program on minor and major life systems.

There is no doubt that man's activities have already so altered the environment that such a thing as a "natural state" is impossible to find wherever predator control programs are in effect. Certainly, the planned, calculated obliteration of wildlife cannot be justified as a Government financed program for the economic benefit of a few.

Wildlife control in the United States is a complex matter, since it involves various State and county, as well as Federal offices, but most of the Federal control is conducted by the Division of Wildlife Services of the Interior Department's Bureau of Sport Fisheries and Wildlife.

The history of predatory animal control by the U.S. Government is long. It began as a war effort in 1915, when Congress appropriated $125,000 to institute a wildlife control program under the Bureau of Biological Survey, then a part of the Agriculture Department.

It was contended that killing wolves would conserve food and make beef available to our allies and soldiers in France, and on behalf of the cattlemen, most of the wolves in the West were quickly wiped out.

Predator control had expanded by 1930 to the point that the Bureau was asking for $1 million annually to conduct it. This year, the Division of Wildlife Services will receive an appropriation of $3,742,000, of which at least $2 million will be spent on predator control.

An additional $4,693,300 will be spent in "cooperative funds," since approximately 70 percent of the money spent on predator control is contributed by States, counties, agricultural associations, other Federal agencies, and private individuals. The total amount for fiscal year 1971 will be $8,435,300.

Wildlife Services Division has three functions: Animal damage control, wildlife enhancement on Indian, military and other areas, and pesticide appraisal and monitoring.

But most of its business is carried out in the area of animal damage control, which has as its goals safeguarding public health, protecting livestock and crops, protecting forest range and wildlife resources, and protecting property in urban areas.

Every summer, roughly 8 million domestic sheep are pastured on public land. For this privilege, sheepowners generally pay a fee of a little over 8 cents a head per month. Most of this land belongs to the Interior Department's Bureau of Land Management, which must pay for fencing and reseeding, once sheep have denuded the land, and predator control.

Sheepmen demand that their animals be protected from predators, such as coyotes, bobcats and cougars, and the poisoners strip grazing land of its wildlife. The result is ecological disaster.

When the predators are gone, rodent populations, such as prairie dogs and ground squirrels, explode, tripping a new round of poisoning, with millions of dollars spent to correct the former damage.

Is this "control" justified?

According to the President's Public Land Law Review Commission, the answer is no. In a report entitled "One Third of the Nation's Land," published in 1970, the Commission concluded:

> We are convinced that predator control programs should be eliminated or reduced on Federal public lands in furtherance of wildlife management objectives stated above. There are long standing programs of control that have substantially reduced and in some cases virtually eliminated certain species that are natural predators. While these programs may have been of some benefit to livestock operators in reducing cattle and sheep depredations by coyote, puma, cougar, and bear, they have upset important natural mechanisms for the population control of other species. As a result, some species, most notably deer, elk, and moose, have increased in some localities to levels far above the capacity of the natural habitat to support them. Hunting has not always been sufficient to eliminate excesses. Habitat destruction and starvation have been the common results.

The Division of Wildlife Services, previously known as PARC—Predator and Rodent Control—Division, came under fire in 1963 from Representative JOHN DINGELL, of Michigan, and from others, because of its widespread activities and its tendency to go about, drumming up business.

Pressure on the Interior Department caused Stewart L. Udall, then Secretary of the Interior, to appoint a special advisory board to look into the country's wildlife control program.

The board was headed by Dr. A. Starker Leopold, then professor of wildlife management at the University of California. It concluded that, with the use of professional hunters, "control tends to become an end in itself and, following Parkinson's law, the machinery for its accomplishment can easily proliferate beyond real need."

Although the board conceded that killing animals does result in some economic gain, it could not determine whether the cost, both in money and in ecological damage, was justified.

The board recommended, among other things, that the name of the division be changed and that it reassess its goals and revise its guidelines. The board also recommended that "legal means be explored" to ban the use of a certain kind of poison, 1080, for killing field rodents. This poison, sodium fluoroacetate, is deadly, and is still in widespread use.

1080 is a slow-degrading poison that attacks the central nervous system. A coyote, or an animal of similar size, like a dog, can be killed by a dose of 1.4 ounces of treated bait.

Normally the poison is injected into 50- to 100-pound chunks of meat, staked out in "bait stations" across the West. In 1968, there were 228 of these stations in Arizona alone. A recent study indicated that in a seven-State region, approximately 2,318,000 pounds of 1080-treated baits were used, from 1964 through 1969.

After eating the poisoned bait, an animal may feel nothing for about 30 minutes, but it will ordinarily die within a few hours, after violent convulsions and vomiting. Because it may keep moving, the dying animal often vomits deadly bits of undigested meat over a wide area—forming new bait for birds and other animals.

Since the poison retains its potency much like DDT, it may set off a biological chain reaction, in which rodents and carrion-eating birds such as buzzards, hawks, ravens, and even eagles may be poisoned. California condors, which conservationists are trying desperately to save, have died from eating ground squirrels poisoned by 1080.

Another species threatened by this poisoning is the black-footed ferret, a small animal about the size of a mink that makes its home in prairie dog towns. The Leopold Board pointed out that the ferret is nearing extinction and said "the primary cause is almost certainly poisoning campaigns among the prairie dogs which are the main prey of the ferret."

Prairie dogs apparently thrive where land is overgrazed and the range grasses disappear, making room for the annuals with their flashy roots and numerous seeds. Thus, they are often blamed for a condition that was brought on by improper land use. In order to keep prairie dogs from competing for valuable forage, cattlemen have been poisoning them off since 1880.

The Bureau now poisons over a quarter of a million acres every year to destroy prairie dog towns, and the prairie dog has all but disappeared in many areas of the Great Plains.

Since the black-footed ferret depends upon the prairie dog for his food supply, the ferret may be poisoned by eating the carcass of a prairie dog after a town has been exterminated with 1080-soaked bait and cyanide cartridges thrown down the holes. If the ferret survives the poisoning, it may not make it to another town, or find a mate, and its line will end anyway, if more slowly.

The black-footed ferret was determined to be an endangered species by Secretary Udall in 1964, and in 1965, poisoning of part of an Indian reservation in South Dakota was postponed when the Bureau learned that the poisoning might be destroying the ferret. Much to its credit, it conducted an expensive survey to find ferrets, but since none were found, it went ahead with its plan. The Bureau's efforts cost an extra $17,000, and there is no doubt that they were made in a sincere attempt to protect an endangered species. Such methods have since become a matter of policy. However, their usefulness is dubious, since the ferret spends most of the day underground, and sightings have never been common.

In South Dakota, for example, where there are still some of the more sizeable prairie dog colonies, only nine sightings were recorded in 1960, for example, two in 1961, and five in 1962.

The prairie dog species recovers rapidly, and there is little danger that it will become extinct, but the black-footed ferret population is held in a natural balance at a small percentage of that of the prairie dogs. As the prairie dog population dwindles, there is strong evidence that the ferret species will disappear.

The black-footed ferret is only one species being pushed to extinction by the wildlife control activities of the Bureau of Sport Fisheries and Wildlife. How many others are there? Since no studies have been conducted, and the Bureau does not even have a complete record of the number of animals it has killed, that is anybody's guess.

Wildlife control has become an entrenched, self-perpetuating bureaucracy. While some form of control may be justified under some circumstances, it has not yet been demonstrated by careful study what those circumstances may be, and it certainly has not been shown that the present program is sound as a matter of economics or ecology.

Mr. President, I am introducing legislation that would strip the Division of Wildlife Services of its wildlife poisoning functions and cut its wildlife control force to six extension agents. These would operate an extension trapper system similar to that in effect for over 20 years in both Kansas and Missouri.

Essentially, this system, called the "Missouri Plan," consists of training the landowner to control the specific animal causing damage. This means that the other animals of the same species would not be obliterated to remove these few pest animals.

The program emphasizes trapping because it is the most effective way of catching the specific animal causing damage, it is relatively humane, and is much more selective than poison baits and poison "guns" like those used against coyotes. With new traps that do not break the animals' legs, for example, harmless animals can be released. Broadcast poisoning will kill any creature that eats the bait—including pet dogs.

Proof of the program's effectiveness is shown by the fact that over the period the program has been operating in Missouri, trained farmers have reduced their predator damage losses an average of 80 percent.

On July 1, 1970, a law went into effect in Kansas prohibiting the use of poison in killing wildlife. This bill would also forbid the extension control personnel to use poisons or chemosterilants, because evidence indicates that chemical methods of control cause more damage to wildlife than they contribute to enhancement or protection.

While this legislation refers specifically to the control of predatory animals, I am also asking the Division of Wildlife Services to inform me of the status of the report that is required under the National Environmental Policy Act.

This act requires, under section 102C, that a report be submitted to the President, and to the Council on Environmental Quality, and that it be made available to the public, concerning all "major Federal actions significantly affecting the quality of the human environment."

The report is to cover, among other things, the environmental impact of proposed action, adverse environmental effects and possible alternatives.

The past and present Federal programs of wildlife control have not found adequate, environmentally sound solutions to predator control problems. In fact, evidence would indicate that they have created more problems than they have solved. Total elimination of predators is shortsighted and destructive. Predation is important, because it acts as a natural counterbalance to the reproductive power of prey species, and predation also helps maintain the quality of other species by ridding them of the weak and the diseased.

The real culprit in the environmental system is not the predator, but man and his rapacious attitude toward the physical resources of the world, from rivers and streams to entire species of wildlife. If, in the course of civilizing, man did not have to devastate the land of all creatures that did not fit his immediate purposes, there would be no massive threat of wildlife extinction.

It has been estimated that before the age of civilization, species became extinct at a rate of one per thousand years. Now, the rate is one species lost every year.

The black-footed ferret is going the way of the whooping crane and the California condor. The tragedy of the ferret is not that the indirect effects of civilization have caused its numbers to decrease, but that the direct, aggressive action of an official branch of the U.S. Government has arbitrarily made war on the environment the ferret must have to survive.

Clearly, wildlife control in America in too many cases has come to mean wildlife extermination. Drastic revision is long overdue.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

The bill (S. 4486) to establish a national policy and program with respect to wild predatory mammals, and for other purposes, introduced by Mr. NELSON, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 4486

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the Congress to recognize that the wolf, the coyote, the mountain lion, the lynx, the bobcat, the several species of bear, and other large, wild carnivores native to North America and commonly known as predatory mammals, are among the wildlife resources of interest and value to the people of the United States, and that the Secretary of the Interior, through the United States Fish and Wildlife Service, is authorized to recommend and demonstrate to state specialists methods and means of regulating the numbers of individuals of native wildlife species.

SEC. 2. There is hereby authorized to be established in each regional office of the Bureau of Sport Fisheries and Wildlife the position of extension mammal control agent who, upon the request of the duly authorized wildlife agency of any State within the region, shall provide advice and demonstrations to State-employed specialists in methods of instructing farmers and ranchers, or their agents, in techniques of preventing depredations by wild predatory mammals on domestic livestock and in techniques of trapping the individual mammals causing depredations on domestic livestock. Any control methods used, demonstrated, or advocated by the extension mammal control agents shall be in compliance with applicable Federal and State laws relating to the taking of wildlife, and no such method shall include in rural or suburban areas the use of poison or chemosterilant.

SEC. 3. (a) 'Poison' means biocides and toxicants, singular or plural, in gaseous-, liquid-, dust-, or solid-form, placed in food, baits, or water directly ingested by carnivores or indirectly ingested by carnivores from eating poisoned herbivores or omnivores, and includes: direct acting poison, for example, strychnine; cumulative poison, for example, thallium sulphate; and chain-reacting poison, for example, sodium fluoracetate.

(b) 'Chemosterilant' means any substance which, when ingested, causes the animal to become sterile.

SEC. 4. As of July 1, 1972, and thereafter, the number of mammal control experts and other persons employed by the United States Fish and Wildlife Service, or in any bureau or branch thereof, to engage in or assist, either directly or indirectly, in the trapping or other method of reducing the number of predatory mammals shall not exceed six persons. Biologists or other personnel employed within the Wildlife Research Branch of the Bureau of Sport Fisheries and Wildlife to investigate the biology or ecology of predatory mammals, or to develop control methods less likely to endanger valuable wildlife than the methods now in use or practiced in the past, shall not be counted against the foregoing limitation.

SEC. 5. There is hereby authorized to be appropriated for the purposes of this Act not to exceed $153,000 for the fiscal year ending June 30, 1972, and for each fiscal year thereafter through and including the fiscal year ending June 30, 1976. The Secretary of the Interior is directed, during the period from effective date of this Act until the close of the fiscal year ending June 30, 1971, to make such reorganizations, reductions, and adjustments in the predator-control program of the Bureau of Sport Fisheries and Wildlife as are necessary to prepare for the implementation of this Act.

ADDITIONAL COSPONSORS OF A BILL

S. 3562

At the request of the Senator from Missouri (Mr. EAGLETON), the Senator from Ohio (Mr. SAXBE), the Senator from Colorado (Mr. DOMINICK), the Senator from Illinois (Mr. SMITH), and the Senator from California (Mr. MURPHY), were added as cosponsors of S. 3562, to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence.

NEED FOR REVISION OF UNIFORM CODE OF MILITARY JUSTICE—ADDITIONAL COSPONSOR OF BILLS

Mr. HARRIS. Mr. President, a series of recent events has resulted in the focusing of much-needed public attention on our system of military justice. Many lawyers, military men and laymen, have all expressed concern about our present Uniform Code of Military Justice, which denies servicemen the same legal protection a civilian receives. They are rightly demanding that our system of military justice be changed to eliminate these inequities.

It is not fair to ask a man to serve in the Armed Forces, give him great responsibility, and then not afford him the same basic legal rights the rest of us enjoy.

The distinguished Senator from Indiana (Mr. BAYH) and the distinguished Senator from Oregon (Mr. HATFIELD) have offered legislative proposals to accomplish such reforms and more adequately to protect the constitutional rights of those subject to the military system of justice. I believe that it is important that these and other legislative proposals be supported and that they be considered by Congress as soon as possible. I am pleased to join as a cosponsor of these measures, S. 4191, S. 4168, S. 4169, S. 4170, S. 4171, S. 4172, S. 4173, S. 4174, S. 4175, S. 4176, S. 4177, and S. 4178. I ask unanimous consent that my name be added as a cosponsor at the next printing of them.

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

Mr. HARRIS. Presently, a military commander, though not a lawyer in most instances, decides whether or not a serviceman will be tried. He is then responsible for choosing those who will serve as court members. He is responsible for pretrial and bail, and he has the responsibility for reviewing the case after trial.

Those who conduct the article 32 investigation, which is similar to a preliminary hearing in civilian proceedings, are appointed by the commanding officer under the Uniform Code of Military Justice.

There is, of course, no way to evaluate what impact the commander's powers in a court martial case will have on the outcome of the case. But all those serving in some capacity or another in the proceeding, except the law officer—trial judge—know that the commanding officer, who generally is responsible for their own military efficiency ratings, believes that action should be taken against the accused.

Senator BAYH has proposed an independent Court Martial Command to take over the military justice responsibilities now carried out by the commander. This command would be under the jurisdiction of the judge advocate general and would be divided into regional commands.

One of the proposals offered by Senator HATFIELD would also set up regional commands, which he refers to as judicial circuits, under the command of an Armed Forces judicial circuit officer.

I will not go into all the details, but I believe that to eliminate the potential and actual instances of command influence, structural changes of the nature proposed by Senator BAYH and Senator HATFIELD will be necessary.

Not only are the serviceman's rights possibly jeopardized by command influence, he is also presently denied several rights that are considered to be rather basic rights in civilian life.

The rights of an accused serviceman to subpena witnesses and to gather needed evidence are now hampered by a requirement that all such requests must be made through the trial counsel—the very person charged with the responsibility for presenting the case for the commander. These basic matters should be determined by an impartial person, the military trial judge, rather than the trial counsel.

The fact that a serviceman can presenly be tried and punished separately by both a military tribunal and a State court cannot be justified. A former military lawyer has told me that one of the most difficult things to explain to a serviceman is why the double jeopardy provisions do not protect him against possible trials by both the State and the military for the same alleged act. The legal distinction, based upon the different Federal and State jurisdictions involved, is not fair to the serviceman and should be eliminated.

The broad discretion now exercised by a commander in regard to searches and the issuance of warrants is authority which belongs, instead, in the hands of the trial judge.

Likewise, the initial determination of whether probable cause to hold a serviceman for trial and the determination of what constitutes adequate bail should be made by an impartial judge, rather than by an appointee of the commander, as is now the case.

Selection of court-martial members should insure that a serviceman is actually tried by a jury of his peers. Also, a serviceman on trial should be entitled to a number of peremptory challenges of such members, comparable to a civilian trial.

Solutions to these and other present inequities are proposed in the measures offered by Senator BAYH and Senator HATFIELD.

Senator HATFIELD's proposal that the U.S. Federal District Court have jurisdiction over offenses other than those considered to be strictly military—those that are "criminal irrespective of one's role in society," such as murder and robbery—would appear to have merit.

Because of the great importance of this subject and these legislative measures, I am hopeful that hearings can be held as soon as possible and that such much-needed reform of our military justice system can be accomplished with dispatch.

I have discussed the need for military justice reform with State Senator Gene Stipe, of McAlester, who recently served as civilian defense counsel for Lance Co. Randall D. Herrod, tried and acquitted of murder charges while serving in Vietnam. Senator Stipe has made it clear that reform of the military justice system is needed and overdue. The Hatfield and Bayh measures, he feels, tend in the right direction. I have asked him to study them and give me the benefit of his advice in regard to them. Because of his special knowledge and recent experience in this field, I know that his advice will be helpful.

American military men are Americans—with all the rights that term signifies. Those rights are not now fully protected—and they should be. Mr. President, I am pleased to join in this effort.

SENATE RESOLUTION 479—SUBMISSION OF A RESOLUTION TO EXPRESS THE SENSE OF THE SENATE IN FAVOR OF CONSULTATIONS ON THE ROLE OF THE NORTH ATLANTIC TREATY ORGANIZATION

Mr. MATHIAS (for himself, Mr. BROOKE, Mr. COOPER, Mr. GOODELL, Mr. JAVITS, Mr. PELL, Mr. SCOTT, and Mr. YOUNG of Ohio) submitted a resolution (S. Res. 479) to express the sense of the Senate in favor of consultations on the role of the North Atlantic Treaty Organization in the 1970's which was referred to the Committee on Foreign Relations.

(The remarks of Mr. MATHIAS when he submitted the resolution appear earlier in the RECORD under the appropriate heading.)

SENATE RESOLUTION 480—SUBMISSION OF A RESOLUTION TO EXTEND THE DATE FOR A FINAL REPORT BY THE SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

Mr. MONDALE (for himself, Mr. BAYH, Mr. BROOKE, Mr. COOK, Mr. DODD, Mr. DOMINICK, Mr. HATFIELD, Mr. HRUSKA, Mr. HUGHES, Mr. INOUYE, Mr. JAVITS, Mr. MAGNUSON, Mr. MCCLELLAN, Mr. RANDOLPH, and Mr. SPONG) submitted the following resolution (S. Res. 480); which was referred to the Committee on Labor and Public Welfare:

S. RES. 480

Whereas, the Senate has voted to establish a Select Committee on Equal Educational Opportunity to study the effectiveness of existing laws and policies in assuring equality of educational opportunity: Now, therefore, be it

Resolved, that the Select Committee on Equal Educational Opportunity, established under Senate Resolution 359, Ninety-first Congress, agreed to February 19, 1970, shall make the final report required by such Senate Resolution not later than January 31, 1972, instead of January 31, 1971.

STAR PRINT OF S. 16132

Mr. WILLIAMS of New Jersey. Mr. President, in the initial printing of Amendment No. 932, important language at the beginning of the text of the new section to be added was omitted in the print. I, therefore, ask unanimous consent that a star print be printed with the corrected text as it appears on page 32992 of the RECORD of September 22, 1970.

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

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, October 14, 1970, he presented to the President of the United States the following enrolled bills and joint resolutions:

S. 30. An act relating to the control of organized crime in the United States;

S. 2695. An act to provide for the retirement of officers and members of the Metropolitan Police force, the Fire Department of the District of Columbia, the U.S. Park Police force, the Executive Protective Service, and of certain officers and members of the U.S. Secret Service, and for other purposes;

S.J. Res. 165. Joint resolution granting the consent of the Congress to an agreement between the State of Florida and the State of Georgia establishing a boundary between such States;

S.J. Res. 223. Joint resolution to authorize and request the President to issue a proclamation designating January 1971 as "National Blood Donor Month"; and

S.J. Res. 242. Joint resolution to provide for the temporary extension of the Federal Housing Administration's insurance authority.

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

AMENDMENT NO. 1062

Mr. BAYH (for himself, Mr. COOK, Mr. GRIFFIN, Mr. DOLE, Mr. JAVITS, and Mr. KENNEDY) submitted an amendment, in the nature of a substitute, intended to be proposed by them, jointly, to the joint resolution (H.J. Res. 264) proposing an amendment to the Constitution of the United States relative to equal rights for men and women, which was ordered to lie on the table and to be printed.

(The remarks of Mr. BAYH when he submitted the amendment appear later in the RECORD under the appropriate heading.)

AMENDMENT NO. 1063

Mr. BAKER submitted an amendment, intended to be proposed by him, to amendment No. 1062, intended to be proposed by Mr. BAYH (for himself and other Senators), to House Joint Resolution 264, supra, which was ordered to lie on the table and to be printed.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 932 TO S. 4268

Mr. WILLIAMS of New Jersey. Mr. President, on Tuesday, September 22, 1970, Senator PERCY and I sponsored amendment No. 932 to S. 4268 for the purpose of permitting 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. Since that date, Senators CASE, MCGOVERN, YOUNG of Ohio, and JAVITS have joined as cosponsors.

In addition, I now ask unanimous consent that, at the next printing, the names of the Senator from Florida (Mr. GURNEY), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Maine (Mr. MUSKIE), and the Senator from California (Mr. CRANSTON) be added as cosponsors.

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

AMENDMENT NO. 1041 TO H.R. 19590

At the request of the Senator from Wisconsin (Mr. PROXMIRE), the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of amendment No. 1041 to H.R. 19590, the military appropriations bill for fiscal year 1971.

AMENDMENT NO. 1048 TO H.J. RES. 264

Mr. BAKER. Mr. President, yesterday I thought I asked unanimous consent that the name of the senior Senator from Kentucky (Mr. COOPER) be added as a cosponsor of my amendment No. 1048 the so-called prayer amendment to House Joint Resolution 264. Today, in examining the RECORD, I find his name is omitted.

I ask unanimous consent at this time that the name of the senior Senator from Kentucky (Mr. COOPER) be added as a cosponsor of my amendment No. 1048 to House Joint Resolution 264.

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

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider certain nominations which are at the desk.

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

U.S. REPRESENTATIVES AT 16TH SESSION OF GENERAL CONFERENCE OF THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION

The PRESIDING OFFICER (Mr. HOLLINGS). The nominations will be stated.

The assistant legislative clerk proceeded to read sundry nominations of representatives of the United States of America to the 16th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc.

The nominations are as follows:

The following-named persons to be representatives of the United States of America to the 16th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization:

John Richardson, Jr., of Virginia.
Louise Gore, of Maryland.
Pierre R. Graham, of Illinois.
Harold Taft King, of Colorado.
Kimon T. Karabatsos, of Virginia.

The following-named persons to be alternate representatives of the United States of America to the 16th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization:

Edward T. Brennan, of Massachusetts.
Edward O. Sullivan, Jr., of New York.
R. Miller Upton, of Wisconsin.
Tom R. Van Sickle, of Kansas.

Mr. FULBRIGHT. Mr. President, I call attention to a slight foreign policy and personal embarrassment attributable to the careless handling of nominations by the White House.

Wednesday evening, October 7, the President sent to the Senate the nominations of nine persons to be representatives of the United States to the 16th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization—UNESCO. They are to attend a session beginning in Paris on Monday, October 12, and the Senate is expected to act on those nominations before that time so that they may be sworn and take office.

The White House has taken months to select its nominees and now expects the Senate in 2 working days to act on these nominees.

Failure of the Senate to act within that time frame will mean that the United States will not be officially represented at the UNESCO Conference.

In 1953, the Foreign Relations Committee, then under the chairmanship of Senator Wiley, adopted a rule which requires that 6 days expire between the time a nomination is received and it is considered by the committee. If Presidential nominations are to receive more than perfunctory attention, if the Senate's duty to advise and consent is to have any meaning whatsoever, and if Presidential nominations are to have some dignity, this 6-day rule does not seem immoderate.

I call attention to this situation because it has occurred before in this session. For example, on Friday, September 11 the Senate was given the nominations of representatives to the General Assembly of the United Nations which was to begin 4 days later, on Tuesday, September 15.

If the Senate is to be more than a rubberstamp in exercising its constitutional duty of giving its advice and consent to Presidential nominations, it must not take precipitate action on last-minute submission of nominations. The responsibility for the failure of confirmation is clearly charged to the White House. I regret that the individuals involved may be embarrassed or inconvenienced.

Mr. President, just a word of explanation. I asked the staff to poll the members of the committee on these nominations a few days ago, and they were polled because of the lateness of the session. There is no objection to the nominations. Through a misunderstanding of the Senator from Kentucky, they were delayed. I am saying this is an explanation for the RECORD of why their consideration went over. It was due to a misunderstanding on the part of the Senator from Kentucky. We had an informal meeting of the committee just to explore the situ-

ation, and the Senator from Kentucky agreed that he misunderstood the matter when it was presented to him by a clerk of the committee.

Mr. JAVITS. Mr. President, if the Senator will yield, I think, because of the Senator from Kentucky, I did not put my name on the polling, but I do agree that the nominations should be considered and confirmed, and I want the RECORD to show that.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to these nominations?

The nominations were confirmed.

Mr. BYRD of West Virginia. Mr. President, I ask that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

MILITARY CONSTRUCTION AUTHORIZATION, FISCAL YEAR 1971—CONFERENCE REPORT

Mr. JACKSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17604) to authorize certain construction at military installations, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. HOLLINGS). 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 Oct. 12, 1970, pp. 36123–36132, CONGRESSIONAL RECORD.)

Mr. JACKSON. Mr. President, I yield to the majority leader.

Mr. MANSFIELD. Mr. President, I would like to call up a few unobjected-to items on the calendar.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar to which there is no objection, beginning with Calendar No. 1349, then skipping Calendar No. 1350, and going through Calendar No. 1354.

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

SUSQUEHANNA RIVER BASIN COMPACT

The Senate proceeded to consider the bill (S. 1079) consenting to the Susquehanna River Basin compact, enacting the same into law thereby making the United States a signatory party; making certain reservations on behalf of the United States, and for related purposes which had been reported from the Committee on the Judiciary with amendments on page 75, at the beginning of line 20, after the word "Congress", insert a colon and the following:

Provided, That when a project has been authorized by Congress, such additional or changed uses of storage therein as the commission may desire shall require project reauthorization, with reallocation of project costs to all project purposes served.

On page 78, line 4, after "1267,", strike out "5 U.S.C. 133a–15),"; in line 6, after the word "amended,", strike out "40" and insert "50"; in line 8, after the word "religion,", and insert "sex,"; on page 79, after the word "pollution.", strike out "*And provided further,* That the Secretary of the Interior shall not undertake or proceed with any conference or take any step subsequent thereto which is inconsistent with a decision of the Susquehanna River Basin Commission made with the concurrence of the member appointed by the President."; in line 12, after the word "and", where it appears the first time, strike out "sec. 1346(b)" and insert "sections 1346(b) and 2401 (b))"; in line 20, after the word "agency.", strike out "However, any project of the commission which has been authorized by the Congress and whose authorization includes the construction of electric power generating capability shall not require licensure by the Federal Power Commission.".

On page 80, after line 8, strike out "However, any agency or officer of the United States administering a retirement system, health insurance plan or program, or other plan or program of employees benefits for Federal employees may contract with the Susquehanna River Basin Commission for the coverage of its employees in such system, plan or program on terms equivalent to those available to the covered Federal employees. Any such contract shall provide for the payment by the commission of such sum or sums as will represent a contribution or contributions equal to that made for the benefit of like members and grades of Federal employees covered by the system, plan or program, and for all other necessary matters"; in line 25, after "(o)", strike out "The" and insert "Notwithstanding paragraph 7 of section 3.10 of the compact, the"; on page 81, line 16, after "(q)", strike out "The United States member on the commission shall consult with all appropriate departments and agencies of the United States on a continuing basis, but he shall be the direct representative of the President and all his actions on the commission shall be in that capacity and in the manner specified by the compact and the provisions of this Act.".

On page 82, line 4, after the figure "1.", strike out "Nothing contained in this Act or in the compact shall impair or affect the constitutional authority of the United States or any of its powers, rights, functions, jurisdiction under other existing legislation in and over or jurisdiction under other existing legislation in and over the area or waters which are the subject of the compact including projects of the commission: *Provided,* That"; and insert "Nothing contained in this compact or in this Act shall impair, affect, or extend the constitutional authority of the United States.

"2. Nothing contained in this compact or in this Act and no action of the commisison shall supersede, impair, affect, compel, or prevent the exercise of any of the powers, rights, functions, or jurisdiction of the United States under other existing or future legislation in or over the area or waters which are the subject of the compact, including projects of the commission: *Provided,* That—

"(i) The commission shall serve as the principal agency for the coordination of Federal, State, interstate, local, and nongovernmental plans for water and related land resources in the Susquehanna River Basin.

"(ii) Except as provided in reservation (j),";

On page 83, after line 17, insert:

(iii) To insure consideration by Congress or any committee thereof of the commission's views, proposals for Federal projects which come within one or more of the classes requiring commission review under section 3.10 of the compact shall be submitted to the commission for review and recommendation for a period of ninety days or such longer time as may be requested by the commission with the concurring vote of the member appointed by the President; and the recommendations and views of the commission thereon, if any, shall be included in any report submitted by the sponsoring Federal agency to the Congress or to any committee thereof in connection with any request for authorization or appropriations therefor.

On page 84, after line 5, strike out:

2. Any future Act of the Congress having the effect of amending this Act, modifying the terms of participation by the United States in the compact or permitting the exercise of a power by any agency, officer, or instrumentality of the United States in a manner inconsistent with this Act or the compact or any decision, rule, or regulation of the commission lawfully made, shall be only by express amendment of the Act.

In line 14, after the word "paragraph", strike out "1" and insert "2(ii)"; in line 18, after the word "of", strike out "his" and insert "(i) no objection, or (ii)"; on page 85, after the word "compact", strike out the comma and "except to the extent that"; in line 8, after the amendment just above stated, insert a colon and "*Provided,* That"; in the same line, after the word "President", insert "may continue United States participation in the activities of the commission to the extent that he"; in line 10, after the word "deems", strike out "remaining a party"; in line 11, after the word "interest.", strike out "and shall cease to be bound by the terms thereof."; in line 16, after the word "Act.", strike out "*Provided, however,* That no act of the"; at the beginning of line 17, insert "(2) No action of the"; after line 18, insert:

(u) Notwithstanding the provisions of sections 2.2 and 2.3 of the compact, the Federal member of the commission and his alternate shall be appointed by the President of the United States and shall serve at the pleasure of the President.

(v) Notwithstanding the provisions of section 12.5 or any other provision of the compact, the furnishing of technical services to the commission by agencies of the executive branch of the Government of the United States is pledged only to the extent that the respective agencies shall from time to time agree thereto or to the extent that the Presi-

dent may from time to time direct such agencies to perform such services for the commission. Nothing in the compact shall be deemed to require the United States to furnish administrative services or facilities for carrying out functions of the commission except to the extent that the President may direct.

(w) Nothing contained in this Act or in the compact shall supersede, impair, affect, compel, or prevent the exercise of any of the powers, rights, functions, or jurisdiction of the Federal Power Commission, Federal Communications Commission, Atomic Energy Commission, Interstate Commerce Commission, or other such Federal independent regulatory agency under existing or future legislation. Accordingly, no action of the Susquehanna River Basin Commission shall conflict with any of the terms or conditions of any license or permit granted or issued by the aforementioned Federal agencies. This reservation shall not be construed as a basis for noncompliance with the requirements of the compact or this Act; nor shall it be construed to permit use of waters of the Susquehanna River Basin or to endanger their quality without approval pursuant to the compact.

On page 87, line 12, after the word "the", where it appears the first time, strike out "carrying out of the functions" and insert "support"; and in line 13, after the word "member," insert, "and his office,"; so as to make the bill read:

S. 1079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SUSQUEHANNA RIVER BASIN COMPACT

SECTION 1. The consent of Congress is hereby given to the Susquehanna River Basin compact in the form substantially as follows and the compact is hereby enacted into law thereby making the United States a signatory party thereto:

"SUSQUEHANNA RIVER BASIN COMPACT

"PREAMBLE

"Whereas the signatory parties hereto recognize the water resources of the Susquehanna River as regional assets vested with local, state, and national interest for which they have a joint responsibility; and declare as follows:

"1. The conservation, utilization, development, management, and control of the water resources of the Susquehanna River Basin under comprehensive multiple purpose planning will bring the greatest benefit and produce the most efficient service in the public interest; and

"2. This comprehensive planning administered by a basin-wide agency will provide flood damage reduction, conservation and development of surface and ground water supply for municipal, industrial, and agricultural uses, development of recreational facilities in relation to reservoirs, lakes and streams, propagation of fish and game, promotion of forest land management, soil conservation, and watershed projects, protection and aid to fisheries, development of hydroelectric power potentialities, improved navigation, control of the movement of salt water, abatement and control of water pollution, and regulation of stream flows toward the attainment of these goals; and

"3. The water resources of the basin are presently subject to the duplicating, overlapping, and uncoordinated administration of a large number of governmental agencies which exercise a multiplicity of powers resulting in a splintering of authority and responsibility; and

"4. The Interstate Advisory Committee on the Susquehanna River Basin, created by action of the states of New York, Pennsylvania, and Maryland, on the basis of its studies and deliberation has concluded that regional development of the Susquehanna River Basin is feasible, advisable, and urgently needed, and has recommended that an intergovernmental compact with Federal participation be consummated to this end; and

"5. The Congress of the United States and the executive branch of the Federal government have recognized a national interest in the Susquehanna River Basin by authorizing and directing the Corps of Engineers of the Department of the Army, the Department of Agriculture, the Department of Health, Education and Welfare, the Department of Interior, and other Federal agencies to cooperate in making comprehensive surveys and reports concerning the water resources of the Susquehanna River Basin in which individually or severally the technical aid and assistance of many Federal and state agencies have been enlisted, and which are being or have been coordinated through a Susquehanna River Basin Study Coordinating Committee on which the Corps of Engineers of the Department of the Army, the Department of Agriculture, the Department of Commerce, the Department of Health, Education and Welfare, the Department of Interior, the Department of Housing and Urban Development and its predecessor Housing and Home Finance Agency, the Federal Power Commission, and the States of New York, Pennsylvania, and Maryland are or were represented; and

"6. Some three million people live and work in the Susquehanna River Basin and its environs, and the government, employment, industry, and economic development of the entire region and the health, safety, and general well being of its population are and will continue to be affected vitally by the conservation, utilization, development, management, and control of the water resources of the basin; and

"7. Demands upon the water resources of the basin are expected to mount because of anticipated increases in population and by reason of industrial and economic growth of the basin and its service area; and

"8. Water resources planning and development are technical, complex, and expensive, often requiring fifteen to twenty years from the conception to the completion of large or extensive projects; and

"9. The public interest requires that facilities must be ready and operative when and where needed, to avoid the damages of unexpected floods or prolonged drought, and for other purposes; and

"10. The Interstate Advisory Committee on the Susquehanna River Basin has prepared a draft of an intergovernmental compact for the creation of a basin agency, and the signatory parties desire to effectuate the purposes thereof; Now therefore

"The States of New York and Maryland and the Commonwealth of Pennsylvania, and the United States of America hereby solemnly covenant and agree with each other, upon the enactment of concurrent legislation by the Congress of the United States and by the respective State legislatures, to the Susquehanna River Basin Compact which consists of this Preamble and the Articles that follow.

"ARTICLE 1

"SHORT TITLE, DEFINITIONS, PURPOSES, AND LIMITATIONS

"SECTION 1.1—SHORT TITLE. This compact shall be known and may be cited as the Susquehanna River Basin Compact.

"1.2—DEFINITIONS. For the purpose of this compact, and of any supplemental or concurring legislation enacted pursuant to it:

"1. 'Basin' shall mean the area of drainage of the Susquehanna River and its tributaries into Chesapeake Bay to the southern edge of the Pennsylvania Railroad bridge between Havre de Grace and Perryville, Maryland.

"2. 'Commission' shall mean the Susquehanna River Basin Commission hereby created, and the term 'Commissioner' shall mean a member of the commission.

"3. 'Cost' shall mean direct and indirect expenditures, commitment, and net induced adverse effects, whether or not compensated for, used or incurred in connection with the establishment, acquisition, construction, maintenance, and operation of a project.

"4. 'Diversion' shall mean the transfer of water into or from the basin.

"5. 'Facility' shall mean any real or personal property, within or without the basin, and improvements thereof or thereon, and any and all rights of way, water, water rights, plants, structures, machinery, and equipment acquired, constructed, operated, or maintained for the beneficial use of water resources or related land uses or otherwise including, without limiting the generality of the foregoing, any and all things and appurtenances necessary, useful, or convenient for the control, collection, storage, withdrawal, diversion, release, treatment, transmission, sale, or exchange of water; or for navigation thereon, or the development and use of hydroelectric energy and power, and public recreational facilities; or the propagation of fish and wildlife; or to conserve and protect the water resources of the basin or any existing or future water supply source, or to facilitate any other uses of any of them.

"6. 'Federal government' shall mean the government of the United States of America, and any appropriate branch, department, bureau, or division thereof, as the case may be.

"7. 'Project' shall mean any work, service, or activity which is separately planned, financed, or identified by the commision, or any separate facility undertaken or to be undertaken by the commission or otherwise within a specified area, for the conservation utilization, control, development, or management of water resources which can be established and utilized independently or as an addition to an existing facility and can be considered as a separate entity for purposes of evaluation.

"8. 'Signatory party' shall mean a state or commonwealth party to this compact, or the Federal government.

"9. 'Water' shall mean both surface and underground waters which are contained within the drainage area of the Susquehanna River in the states of New York, Pennsylvania, and Maryland.

"10. 'Water resources' shall include all waters and related natural resources within the basin.

"11. 'Withdrawal' shall mean a taking or removal of water from any source within the basin for use within the basin.

"12. 'Person' shall mean an individual, corporation, partnership, unincorporated association, and the like and shall have no gender, and the singular shall include the plural.

1.3—PURPOSE AND FINDINGS. The legislative bodies of the respective signatory parties hereby find and declare:

"1. The water resources of the Susquehanna River Basin are affected with a local, state, regional, and national interest, and the planning, conservation, utilization, development, management, and control of these resources, under appropriate arrangements for intergovernmental cooperation, are public purposes of the respective signatory parties.

"2. The water resources of the basin are subject to the sovereign rights and responsibilities of the signatory parties, and it is the purpose of this compact to provide for a joint exercise of these powers of sovereignty in the common interest of the people of the region.

"3. The water resources of the basin are functionally interrelated, and the uses of these resources are interdependent. A single administrative agency is therefore essential for effective and economical direction, supervision, and coordination of water resources

efforts and programs of federal, state, and local governments and of private enterprise.

"4. Present and future demands require increasing economies and efficiencies in the use and reuse of water resources, and these can be brought about only by comprehensive planning, programming, and management under the direction of a single administrative agency.

"5. In general, the purposes of this compact are to promote interstate comity; to remove causes of possible controversy; to make secure and protect developments within the states; to encourage and provide for the planning, conservation, utilization, development, management, and control of the water resources of the basin; to provide for cooperative and coordinated planning and action by the signatory parties with respect to water resources; and to apply the principle of equal and uniform treatment to all users of water and of water related facilities without regard to political boundaries.

"6. It is the express intent of the signatory parties that the commission shall engage in the construction, operation, and maintenance of a project only when the project is necessary to the execution of the comprehensive plan and no other competent agency is in a position to act, or such agency fails to act.

"1.4—POWERS OF CONGRESS; WITHDRAWAL. Nothing in this compact shall be construed to relinquish the functions, powers, or duties of the Congress of the United States with respect to the control of any navigable waters within the basin, nor shall any provisions hereof be construed in derogation of any of the constitutional powers of the Congress to regulate commerce among the states and with foreign nations. The power and right of the Congress to withdraw the Federal government as a party to this compact or to revise or modify the terms, conditions, and provisions under which it may remain a party by amendment, repeal, or modification of any Federal statute applicable hereto is recognized by the signatory parties.

"1.5—DURATION OF COMPACT.

"(a) The duration of this compact shall be for an initial period of 100 years from its effective date, and it shall be continued for additional periods of 100 years if not less than 20 years nor more than 25 years prior to the termination of the initial period or any succeeding period none of the signatory states, by authority of an act of its legislature, notifies the commission of intention to terminate the compact at the end of the then current 100-year period.

"(b) In the event this compact should be terminated by operation of paragraph (a) above, the commission shall be dissolved, its assets and liabilities transferred in accordance with the equities of the signatory parties therein, and its corporate affairs wound up in accordance with agreement of the signatory parties or, failing agreement, by act of the Congress.

"ARTICLE 2

"ORGANIZATION AND AREA

"SECTION 2.1—COMMISSION CREATED. The Susquehanna River Basin Commission is hereby created as a body politic and corporate, with succession for the duration of this compact, as an agency and instrumentality of the governments of the respective signatory parties.

"2.2—COMMISSION MEMBERSHIP. The members of the commission shall be the governor or the designee of the governor of each signatory state, to act for him, and one member to be appointed by the President of the United States to serve at the pleasure of the President.

"2.3—ALTERNATES. An alternate from each signatory party shall be appointed by its member of the commission unless otherwise provided by the laws of the signatory party. The alternate, in the absence of the member, shall represent the member and act for him. In the event of a vacancy in the office of alternate, it shall be filled in the same manner as the original appointment.

"2.4—COMPENSATION. Members of the commission and alternates shall serve without compensation from the commission but may be reimbursed for necessary expenses incurred in and incident to the performance of their duties.

"2.5—VOTING POWER. Each member is entitled to one vote. No action of the commission may be taken unless three of the four members vote in favor thereof.

"2.6—ORGANIZATION AND PROCEDURE. The commission shall provide for its own organization and procedure, and shall adopt the rules and regulations governing its meetings and transactions. It shall organize annually by the election of a chairman and vice-chairman from among its members. It shall provide by its rules for the appointment by each member in his discretion of an advisor to serve without compensation from the commission, who may attend all meetings of the commission and its committees.

"2.7—JURISDICTION OF THE COMMISSION. The commission shall have, exercise, and discharge its functions, powers, and duties within the limits of the basin. Outside the basin, the commission shall act at its discretion, but only to the extent necessary to implement its responsibilities within the basin, and where necessary subject to the consent of the state wherein it proposes to act.

"ARTICLE 3

"POWERS AND DUTIES OF THE COMMISSION

"SECTION 3.1—GENERAL. The Commission shall develop and effectuate plans, policies, and projects relating to the water resources of the basin. It shall adopt and promote uniform and coordinated policies for water resources conservation and management in the basin. It shall encourage and direct the planning, development, operation, and subject to applicable laws the financing of water resources projects according to such plans and policies.

"3.2—POLICY. It is the policy of the signatory parties to preserve and utilize the functions, powers, and duties of the existing offices and agencies of government to the extent consistent with this compact, and the commission is directed to utilize those offices and agencies for the purposes of this compact.

"3.3—COMPREHENSIVE PLAN, PROGRAM AND BUDGETS. The commission in accordance with Article 14 of this compact, shall formulate and adopt:

"1. A comprehensive plan, after consultation with appropriate water users and interested public bodies for the immediate and long range development and use of the water resources of the basin;

"2. A water resources program, based upon the comprehensive plan, which shall include a systematic presentation of the quantity and quality of water resources needs of the area to be served for such reasonably foreseeable period as the commission may determine, balanced by existing and proposed projects required to satisfy such needs, including all public and private projects affecting the basin, together with a separate statement of the projects proposed to be undertaken by the commission during such period; and

"3. An annual current expense budget and an annual capital budget consistent with the commission's program, projects, and facilites for the budget period.

"3.4—POWERS OF COMMISSION. The commission may:

"1. Plan, design, acquire, construct, reconstruct, complete, own, improve, extend, develop, operate, and maintain any and all projects, facilities, properties, activities, and services which are determined by the commission to be necessary, convenient, or useful for the purposes of this compact.

"2. Establish standards of planning, design, and operation of all projects and facilities in the basin to the extent they affect water resources, including without limitation thereto water, sewage and other waste treatment plants and facilities, pipelines, transmission lines, stream and lake recreational facilities, trunk mains for water distribution, local flood protection works, watershed management programs, and ground water recharging operations.

"3. Conduct and sponsor research on water resources and their planning, use, conservation, management, development, control, and protection, and the capacity, adaptability, and best utility of each facility thereof, and collect, compile, correlate, analyze, report, and interpret data on water resources and uses in the basin, including without limitation thereto the relation of water to other resources, industrial water technology, ground water movement, relation between water price and water demand and other economic factors, and general hydrological conditions.

"4. Collect, compile, coordinate, and interpret systematic surface and ground water data, and publicize such information when and as needed for water uses, flood warning, quality maintenance, or other purposes.

"5. Conduct ground and surface water investigations, tests, and operations, and compile data relating thereto, as may be required to formulate and administer the comprehensive plan.

"6. Prepare, publish, and disseminate information and reports concerning the water problems of the basin and for the presentation of the needs and resources of the basin and policies of the commission to executive and legislative branches of the signatory parties.

"7. Negotiate loans, grants, gifts, services, or other aids as may be lawfully available from public or private sources to finance or assist in effectuating any of the purposes of this compact, and receive and accept them upon terms and conditions, and subject to provisions, as may be required by Federal or state law or as the commission may deem necessary or desirable.

"8. Exercise such other and different powers as may be delegated to it by this compact or otherwise pursuant to law, and have and exercise all powers necessary or convenient to carry out its express powers and other powers which reasonably may be implied therefrom.

"9. Adopt, amend, and repeal rules and regulations to implement this compact.

"3.5—DUTIES OF THE COMMISSION. The commission shall:

"1. Develop and effectuate plans, policies, and projects relating to water resources, adopt, promote, and coordinate policies and standards for water resources conservation, control, utilization, and management, and promote and implement the planning, development, and financing of water resources projects.

"2. Undertake investigations, studies, and surveys, and acquire, construct, operate, and maintain projects and facilities in regard to the water resources of the basin, whenever it is deemed necessary to do so to activate or effectuate any of the provisions of this compact.

"3. Administer, manage, and control water resources in all matters determined by the commission to be interstate in nature or to have a major effect on the water resources and water resources management.

"4. Assume jurisdiction in any matter affecting water resources whenever it determines after investigation and public hearing upon due notice given, that the effectuation of the comprehensive plan or the implementation of this compact so requires. If the commission finds upon subsequent hearing requested by an affected signatory party that the party will take the necessary action, the commission may relinquish jurisdiction.

"5. Investigate and determine if the requirements of the compact or the rules and regulations of the commission are complied with, and if satisfactory progress has not been

made, institute an action or actions in its own name in any state or federal court of competent jurisdiction to compel compliance with any and all of the provisions of this compact or any of the rules and regulations of the commission adopted pursuant thereto. An action shall be instituted in the name of the commission and shall be conducted by its own counsel.

"3.6—COOPERATIVE LEGISLATION AND FURTHER JURISDICTION.

"(a) Each of the signatory parties agrees that it will seek enactment of such additional legislation as will be required to enable its officers, departments, commissions, boards, and agents to accomplish effectively the obligations and duties assumed under the terms of this compact.

"(b) Nothing in the compact shall be construed to repeal, modify or qualify the authority of any signatory party to enact any legislation or enforce any additional conditions and restrictions within its jurisdiction.

"3.7—COORDINATION AND COOPERATION. The commission shall promote and aid the coordination of the activities and programs of Federal, state, municipal, and private agencies concerned with water resources administration in the basin. To this end, but without limitation thereto, the commission may:

"1. Advise, consult, contract, financially assist, or otherwise cooperate with any and all such agencies;

"2. Employ any other agency or instrumentality of any of the signatory parties or of any political subdivision thereof, in the design, construction, operation, and maintenance of structures, and the installation and management of river control systems, or for any other purpose;

"3. Develop and adopt plans and specifications for particular water resources projects and facilities which so far as consistent with the comprehensive plan incorporate any separate plans of other public and private organizations operating in the basin, and permit the decentralized administration thereof:

"4. Qualify as a sponsoring agency under any Federal legislation heretofore or hereafter enacted to provide financial or other assistance for the planning, conservation, utilization, development, management, or control of water resources.

"3.8—ALLOCATIONS, DIVERSIONS, AND RELEASES.

"(a) The commission shall have power from time to time as the need appears, to allocate the waters of the basin to and among the states signatory to this compact and impose related conditions, obligations, and release requirements.

"(b) The commission shall have power from time to time as the need appears to enter into agreements with other river basin commissions or other states with respect to in-basin and out-of-basin allocations, withdrawals, and diversions.

"(c) No allocation of waters made pursuant to this section shall constitute a prior appropriation of the waters of the basin or confer any superiority of right in respect to the use of those waters, nor shall any such action be deemed to constitute an apportionment of the waters of the basin among the parties hereto. This subsection shall not be deemed to limit or restrict the power of the commission to enter into covenants with respect to water supply, with a duration not exceeding the life of this compact, as it may deem necessary for the benefit or development of the water resources of the basin.

"3.9—RATES AND CHARGES. The commission, from time to time after public hearing upon due notice given may fix, alter, and revise rates, rentals, charges, and tolls, and classifications thereof, without regulation or control by any department, office or agency of any signatory party, for the use of facilities owned or operated by it, and any services or products which it provides.

"3.10—REFERRAL AND REVIEW. No projects affecting the water resources of the basin, except those not requiring review and approval by the commission under paragraph 3 following, shall be undertaken by any person, governmental authority or other entity prior to submission to and approval by the commission or appropriate agencies of the signatory parties for review.

"1. All water resources projects for which a permit or other form of permission to proceed with construction or implementation is required by legislative action of a signatory party or by rule or regulation of an office or agency of a signatory party having functions, powers, and duties in the planning, conservation, development, management, or control of water resources shall be submitted as heretofore to the appropriate office or agency of the signatory party for review and approval. To assure that the commission is apprised of all projects within the basin, monthly reports and listings of all permits granted, or similar actions taken, by offices or agencies of the signatory parties shall be submitted to the commission in a manner prescribed by it.

"Those projects which also require commission approval pursuant to the provisions of paragraphs 2(ii) and 2(iii) following shall be submitted to the commission through appropriate offices or agencies of a signatory party, except that, if no agency of a signatory party has jurisdiction, such projects shall be submitted directly to the commission in such manner as the commission shall prescribe.

"2. Approval of the commission shall be required for, but not limited to, the following:

"(i) All projects on or crossing the boundary between any two signatory states;

"(ii) Any project involving the diversion of water;

"(iii) Any project within the boundaries of any signatory state found and determined by the commission or by any agency of a signatory party having functions, powers and duties in the planning, conservation, development, management, or control of water resources to have a significant effect on water resources within another signatory state; and

"(iv) Any project which has been included by the commission after hearing, as provided in Article 14, Section 14.1, as a part of the commission's comprehensive plan for the development of the water resources of the basin, or which would have a significant effect upon the plan.

"3. Review and approval by the commission shall not be required for:

"(i) Projects which fall into an exempt classification or designation established by legislative action of a signatory party or by rule or regulation of an office or agency of a signatory party having functions, powers, and duties in the planning, conservation, development, management, or control of water resources. The sponsors of those projects are not required to obtain a permit or other form of permission to proceed with construction or implementation, unless it is determined by the commission or by the agency of a signatory party that such project or projects may cause an adverse, adverse cumulative, or an interstate effect on water resources of the basin, and the project sponsor has been notified in writing by the commission or by the agency of a signatory party that commission approval is required.

"(ii) Projects which are classified by the commission as not requiring its review and approval, for so long as they are so classified.

"4. The commission shall approve a project if it determines that the project is not detrimental to the proper conservation, development, management, or control of the water resources of the basin and may modify and approve as modified, or may disapprove the project, if it determines that the project is not in the best interest of the conservation, development, management, or control of the basin's water resources, or is in conflict with the comprehensive plan.

"5. The commission, after consultation with the appropriate offices or agencies of the signatory parties shall establish the procedure of submission, review, and consideration of projects. And procedure for review and approval of diversions of water shall include public hearing on due notice given with opportunity for interested persons, agencies, governmental units, and signatory parties to be heard and to present evidence. A complete transcript of the proceedings at the hearing shall be made and preserved and it shall be made available under rules for that purpose adopted by the commission.

"6. Any determination of the commission pursuant to this article or any article of the compact providing for judicial review shall be subject to such judicial review in any court of competent jurisdiction, provided that an action or proceeding for such review is commenced within 90 days from the effective date of the determination sought to be reviewed; but a determination of the commission concerning a diversion, under Section 3.10–2(ii) with the claimed effect of reducing below a proper minimum the flow of water in that portion of the basin within the area of a signatory party, shall be subject to judicial review under the particular provisions of paragraph 7 below.

"7. Any signatory party deeming itself aggrieved by an action of the commission concerning a diversion under Section 3.10–2(ii) with the claimed effect of reducing below a proper minimum the flow of water in that portion of the basin which lies within the area of that signatory party, and notwithstanding the powers provided to the commission by this compact, may have review of commission action approving the diversion in the Supreme Court of the United States; provided that a proceeding for such review is commenced within one year from the date of action sought to be reviewed. Any such review shall be on the record made before the commission. The action of the commission shall be affirmed, unless the court finds that it is not supported by substantial evidence.

"3.11—ADVISORY COMMITTEES. The commission may constitute and empower advisory committees.

"ARTICLE 4

"WATER SUPPLY

"SECTION 4.1—GENERALLY. The commission shall have power to develop, implement, and effectuate plans and projects for the use of the water of the basin for domestic, municipal, agricultural, and industrial water supply. To this end, without limitation thereto, it may provide for, construct, acquire, operate, and maintain dams, reservoirs, and other facilities for utilization of surface and ground water resources, and all related structures, appurtenances, and equipment on the river and its tributaries and at such off-river sites as it may find appropriate, and may regulate and control the use thereof.

"4.2—STORAGE AND RELEASE OF WATERS.

"(a) The commission shall have power to acquire, construct, operate, and control projects and facilities for the storage and release of waters, for the regulation of flows and supplies of surface and ground waters of the basin, for the protection of public health, stream quality control, economic development, improvement of fisheries, recreation, dilution and abatement of pollution, the prevention of undue salinity, and other purposes.

"(b) No signatory party shall permit any augmentation of flow to be diminished by the diversion of any water of the basin during any period in which waters are being released from storage under the direction of the commission for the purpose of augment-

ing such flow, except in cases where the diversion is authorized by this compact, or by the commission pursuant thereto, or by the judgment, order, or decree of a court of competent jurisdiction.

"4.3—ASSESSABLE IMPROVEMENTS. The commission may provide water management and regulation in the main stream or any tributary in the basin and, in accordance with the procedures of applicable state laws, may assess on an annual basis or otherwise the cost thereof upon water users or any classification of them specially benefited thereby to a measurable extent, provided that no such assessment shall exceed the actual benefit to any water user. Any such assessment shall follow the procedure prescribed by law for local improvement assessments and shall be subject to review in any court of competent jurisdiction.

"4.4—COORDINATION. Prior to entering upon the execution of any project authorized by this article, the commission shall review and consider all existing rights, plans, and programs of the signatory parties, their political subdivisions, private parties, and water users which are pertinent to such project, and shall hold a public hearing on each proposed project.

"4.5—ADDITIONAL POWERS. In connection with any project authorized by this article, the commission shall have power to provide storage, treatment, pumping, and transmission facilities, but nothing herein shall be construed to authorize the commission to engage in the business of distributing water.

"ARTICLE 5

"WATER QUALITY MANAGEMENT AND CONTROL

"SECTION 5.1—GENERAL POWERS.

"(a) The commission may undertake or contract for investigations, studies, and surveys pertaining to existing water quality, effects of varied actual or projected operations on water quality, new compounds and materials and probable future water quality in the basin. The commission may receive, expend, and administer funds, Federal, state, local, or private as may be available to carry out these functions relating to water quality investigations.

"(b) The commission may acquire, construct, operate, and maintain projects and facilities for the management and control of water quality in the basin whenever the commission deems necessary to activate or effectuate any of the provisions of this compact.

"5.2—POLICY AND STANDARDS.

"(a) In order to conserve, protect, and utilize the water quality of the basin in accordance with the best interests of the people of the basin and the states, it shall be the policy of the commission to encourage and coordinate the efforts of the signatory parties to prevent, reduce, control, and eliminate water pollution and to maintain water quality as required by the comprehensive plan.

"(b) The legislative intent in enacting this article is to give specific emphasis to the primary role of the states in water quality management and control.

"(c) The commission shall recommend to the signatory parties the establishment, modification, or amendment of standards of quality for any waters of the basin in relation to their reasonable and necessary use as the commission shall deem to be in the public interest.

"(d) The commission shall encourage cooperation and uniform enforcement programs and policies by the water quality control agencies of the signatory parties in meeting the water quality standards established in the comprehensive plan.

"(e) The commission may assume jurisdiction whenever it determines after investigation and public hearing upon due notice given that the effectuation of the comprehensive plan so requires. After such investigation, notice, and hearing, the commission may adopt such rules, regulations, and water quality standards as may be required to preserve, protect, improve, and develop the quality of the waters of the basin in accordance with the comprehensive plan.

"5.3—COOPERATIVE ADMINISTRATION AND ENFORCEMENT.

"(a) Each of the signatory parties agrees to prohibit and control pollution of the waters of the basin according to the requirements of this compact and to cooperate faithfully in the control of future pollution in and abatement of existing pollution from the waters fo the basin.

"(b) The commission shall have the authority to investigate and determine if the requirements of the compact or the rules, regulations, and water quality standards of the commission are complied with and if satisfactory progress has not been made, may institute an action or actions in its own name in the proper court of competent jurisdiction to compel compliance with any and all of the provisions of this compact or any of the rules, regulations, and water quality standards of the commission adopted pursuant thereto.

"5.4—FURTHER JURISDICTION. Nothing in this compact shall be construed to repeal, modify, or qualify the authority of any signatory party to enact any legislation or enforce any additional conditions and restrictions to lessen or prevent the pollution of waters within its jurisdiction.

"ARTICLE 6

"FLOOD PROTECTION

"SECTION 6.1—FLOOD CONTROL AUTHORITY. The commission may plan, design, construct, and operate and maintain projects and facilities it deems necessary or desirable for flood plain development and flood damage reduction. It shall have power to operate such facilities and to store and release waters of the Susquehanna River and its tributaries and elsewhere within the basin, in such manner, at such times, and under such regulations as the commission may deem appropriate to meet flood conditions as they may arise.

"6.2—REGULATION.

"(a) The commission may study and determine the nature and extent of the flood plains of the Susquehanna River and its tributaries. Upon the basis of the studies, it may delineate areas subject to flooding, including but not limited to a classification of lands with reference to relative risk of flooding and the establishment of standards for flood plain use which will promote economic development and safeguard the public health, welfare, safety, and property. Prior to the adoption of any standards delineating the area or defining the use, the commission shall hold public hearings with respect to the substance of the standards in the manner provided by Article 15. The proposed standards shall be available from the commission at the time notice is given, and interested persons shall be given an opportunity to be heard thereon at the hearings.

"(b) The commission shall have power to promulgate, adopt, amend, and repeal from time to time as necessary, standards relating to the nature and extent of the uses of land in areas subject to flooding.

"(c) In taking action pursuant to subsection (b) of this section and as a prerequisite thereto, the commission shall consider the effect of particular uses of the flood plain in question on the health and safety of persons and property in the basin, the economic and technical feasibility of measures available for the development and protection of the flood plain, and the responsibilities, if any, of local, state, and federal governments connected with the use or proposed use of the flood plain in question. The commission shall regulate the use of particular flood plains in the manner and degree it finds necessary for the factors enumerated in this subsection, but only with the consent of the affected signatory state, and shall suspend such regulation when and so long as the signatory party or parties, or political subdivision possessing jurisdiction have in force applicable laws which the commission finds give adequate protection for the purpose of this section.

"(d) In order to conserve, protect, and utilize the Susquehanna River and its tributaries in accordance with the best interests of the people of the basin and the signatory parties, it shall be the policy of the commission to encourage and coordinate the efforts of the signatory parties to control modification of the river and its tributaries by encroachment.

"6.3—FLOOD LANDS ACQUISITION. The commission shall have power to acquire the fee or any lesser interest in lands and improvements thereon within the area of a flood plain for the purpose of regulating the use or types of construction of such property to minimize the flood hazard, convert the property to uses or types of construction appropriate to flood plain conditions, or prevent constrictions or obstructions that reduce the ability of the river channel and flood plain to carry flood water.

"6.4—EXISTING STRUCTURES. No rule or regulation issued by the commission pursuant to this compact shall be construed to require the demolition, removal, or alteration of any structure in place or under construction prior to the issuance thereof, without the payment of just compensation therefor. However, new construction or any addition to or alteration in any existing structure made or commenced subsequent to the issuance of such rule or regulation, or amendment, shall conform thereto.

"6.5—POLICE POWERS. The regulation of use of flood plain lands is within the police powers of the signatory states for the protection of public health and the safety of the people and their property and shall not be deemed a taking of land or lands for which compensation shall be paid to the owners thereof.

"6.6—COOPERATION. Each of the signatory parties agrees to control flood plain use along and encroachment upon the Susquehanna River and its tributaries and to cooperate faithfully in these respects.

"6.7—OTHER AUTHORITY. Nothing in this article shall be construed to prevent or in any way to limit the power of any signatory party, or any agency or subdivision thereof, to issue or adopt and enforce any requirement or requirements with respect to flood plain use or construction thereon more stringent than the rules, regulations, or encroachment lines in force pursuant to this article. The commission may appear in any court of competent jurisdiction to bring actions or proceedings in law or equity to enforce the provisions of this article.

"6.8—DEBRIS. The signatory states agree that dumping or littering upon or in the waters of the Susquehanna River or its tributaries or upon the frozen surfaces thereof of any rubbish, trash, litter, debris, abandoned properties, waste material, or offensive matter, is prohibited and that the law enforcement officials of each state shall enforce this prohibition.

"ARTICLE 7

"WATERSHED MANAGEMENT

"SECTION 7.1—WATERSHEDS GENERALLE. The commission shall promote sound practices of watershed management in the basin, including projects and facilities to retard runoff and waterflow and prevent soil erosion.

"7.2—SOIL CONSERVATION AND LAND AND FOREST MANAGEMENT. The commission, subject to the limitations in Section 7.4(b) may acquire, sponsor, or operate facilities and projects to encourage soil conservation, prevent and control erosion, and promote land reclamation and sound land and forest management.

"7.3—FISH AND WILDLIFE. The commission, subject to the limitations in Section 7.4(b) may acquire, sponsor, or operate projects and facilities for the maintenance and improvement of fish and wildlife habitat related to the water resources of the basin.

"7.4—COOPERATIVE PLANNING AND OPERATION.

"(a) The commission shall cooperate with the appropriate agencies of the signatory parties and with other public and private agencies in the planning and effectuation of a coordinated program of facilities and projects authorized by this article.

"(b) The commission shall not acquire or operate any such project or facility unless it has first found and determined that no other suitable unit or agency of government is in a position to acquire or operate the same upon reasonable conditions, or such unit or agency fails to do so.

"ARTICLE 8

"RECREATION

"SECTION 8.1—DEVELOPMENT. The commission may provide for the development of water related public sports and recreational facilities. The commission on its own account or in cooperation with a signatory party, political subdivision or any agency thereof, may provide for the construction, maintenance, and administration of such facilities, subject to the provisions of Section 8.2 hereof.

"8.2—COOPERATIVE PLANNING AND OPERATION.

"(a) The commission shall cooperate with the appropriate agencies of the signatory parties and with other public and private agencies in the planning and effectuation of a coordinated program of facilities and projects authorized by this article.

"(b) The commission shall not operate any such project or facility unless it has first found and determined that no other suitable unit or agency of government is available to operate the same upon reasonable conditions.

"8.3—OPERATION AND MAINTENANCE. The commission, within limits prescribed by this article, shall:

"1. Encourage activities of other public agencies having water related recreational interests and assist in the coordination thereof;

"2. Recommend standards for the develment and administration of water related recreational facilities;

"3. Provide for the administration, operation, and maintenance of recreation facilities owned or controlled by the commission and for the letting and supervision of private concessions in accordance with this article.

"8.4—CONCESSIONS. The commission, after public hearing upon due notice given shall provide by regulation a procedure for the award of contracts for private concessions in connection with its recreational facilities, including any renewal or extension thereof, under terms and conditions determined by the commission.

"ARTICLE 9

"OTHER PUBLIC VALUES

"SECTION 9.1—INHERENT VALUES. The signatory parties agree that it is a purpose of this compact in effectuating the conservation and management of water resources to preserve and promote the economic and other values inherent in the historic and the scenic and other natural amenities of the Susquehanna River Basin for the enjoyment and enrichment of future generations, for the promotion and protection of tourist attractions in the basin, and for the maintenance of the economic health of allied enterprises and occupations so as to effect orderly, balanced, and considered development in the basin.

"9.2—PROJECT COMPATIBILITY. To this end, the signatory parties agree that in the consideration, authorization, construction, maintenance, and operation of all water resources projects in the Susquehanna basin, their agencies and subdivisions, and the Susquehanna River Basin Commission will consider the compatibility of such projects with these other public values.

"9.3—REGULATION STANDARDS. The commission may recommend to governmental units with jurisdiction within areas considered for scenic or historic designation minimum standards of regulation of land and water use and such other protective measures as the commission may deem desirable.

"9.4—LOCAL AREA PROTECTION. The commission may draft and recommend for adoption ordinances and regulations which would assist, promote, develop, and protect those areas and the character of their communities. Local governments may consider parts of their area which have been designated scenic or historic areas under the provisions of this article separately from the municipality as a whole, and pursuant to the laws of the state governing the adoption of those regulations generally may enact regulations limited to the designated area. In making recommendations to a local government which is partly in and partly out of such a scenic or historic area the commission may make recommendations for the entire municipality.

"ARTICLE 10

"HYDROELECTRIC POWER

"SECTION 10.1—DEVELOPMENT. The waters of the Susquehanna River and its tributaries may be impounded and used by or under authority of the commission for the generation of hydroelectric power and hydroelectric energy in accordance with the comprehensive plan.

"10.2—POWER GENERATION. The commission may develop and operate, or authorize to be developed and operated, dams and related facilities and appurtenances for the purpose of generating hydroelectric power and hydroelectric energy.

"10.3—TRANSMISSION. The commission may provide facilities for the transmission of hydroelectric power and hydroelectric energy produced by it where such facilities are not otherwise available upon reasonable terms, for the purpose of wholesale marketing of power and nothing herein shall be construed to authorize the commission to engage in the business of direct sale to consumers.

"10.4—DEVELOPMENT CONTRACTS. The commission, after public hearing upon due notice given, may enter into contracts on reasonable terms, consideration, and duration under which public utilities or public agencies may develop hydroelectric power and hydroelectric energy through the use of dams, related facilities, and appurtenances.

"10.5—RATES AND CHARGES. Rates and charges fixed by the commission for power which is produced by its facilities shall be reasonable, nondiscriminatory, and just.

"ARTICLE 11

"REGULATION OF WITHDRAWAL AND DIVERSIONS; PROTECTED AREAS AND EMERGENCIES

"SECTION 11.1—POWER OF REGULATION. The commission may regulate and control withdrawals and diversions from surface waters and ground waters of the basin, as provided by this article. The commission may enter into agreements with the signatory parties relating to the exercise of such power or regulation or control and may delegate to any of them such powers of the commission as it may deem necessary or desirable.

"11.2—DETERMINATION OF PROTECTED AREA. The commission, from time to time after public hearing upon due notice given, may determine and delineate such areas within the basin wherein the demands upon supply made by water users have developed or threaten to develop to such a degree as to create a water shortage or impair or conflict with the requirements or effectuation of the comprehensive plan, and any such area may be designated as a protected area, with the consent of the member or members from the affected state or states. The commission, whenever it determines that such shortage no longer exists, shall terminate the protected status of such area and shall give public notice of such determination.

"11.3—DIVERSION AND WITHDRAWAL PERMITS. In any protected areas so determined and delineated, no person shall divert or withdraw water for domestic, municipal, agricultural, or industrial uses in excess of such quantities as the commission may prescribe by general regulations, except (1) pursuant to a permit granted under this article, or (2) pursuant to a permit or approval heretofore granted under the laws of any of the signatory states.

"11.4—EMERGENCY.

"(a) In the event of a drought which may cause an actual and immediate shortage of available water supply within the basin, or within any part thereof, the commission after public hearing upon due notice given, may determine and delineate the area of the shortage and by unanimous vote declare a drought emergency therein. For the duration of the drought emergency as determined by the commission, it thereupon may direct increases or decreases in any allocations, diversions, or releases previously granted or required, for a limited time to meet the emergency condition.

"(b) In the event of a disaster or catastrophe other than drought, natural or manmade, which causes or may cause an actual and immediate shortage of available and usable water, the commission by unanimous consent may impose direct controls on the use of water and shall take such action as is necessary to coordinate the effort of federal, state, and local agencies and other persons and entities affected.

"11.5—STANDARDS. Permits shall be granted, modified, or denied, as the case may be, to avoid such depletion of the natural stream flows and ground waters in the protected area or in any emergency area as will adversely affect the comprehensive plan or the just and equitable interests and rights of other lawful users of the same source, giving due regard to the need to balance and reconcile alternative and conflicting uses in the event of an actual or threatened shortage of water of the quality required.

"11.6—JUDICIAL REVIEW. The determinations and delineations of the commission pursuant to Section 11.2 and the granting, modification or denial of permits pursuant to Sections 11.3, 11.4, and 11.5 shall be subject to judicial review in any court of competent jurisdiction.

"11.7—MAINTENANCE OF RECORDS. Each signatory party shall provide for the maintenance and preservation of such records of authorized diversions and withdrawals and the annual volume thereof as the commission shall prescribe. Such records and supplementary reports shall be furnished to the commission at its request.

"11.8—EXISTING STATE SYSTEMS. Whenever the commission finds it necessary or desirable to exercise the powers conferred with respect to emergencies by this article, any diversion or withdrawal permits authorized or issued under the laws of any of the signatory states shall be superseded to the extent of any conflict with the control and regulation exercised by the commission.

"ARTICLE 12

"INTERGOVERNMENTAL RELATIONS

"SECTION 12.1—FEDERAL AGENCIES AND PROJECTS. For the purposes of avoiding conflicts of jurisdiction and of giving full effect to the commission as a regional agency of the signatory parties, the following rules shall govern Federal projects affecting the water resources of the basin, subject in each case to the provisions of Section 1.4 of this compact:

"1. The planning of all projects related to powers delegated to the commission by this compact shall be undertaken in consultation with the commission.

"2. No expenditure or commitment shall be made for or on account of the construction, acquisition, or operation of any project or facility nor shall it be deemed authorized, unless it shall have first been included by the commission in the comprehensive plan.

"3. Each Federal agency otherwise authorized by law to plan, design, construct, operate or maintain any project or facility in or for the basin shall continue to have, exercise, and discharge such authority except as specifically provided by this section.

"12.2—STATE AND LOCAL AGENCIES AND PROJECTS. For the purposes of avoiding conflicts of jurisdiction and of giving full effect to the commission as a regional agency of the signatory parties, the following rules shall govern projects of the signatory states, their political subdivisions and public corporations affecting water resources of the basin:

"1. The planning of all projects related to powers delegated to the commission by this compact shall be undertaken in consultation with the commission;

"2. No expenditure or commitment shall be made for or on account of the construction, acquisition, or operation of any project or facility unless it first has been included by the commission in the comprehensive plan;

"3. Each state and local agency otherwise authorized by law to plan, design, construct, operate, or maintain any project or facility in or for the basin shall continue to have, exercise and discharge such authority, except as specifically provided by this section.

"12.3—RESERVED TAXING POWERS OF STATES. Each of the signatory parties reserves the right to levy, assess, and collect fees, charges, and taxes on or measured by the withdrawal or diversion of waters of the basin for use within the jurisdiction of the respective signatory parties.

"12.4—PROJECT COSTS AND EVALUATION STANDARDS. The commission shall establish uniform standards and procedures for the evaluation, determination of benefits, and cost allocations of projects affecting the basin, and for the determination of project priorities, pursuant to the requirements of the comprehensive plan and its water resources program. The commission shall develop equitable cost sharing and reimbursement formulas for the signatory parties including:

"1. Uniform and consistent procedures for the allocation of project costs among purposes included in multiple-purpose programs;

"2. Contracts and arrangements for sharing financial responsibility among and with signatory parties, public bodies, groups, and private enterprise, and for the supervision of their performance;

"3. Establishment and supervision of a system of accounts for reimbursement purposes and directing the payments and charges to be made from such accounts;

"4. Determining the basis and apportioning amounts (i) of reimbursable revenues to be paid signatory parties or their political subdivisions, and (ii) of payments in lieu of taxes to any of them.

"12.5—COOPERATIVE SERVICES. The commission shall furnish technical services, advice, and consultation to authorized agencies of the signatory parties with respect to the water resources of the basin, and each of the signatory parties pledges itself to provide technical and administrative service to the commission upon request, within the limits of available appropriations, and to cooperate generally with the commission for the purposes of this compact, and the cost of such service may be reimbursable whenever the parties deem appropriate.

"ARTICLE 13

"CAPITAL FINANCING

"SECTION 13.1—BORROWING POWER. The commission may borrow money for any of the purposes of this compact and may issue its negotiable bonds and other evidences of indebtedness in respect thereto.

"All such bonds and evidences of indebtedness shall be payable solely out of the properties and revenues of the commission without recourse to taxation. The bonds and other obligations of the commission, except as may be otherwise provided in the indenture under which they were issued, shall be direct and general obligations of the commission, and the full faith and credit of the commission are hereby pledged for the prompt payment of the debt service thereon and for the fulfillment of all other undertakings of the commission assumed by it to or for the benefit of the holders thereof.

"13.2—FUNDS AND EXPENSES. The purposes of this compact shall include without limitation thereto all costs of any project or facility or any part thereof, including interest during a period of construction and a reasonable time thereafter and any incidental expenses (legal, engineering, fiscal, financial consultant, and other expenses) connected with issuing and disposing of the bonds; all amounts required for the creation of an operating fund, construction fund, reserve fund, sinking fund, or other special fund; all other expenses connected with the planning, design, acquisition, construction, completion, improvement, or reconstruction of any facility or any part thereof; and reimbursement of advances by the commission or by others for such purposes and for working capital.

"13.3—CREDIT EXCLUDED; OFFICERS, STATE AND MUNICIPAL. The commission shall have no power to pledge the credit of any signatory party or of any country or municipality, or to impose any obligation for payment of the bonds upon any signatory party or any county or municipality. Neither the commissioners nor any person executing the bonds shall be liable personally on the bonds of the commission or be subject to any personal liability or accountability by reason of the issuance thereof.

"13.4—FUNDING AND REFUNDING. Whenever the commission deems it expedient, it may fund and refund its bonds and other obligations, whether or not such bonds and obligations have matured. It may provide for the issuance, sale, or exchange of refunding bonds for the purpose of redeeming or retiring any bonds (including payment of any premium, duplicate interest, or cash adjustment required in connection therewith) issued by the commission or issued by any other issuing body, the proceeds of the sale of which have been applied to any facility acquired by the commission or which are payable out of the revenues of any facility acquired by the commission. Bonds may be issued partly to refund bonds and other obligations then outstanding, and partly for any other purpose of the commission. All provisions of this compact applicable to the issuance of bonds are applicable to refunding bonds and to the issuance, sale, or exchange thereof.

"13.5—BONDS: AUTHORIZATION GENERALLY. Bonds and other indebtedness of the commission shall be authorized by resolution of the commission. The validity of the authorization and issuance of any bonds by the commission shall not be dependent upon or affected in any way by: (1) the disposition of bond proceeds by the commission or by contract, commitment or action taken with respect to such proceeds; or (2) the failure to complete any part of the project for which bonds are authorized to be issued. The commission may issue bonds in one or more series and may provide for one or more consolidated bond issues, in such principal amounts and with such terms and provisions as the commission may deem necessary. The bonds may be secured by a pledge of all or any part of the property, revenues, and franchises under its control. Bonds may be issued by the commission in such amount, with such maturities and in such denominations and form or forms, whether coupon or registered, as to both principal and interest, as may be determined by the commission. The commission may provide for redemption of bonds prior to maturity on such notice and at such time or times and with such redemption provisions, including premiums, as the commission may determine.

"13.6—BONDS: RESOLUTIONS AND INDENTURES GENERALLY. The commission may determine and enter into indentures providing for the principal amount, date or dates, maturities, interest rate, denominations, form, registration, transfer, interchange, and other provisions of the bonds and coupons and the terms and conditions upon which the same shall be executed, issued, secured, sold, paid, redeemed, funded, and refunded. The resolution of the commission authorizing any bond or any indenture so authorized under which the bonds are issued may include all such covenants and other provisions other than any restriction on the regulatory powers vested in the commission by this compact as the commission may deem necessary or desirable for the issue, payment, security, protection, or marketing of the bonds, including without limitation covenants and other provisions as to the rates or amounts of fees, rents, and other charges to be charged or made for use of the facilities; the use, pledge, custody, securing, application, and disposition of such revenues, of the proceeds of the bonds, and of any other moneys of the commission; the operation, maintenance, repair, and reconstruction of the facilities and the amounts which may be expended therefor; the sale, lease, or other disposition of the facilities; the insuring of the facilities and of the revenues derived therefrom; the construction or other acquisition of other facilities, the issuance of additional bonds or other indebtedness; the rights of the bondholders and of any trustee for the bondholders upon default by the commission or otherwise; and the modification of the provisions of the indenture and of the bonds. Reference on the face of the bonds to such resolution or indenture by its date of adoption or the apparent date on the face thereof is sufficient to incorporate all of the provisions thereof and of this compact into the body of the bonds and their appurtenant coupons. Each taker and subsequent holder of the bonds or coupons, whether the coupons are attached to or detached from the bonds, has recourse to all, of the provisions of the indenture and of this compact and is bound thereby.

"13.7—MAXIMUM MATURITY. No bond or its terms shall mature in more than fifty years from its own date, or on any date subsequent to the duration of this compact, and in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date herein authorized shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

"13.8—TAX EXEMPTION. All bonds issued by the commission under the provisions of this compact and the interest thereon shall at all times be free and exempt from all taxation by or under authority of any of the signatory parties, except for transfer, inheritance and estate taxes.

"13.9—INTEREST. Bonds shall bear interest at a rate of not to exceed six percent per annum, payable annually or semi-annually.

"13.10—PLACE OF PAYMENT. The commission may provide for the payment of the principal and interest of bonds at any place or places within or without the signatory

states, and in any specified lawful coin or currency of the United States of America.

"13.11—EXECUTION. The commission may provide for the execution and authentication of bonds by the manual, lithographed, or printed facsimile signature of officers of the commission, and by additional authentication by a trustee or fiscal agent appointed by the commission. If any of the officers whose signatures or countersignatures appear upon the bonds or coupons ceases to be an officer before the delivery of the bonds or coupons, his signature or countersignature is nevertheless valid and of the same force and effect as if the officer had remained in office until the delivery of the bonds and coupons.

"13.12—HOLDING OWN BONDS. The commission shall have power out of any funds available therefor to purchase its bonds and may hold, cancel, or resell such bonds.

"13.13—SALE. The commission may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The commission may sell at less than their par or face value, but no issue of bonds may be sold at an aggregate price below the par or face value thereof if such sale would result in a net interest cost to the commission calculated upon the entire issue so sold of more than six percent per annum payable semi-annually, according to standard tables of bond values. All bonds issued and sold for cash pursuant to this compact shall be sold on sealed proposals to the highest bidder. Prior to such sale, the commission shall advertise for bids by publication of a notice of sale not less than ten days prior to the date of sale, at least once in a newspaper of general circulation printed and published in New York City carrying municipal bonds notices and devoted primarily to financial news. The commission may reject any and all bids submitted and may thereafter sell the bonds so advertised for sale at private sale to any financially responsible bidder under such terms and conditions as it deems most advantageous to the public interest, but the bond shall not be sold at a net interest cost calculated upon the entire issue so advertised, greater than the lowest bid which was rejected. In the event the commission desires to issue its bonds in exchange for an existing facility or portion thereof, or in exchange for bonds secured by the revenues of an existing facility, it may exchange such bonds for the existing facility or portion thereof or for the bonds so secured, plus an additional amount of cash, without advertising such bonds for sale.

"13.14—NEGOTIABILITY. All bonds issued under the provisions of this compact are negotiable instruments, except when registered in the name of a registered owner.

"13.15—LEGAL INVESTMENTS. Bonds of the commisson shall be legal investments for savings banks, fiduciaries and public funds in each of the signatory states.

"13.16—VALIDATION PROCEEDINGS. Prior to the issuance of any bonds, the commission may institute a special proceeding to determine the legality of proceedings to issue the bonds and their validity under the laws of any of the signatory parties. Such proceedings shall be instituted and prosecuted in rem, and the judgment rendered therein shall be conclusive against all persons whomsoever and aginst each of the signatory parties.

"13.17—RECORDING. No indenture need be recorded or filed in any public office, other than the office of the commission. The pledge of revenues provided in any indeture shall take effect forthwith as provided therein and irrespective of the date of receipts of such revenues by the commission or the indenture trustee. Such pledge shall be effective as provided in the indenture without physical delivery of the revenues to the commission or the indenture trustee.

"13.18—PLEDGED REVENUES. Bond redemption and interest payments, to the extent provided in the resolution or indenture, shall constitute a first, direct and exclusive charge and lien on all such rates, rents, tolls, fees, and charges and other revenues and interest thereon received from the use and operation of the facility, and on any sinking or other funds created therefrom. All such rates, rents, tolls, fees, charges and other revenues, together with interest thereon, shall constitute a trust fund for the security and payment of such bonds, and except as and to the extent provided in the indenture with respect to the payment therefrom of expenses for other purposes including administration, operation, maintenance, improvements, or extensions of the facilities or other purposes shall not be used or pledged for any other purpose so long as such bonds, or any of them, are outstanding, and unpaid.

"13.19—REMEDIES. The holder of any bond may for the equal benefit and protection of all holders of bonds similarly situated; (1) by mandamus or other appropriate proceedings require and compel the performance of any of the duties imposed upon the commission or assumed by it, its officers, agents, or employees under the provisions of any indenture, in connection with the acquisition, construction, operation, maintenance, repair, reconstruction, or insurance of the facilities, or in connection with the collection, deposit, investment, application, and disbursement of the rates, rents, tolls, fees, charges, and other revenues derived from the operation and use of the facilities, or in connection with the deposit, investment, and disbursement of the proceeds received from the sale of bonds; or (2) by action or suit in a court of competent jurisdiction of any signatory party require the commission to account as if it were the trustee of an express trust, or enjoin any acts or things which may be unlawful or in violation of the rights of the holders of the bonds. The enumeration of such rights and remedies, however, does not exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds.

"13.20—CAPITAL FINANCING BY SIGNATORY PARTIES: GUARANTEES.

"(a) The signatory parties shall provide such capital funds required for projects of the commission as may be authorized by their respective statutes in accordance with a cost sharing plan prepared pursuant to Article 12 of this compact; but nothing in this section shall be deemed to impose any mandatory obligation on any of the signatory parties other than such obligations as may be assumed by a signatory party in connection with a specific project or facility.

"(b) Bonds of the commission, notwithstanding any other provision of this compact, may be executed and delivered to any duly authorized agency of any of the signatory parties without public offering and may be sold and resold with or without the guaranty of such signatory party, subject to and in accordance with the constitutions of the respective signatory parties.

"(c) The commission may receive and accept, and the signatory parties may make, loans, grants, appropriations, advances, and payments of reimbursable or nonreimbursable funds or property in any form for the capital or operating purposes of the commission.

"ARTICLE 14

"PLAN, PROGRAM AND BUDGETS

SECTION 14.1—COMPREHENSIVE PLAN. The commission shall develop and adopt, and may from time to time review and revise, a comprehensive plan for the immediate and long range development and use of the water resources of the basin. The plan shall include all public and private projects and facilities which are required, in the judgment of the commission, for the optimum planning, development, conservation, utilization, management, and control of the water resources of the basin to meet present and future needs. The commission may adopt a comprehensive plan or any revision thereof in such part or parts as it may deem appropriate, provided that before the adoption of the plan or any part or revision thereof the commission shall consult with water users and interested public bodies and public utilities and shall consider and give due regard to the findings and recommendations of the various agencies of the signatory parties, their political subdivisions, and interested groups. The commission shall conduct public hearings upon due notice given with respect to the comprehensive plan prior to the adoption of the plan or any part of the revision thereof, except that public and private projects and facilities which, in the judgment of the commission, are not required for the optimum planning, development, conservation, utilization, management, and control of the water resources of the basin and which, in the judgment of the commission, will not significantly affect the water resources of the basin, may be added directly to the comprehensive plan at any time at the discretion of the commission without public hearing thereon. The comprehensive plan shall take into consideration the effect of the plan or any part thereof upon the receiving waters of Chesapeake Bay.

"14.2—WATER RESOURCES PROGRAM.—The commission shall annually adopt a water resources program, based upon the comprehensive plan, consisting of the projects and facilities which the commission proposes to be undertaken by the commission and by other authorized governmental and private agencies, organizations, and persons during the ensuing six years or such other reasonably foreseeable period as the commission may determine. The water resources program shall include a systematic presentation of:

"1. The quantity and quality of water resources needs for such period;

"2. The existing and proposed projects and facilities required to satisfy such needs, including all public and private projects to be anticipated; and

"3. A separate statement of the projects proposed to be undertaken by the commission during such period.

"14.3—ANNUAL CURRENT EXPENSE AND CAPITAL BUDGETS.

"(a) The commission shall annually adopt a capital budget including all capital projects it proposes to undertake or continue during the budget period containing a statement of the estimated cost of each project and the method of financing thereof.

"(b) The commission shall annually adopt a current expense budget for each fiscal year. Such budget shall include the commission's estimated expenses for administration, operation, maintenance, and repairs, including a separate statement thereof for each project, together with its cost allocation. The total of such expenses shall be balanced by the commission's estimated revenues from all sources, including the cost allocations undertaken by any of the signatory parties in connection with any project. Following the adoption of the annual current expense budget by the commission, the executive director of the commission shall:

"1. Certify to the respective signatory parties the amounts due in accordance with existing cost sharing established for each project; and

"2. Transmit certified copies of such budget to the principal budget officer of the respective signatory parties at such time and in such manner as may be required under their respective budgetary procedures. The amount required to balance the current expense budget in addition to the aggregate amount of item 1 above and all other revenues available to the commission shall be apportioned equitably among the signa-

tory parties by unanimous vote of the commission, and the amount of such apportionment to each signatory party shall be certified together with the budget.

"(c) The respective signatory parties covenant and agree to include the amounts so apportioned for the support of the current expense budget in their respective budgets next to be adopted, subject to such review and approval as may be required by their respective budgetary processes. Such amounts shall be due and payable to the commission in quarterly installments during its fiscal year, provided that the commission may draw upon its working capital to finance its current expense budget pending remittance by the signatory parties.

"ARTICLE 15

"GENERAL PROVISIONS

"SECTION 15.1—AUXILIARY POWERS OF COMMISSION; FUNCTIONS OF COMMISSIONERS.

"(a) The commission, for the purposes of this compact, may:

"1. Adopt and use a corporate seal, enter into contracts, and sue and be sued in any court of competent jurisdicition;

"2. Receive and accept such payments, appropriations, grants, gifts, loans, advances, and other funds, properties, and services as may be transferred or made available to it by any signatory party or by any other public or private corporation or individual, and enter into agreements to make reimbursement for all or part thereof;

"3. Provide for, acquire, and adopt detailed engineering, administrative, financial, and operating plans and specifications to effectuate, maintain, or develop any facility or project;

"4. Control and regulate the use of facilities owned or operated by the commission;

"5. Acquire, own, operate, maintain, control, sell and convey real and personal property and any interest therein by contract, purchase, lease, license, mortgage, or otherwise as it may deem necessary for any project or facility, including any and all appurtenances thereto necessary, useful, or convenient for such ownership, operation, control, maintenance, or conveyance;

"6. Have and exercise all corporate powers essential to the declared objects and purposes of the commission.

"(b) The commissioners, subject to the provisions of this compact, shall:

"1. Serve with the governing body of the commission, and exercise and discharge its powers and duties, except as otherwise provided by or pursuant to this compact;

"2. Determine the character of and the necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid subject to any provisions of law specifically applicable to agencies or instrumentalities created by this compact;

"3. Provide for the internal organization and administration of the commission;

"4. Appoint the principal officers of the commission and delegate to and allocate among them administrative functions, powers and duties;

"5. Create and abolish offices, employments, and positions as it deems necessary for the purposes of the commission, and subject to the provisions of this article, fix and provide for the qualifications, appointments, removal, term, tenure, compensation, pension, and retirement rights of its officers and employees;

"6. Let and execute contracts to carry out the powers of the commission.

"15.2—REGULATIONS; ENFORCEMENT. The commission may:

"1. Make and enforce rules and regulations for the effectuation, application, and enforcement of this compact; and it may adopt and enforce practices and schedules for or in connection with the use, maintenance, and administration of projects and facilities it may own or operate and any product or service rendered thereby; provided that any rule or regulation, other than one which deals solely with the internal management of the commission, shall not be effective unless and until filed in accordance with the law of the respective signatory parties applicable to administrative rules and regulations generally; and

"2. Designate any officer, agent, or employee of the commission to be an investigator or watchman and such person shall be vested with the powers of a peace officer of the State in which he is duly assigned to perform his duties.

"15.3—TAX EXEMPTIONS. The commission, its property, functions, and activities shall be exempt from taxation by or under the authority of any of the signatory parties or any political subdivision thereof; provided that in lieu of property taxes the commission, as to its specific projects, shall make payments to local taxing districts in annual amounts which shall equal the taxes lawfully assessed upon property for the tax year next prior to its acquisition by the commission for a period of ten years. The nature and amount of such payment shall be reviewed by the commission at the end of ten years, and from time to time thereafter, upon reasonable notice and opportunity to be heard to the affected taxing district, and the payments may be thereupon terminated or continued in such reasonable amount as may be necessary or desirable to take into account hardships incurred and benefits received by the taxing jurisdiction which are attributable to the project.

"15.4—MEETINGS; PUBLIC HEARING; RECORDS, MINUTES.

"(a) All meetings of the commission shall be open to the public.

"(b) The commission shall conduct at least one public hearing in each State prior to the adoption of the initial comprehensive plan. In all other cases wherein this compact requires a public hearing, such hearing shall be held upon not less than twenty days' public notice given by posting at the offices of the commission, and published at least once in a newspaper or newspapers of general circulation in the area or areas affected. The commission shall also provide forthwith for distribution of such notice to the press and by the mailing of a copy thereof to any person who shall request such notices.

"(c) The minutes of the commission shall be a public record open to inspection at its offices during regular business hours.

"15.5—OFFICERS GENERALLY.

"(a) The officers of the commission shall consist of an executive director and such additional officers, deputies, and assistants as the commission may determine. The executive director shall be appointed and may be removed by the affirmative vote of a majority of the full membership of the commission. All other officers and employees shall be appointed or dismissed by the executive director under such rules of procedure as the commission may establish.

"(b) In the appointment and promotion of officers and employees for the commission, no political, racial, religious, or residence test or qualification shall be permitted or given consideration, but all such appointments and promotions shall be solely on the basis of merit and fitness. Any officer or employee of the commission who is found by the commission to be guilty of a violation of this section shall be immediately dismissed.

"15.6—OATH OF OFFICE. An oath of office in such form as the commission shall prescribe shall be taken, subscribed, and filed with the commission by the executive director and by each officer appointed by him not later than fifteen days after the appointment.

"15.7—BOND. Each officer shall give such bond and in such form and amount as the commission may require, for which the commission shall pay the premium.

"15.8—PROHIBITED ACTIVITIES.

"(a) No commissioner, officer or employee shall:

"1. Be financially interested, either directly or indirectly, in any contract, sale, purchase, lease, or transfer of real or personal property to which the commission is a party;

"2. Solicit or accept money or any other thing of value in addition to the compensation or expense paid him by the commission for services performed within the scope of his official duties;

"3. Offer money or any thing of value for or in consideration of obtaining an appointment, promotion, or privilege in his employment with the commission.

"(b) Any officer or employee who willfully violates any of the provisions of this section shall forfeit his office or employment.

"(c) Any contract or agreement knowingly made in contravention of this section is void.

"(d) Officers and employees of the commission shall be subject, in addition to the provisions of this section, to such criminal and civil sanctions for misconduct in office as may be imposed by Federal law and the law of the signatory state in which such misconduct occurs.

"15.9—PURCHASING. Contracts for the construction, reconstruction or improvement of any facility when the expenditure required exceeds ten thousand dollars, and contracts for the purchase of services, supplies, equipment, and materials when the expenditure required exceeds five thousand dollars shall be advertised and let upon sealed bids to the lowest responsible bidder. Notice requesting such bids shall be published in a manner reasonably likely to attract prospective bidders, which publication shall be made at least thirty days before bids are received and in at least two newspapers of general circulation in the basin. The commission may reject any and all bids and readvertise in its discretion. If after rejecting bids the commission determines and resolves that in its opinion the supplies, equipment, and materials may be purchased at a lower price in the open market, the commission may give each responsible bidder an opportunity to negotiate a price and may proceed to purchase the supplies, equipment, and materials in the open market at a negotiated price which is lower than the lowest rejected bid of a responsible bidder, without further observance of the provisions requiring bids or notice. The commission shall adopt rules and regulations to provide for purchasing from the lowest responsible bidder when sealed bids, notice, and publication are not required by this section. The commission may suspend and waive the provisions of this section requiring competitive bids whenever:

"1. The purchase is to be made from or the contract to be made with the Federal or any state government or agency or political subdivision thereof or pursuant to any open and bulk purchase contract of any of them;

"2. The public exigency requires the immediate delivery of the articles or performance of the service;

"3. Only one source of supply is available;

"4. The equipment to be purchased is of a technical nature and the procurement thereof without advertising is necessary in order to assure standardization of equipment and interchangeability of parts in the public interest; or

"5. Services are to be provided of a specialized or professional nature.

"15.10—INSURANCE. The commssion may self-insure or purchase insurance and pay the premium therefor against loss or damage to any of its properties; against liability for injury to persons or property; and against loss of revenue from any cause whatsoever. Such insurance coverage shall be in such form and amount as the commission may determine, subject to the requirements of

any agreement arising out of the issuance of bonds by the commission.

"15.11—ANNUAL INDEPENDENT AUDIT.

"(a) As soon as practical after closing of the fiscal year an audit shall be made of the financial accounts of the commission. The audit shall be made by qualified certified public accountants selected by the commission, who have no personal interest direct or indirect in the financial affairs of the commission or any of its officers or employees. The report of audit shall be prepared in accordance with accepted accounting practices and shall be filed with the chairman and such other officers as the commission may direct. Copies of the report shall be distributed to each commissioner and shall be made available for public distribution.

"(b) Each signatory party by its duly authorized officer shall be entitled to examine and audit at any time all of the books, documents, records, files, and accounts and all other papers, things, or property of the commission. The representatives of the signatory parties shall have access to all books, documents, records, accounts, reports, files, and all other paper, things, or property belonging to or in use by the commission and necessary to facilitate the audit and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians.

"(c) The financial transactions of the commission shall be subject to audit by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where the accounts of the commission are kept.

"(d) Any officer or employee who shall refuse to give all required assistance and information to the accountants selected by the commission or to the authorized officers of any signatory party or who shall refuse to submit to them for examination such books, documents, records, files, accounts, papers, things, or property as may be requested shall forfeit his office.

"15.12—REPORTS. The commission shall make and publish an annual report to the legislative bodies of the signatory parties and to the public reporting on its programs, operations, and finances. It may also prepare, publish, and distribute such other public reports and informational material as it may deem necessary or desirable.

"15.13—GRANTS, LOANS, OR PAYMENTS BY STATES OR POLITICAL SUBDIVISIONS.

"(a) Any or all of the signatory parties or any political subdivisions thereof may:

"1. Appropriate to the commission such funds as may be necessary to pay preliminary expenses such as the expenses incurred in the making of borings, and other studies of subsurface conditions, in the preparation of contracts for the sale of water and in the preparation of detailed plans and estimates required for the financing of a project;

"2. Advance to the commission, either as grants or loans, such funds as may be necessary or convenient to finance the operation and management of or construction by the commission of any facility or project;

"3. Make payments to the commission for benefits received or to be received from the operation of any of the projects or facilities of the commission.

"(b) Any funds which may be loaned to the commission either by a signatory party or a political subdivision thereof shall be repaid by the commission through the issuance of bonds or out of other income of the commission, such repayment to be made within such period and upon such terms as may be agreed upon between the commission and the signatory party or political subdivision making the loan.

"15.14—CONDEMNATION PROCEEDINGS.

"(a) The commission shall have the power to acquire by condemnation the fee or any lesser interest in lands, lands lying under water, development rights in land, riparian rights, water rights, waters and other real or personal property within the basin for any project or facility authorized pursuant to this compact. This grant of power of eminent domain includes but is not limited to the power to condemn for the purposes of this compact any property already devoted to a public use, by whomsoever owned or held, other than property of a signatory party. Any condemnation of any property or franchises owned or used by a municipal or privately owned public utility, unless the affected public utility facility is to be relocated or replaced, shall be subject to the authority of such state board, commission, or other body as may have regulatory jurisdiction over such public utility.

"(b) The power of condemnation referred to in subsection (a) shall be exercised in accordance with the provisions of the state condemnation law in force in the signatory state in which the property is located. If there is no applicable state condemnation law, the power of condemnation shall be exercised in accordance with the provisions of Federal condemnation law.

"(c) Any award or compensation for the taking of property pursuant to this article shall be paid by the commission, and none of the signatory parties nor any other agency, instrumentality or political subdivision thereof shall be liable for such award or compensation.

"15.15—CONVEYANCE OF LANDS AND RELOCATION OF PUBLIC FACILITIES.

"(a) The respective officers, agencies, departments, commissions, or bodies having jurisdiction and control over real and personal property owned by the signatory parties are authorized and empowered to transfer and convey in accordance with the laws of the respective parties to the commission any such property as may be necessary or convenient to the effectuation of the authorized purpose of the commission.

"(b) Each political subdivision of each of the signatory parties, notwithstanding any contrary provisions of law, is authorized and empowered to grant and convey to the commission, upon the commission's request, any real property or any interest therein owned by such political subdivision including lands lying under water and lands already devoted to public use which may be necessary or convenient to the effectuation of the authorized purposes of the commission.

"(c) Any highway, public utility, or other public facility which will be disclosed by reason of a project deemed necessary by the commission to effectuate the authorized purposes of this compact shall be relocated and the cost thereof shall be paid in accordance with the law of the state in which the facility is located; provided that the cost of such relocation payable by the commission shall not in any event exceed the expenditure required to serve the public convenience and necessity.

"15.16—RIGHTS OF WAY. Permission is hereby granted to the commission to locate, construct, and maintain any aqueducts, lines, pipes, conduits, and auxiliary facilities authorized to be acquired, constructed, owned, operated, or maintained by the commission in, over, under, or across any streets and highways now or hereafter owned, opened, or dedicated to or for public use, subject to such reasonable conditions as the highway department of the signatory party may require.

"15.17—PENALTY. Any person, association, or corporation who violates or attempts or conspires to violate any provisions of this compact or any rule, regulation, or order of the commission duly made, promulgated, or issued pursuant to the compact in addition to any other remedy, penalty, or consequence provided by law shall be punishable as may be provided by statute of any of the signatory parties within which the violation is committed; provided that in the absence of such provision any such person, association, or corporation shall be liable to a penalty of not less than $50 nor more than $1,000 for each violation to be fixed by the court which the commission may recover in its own name in any court of competent jurisdiction, and in a summary proceeding where available under the practice and procedure of such court. For the purposes of this section in the event of a continuing offense each day of such violation, attempt, or conspiracy shall constitute a separate offense.

"15.18—TORT LIABILITY. The commission shall be responsible for claims arising out of the negligent acts or omissions of its officers, agents, and employees only to the extent and subject to the procedures prescribed by law generally with respect to officers, agents, and employees of the government of the United States.

"15.19—EFFECT ON RIPARIAN RIGHTS. Nothing contained in this compact shall be construed as affecting or intending to affect or in any way to interfere with the law of the respective signatory parties relating to riparian rights.

"15.20—AMENDMENTS AND SUPPLEMENTS. Amendments and supplements to this compact to implement the purposes thereof may be adopted by legislative action of any of the signatory parties concurred in by all of the others.

"15.21—CONSTRUCTION AND SEVERABILITY. The provisions of this compact and of agreements thereunder shall be severable and if any phrase, clause, sentence, or provision of the Susquehanna River Basin Compact or such agreement is declared to be unconstitutional or the applicability thereof to any signatory party, agency, or person is held invalid, the constitutionality of the remainder of such compact or such agreement and the applicability thereof to any other signatory party, agency, person, or circumstance shall not be affected thereby. It is the legislative intent that the provisions of such compact be reasonably and liberally construed.

"15.22—EFFECTIVE DATE; EXECUTION. This compact shall become binding and effective thirty days after the enactment of concurring legislation by the Federal government, the states of Maryland and New York, and the Commonwealth of Pennsylvania. The compact shall be signed and sealed in five identical original copies by the respective chief executive of the signatory parties. One such copy shall be filed with the Secretary of State of each of the signatory parties or in accordance with the laws of the state in which the filing is made, and one copy shall be filed and retained in the archives of the commission upon its organization."

RESERVATIONS

SEC. 2. In the exercise of the powers reserved to the Congress, pursuant to section 1.4 of the compact, the consent to and participation in the compact by the United States is subject to the following conditions and reservations:

(a) Notwithstanding any provision of the Susequehanna River Basin compact the Susquehanna River Basin Commission shall not undertake any project (as defined in such compact), other than a project for which State supplied funds only will be used, beyond the planning stage until—

(1) such commission has submitted to the Congress such complete plans and estimates for such project as may be necessary to make an engineering evaluation of such project including—

(A) where the project will serve more than one purpose, an allocation of costs among the purposes served and an estimate of the ratio of benefits to costs for each such purpose,

(B) an apportionment of costs among the beneficiaries of the project, including the portion of the costs to be borne by the Federal Government and by State and local governments, and

(C) a proposal for financing the project, including the terms of any proposed bonds or other evidences of indebtedness to be used for such purpose, and

(2) such project has been authorized by Act of Congress:

Provided, That when a project has been authorized by Congress, such additional or changed uses of storage therein as the commission may desire shall require project reauthorization, with reallocation of project costs to all project purposes served.

(b) No provision of section 3.9 of the compact shall be deemed to authorize the commission to impose any charge for water withdrawals or diversions from the basin if such withdrawals or diversions could lawfully have been made without charge on the effective date of the compact or to impose any charges with respect to commercial navigation within the basin, jurisdiction over which is reserved to the Federal Government: *Provided,* That this paragraph shall be applicable to the extent not inconsistent with section 1.4 of this compact.

(c) Nothing contained in the compact shall be deemed to restrict the Executive powers of the President in the event of a national emergency.

(d) Nothing contained in the compact shall be construed as impairing or in any manner affecting the applicability to all Federal funds budgeted and appropriated for use by the commission of such authority over budgetary and appropriation matters as the President and Congress may have with respect to agencies in the executive branch of the Federal Government.

(e) Except to the same extent that State bonds are or may continue to be free or exempt from Federal taxation under the internal revenue laws of the United States, nothing contained in the compact shall be construed as freeing or exempting from internal revenue taxation in any manner whatsoever any bonds issued by the commission, their transfer, or the income therefrom (including any profits made on the sale thereof).

(f) Nothing contained in the compact shall be construed to obligate the United States legally or morally to pay the principal or interest on any bonds issued by the Susquehanna River Basin Commission.

(g) All laborers and mechanics employed by contractors or subcontractors in the construction, alteration or repair, including painting and decorating of projects, buildings and works which are undertaken by the commission or are financially assisted by it, shall be paid wages at rates not less than those prevailing on similar construction in the locality so determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5), and every such employee shall receive compensation at a rate not less than one and one half times his basic rate of pay for all hours worked in any workweek in excess of eight hours in any workday or forty hours in any workweek, as the case may be. A provision stating the minimum wages thus determined and the requirement that overtime be paid as above provided shall be set out in each project advertisement for bids and in each bid proposal form and shall be made a part of the contract covering the project. The Secretary of Labor shall have, with respect to the administration and enforcement of labor standards specified in this provision, the supervisory, investigatory and other authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176, 64 Stat. 1267, and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948, as amended, 50 U.S.C. 276(c)).

(h) The commission shall insure that there is no discrimination on the ground of race, color, religion, sex, or national origin in (1) the programs and activities of the commission, (2) the employment practices of the commission, and (3) the employment practices of parties entering into contracts with the commission, including construction contracts and contracts for private concessions in connection with recreational facilities.

(i) Contracts for the manufacture or furnishing of materials, supplies, articles and equipment with the commission which are in excess of $10,000 shall be subject to the provisions of the Walsh-Healey Public Contracts Act (41 U.S.C. 35 et seq.).

(j) Nothing contained in this Act or in the compact shall be construed as superseding or limiting the functions, under any other law, of the Secretary of the Interior or of any other officer or agency of the United States, relating to water pollution: *Provided,* That the exercise of such functions shall not limit the authority of the commission to control, prevent or abate water pollution.

(k) The provisions of section 8.4 of article 8 of the compact shall not be construed to apply to facilities operated pursuant to any other Federal law.

(l) For the purposes of the Federal Tort Claims Act, of June 25, 1948 (62 Stat. 982), as amended (28 U.S.C. ch. 171 and sections 1346(b) and 2401(b)) and the Tucker Act of March 3, 1887 (24 Stat. 505), as amended (28 U.S.C. 1346(a)(2), 1402, 1491, 1496, 1501, 1503, 2411, 2412, 2501), and the Administrative Procedure Act of June 11, 1946 (60 Stat. 237), as amended (5 U.S.C. 551–558, 701–706), and the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended (16 U.S.C. 791–823), the commission shall not be considered a Federal agency.

(m) The officers and employees of the commission (other than the United States member, alternate United States member, and advisers, and personnel employed by the United States member under direct Federal appropriation) shall not be deemed to be, for any purpose, officers or employees of the United States or to become entitled at any time by reason of employment by the commission to any compensation or benefit payable or made available by the United States solely and directly to its officers or employees.

(n) Neither the compact nor this Act shall be deemed to enlarge the authority of any Federal agency other than the commission to participate in or to provide funds for projects or activities in the Susquehanna River Basin.

(o) Notwithstanding paragraph 7 of section 3.10 of the compact, the United States district courts shall have original jurisdiction of all cases or controversies arising under the compact and this Act, and any case or controversy so arising initiated in a State court shall be removable to the appropriate United States district court in the manner provided by section 1446 of title 28, United States Code. Nothing contained in the compact or elsewhere in this Act shall be construed as a waiver by the United States of its immunity from suit.

(p) The right to alter, amend, or repeal this Act is hereby expressly reserved. The right is hereby reserved to the Congress or any of its standing committees to require the disclosure and furnishing of such information and data by the Susquehanna River Basin Commission as is deemed appropriate by the Congress or any such committee.

The provisions of sections 2.4 and 2.6 of article 2 of the compact notwithstanding, the member and alternate member appointed by the President and adviser there referred to may be paid compensation by the United States, such compensation to be fixed by the President at the rates which he shall deem to prevail in respect to comparable officers in the executive branch.

(r) 1. Nothing contained in this compact or in this Act shall impair, affect, or extend the constitutional authority of the United States.

2. Nothing contained in this compact or in this Act and no action of the commission shall supersede, impair, affect, compel, or prevent the exercise of any of the powers, rights, functions, or jurisdiction of the United States under other existing or future legislation in or over the area of waters which are the subject of the compact, including projects of the commission: *Provided, That*—

(i) The commission shall serve as the principal agency for the coordination of Federal, State, interstate, local, and nongovernmental plans for water and related land resources in the Susquehanna River Basin.

(ii) Except as provided in reservation (j), whenever a comprehensive plan, or any part or revision thereof, has been adopted with the concurrence of the member appointed by the President, the exercise of any powers conferred by law on any officer, agency, or instrumentality of the United States with regard to water and related land resources in the Susquehanna River Basin shall not substantially conflict with any such portion of such comprehensive plan and the provisions of section 3.10 and article 12 of the compact shall be applicable to the extent necessary to avoid such substantial conflict: *Provided further,* That whenever the President shall find and determine that the national interest so requires, he may suspend, modify, or delete any provision of the comprehensive plan to the extent necessary to permit action by the affected agency or officer in accord with the national interest. Such action shall be taken by executive order in which such finding and determination shall be set forth.

(iii) To insure consideration by Congress or any committee thereof of the commission's views, proposals for Federal projects which come within one or more of the classes requiring commission review under section 3.10 of the compact shall be submitted to the commission for review and recommendation for a period of ninety days or such longer time as may be requested by the commission with the concurring vote of the member appointed by the President; and the recommendations and views of the commission thereon, if any, shall be included in any report submitted by the sponsoring Federal agency to the Congress or to any committee thereof in connection with any request for authorization or appropriations therefor.

3. For the purposes of paragraph 1 2(ii) thereof, concurrence by the member appointed by the President shall be presumed unless within sixty days after notice to him of adoption of the comprehensive plan, or any part or revision thereof, he shall file with the commission notice of his (i) no objection, or (ii) nonconcurrence. Each concurrence of the member appointed by the President in the adoption of the comprehensive plan or any part or revision thereof may be withdrawn by notice filed with the commission at any time between the first and sixtieth day of the sixth year after the initial adoption of the comprehensive plan and of every sixth year thereafter.

(s) In the event that any phrase, clause, sentence or provision of section 1.4 of article 1 of the compact, is declared to be unconstitutional under the constitution of any of the signatory parties, or the applicability thereof to any signatory party, agency or person is held invalid by a court of last resort of competent jurisdiction, the United States shall cease to be a party to the compact: *Provided,* That the President may continue United States participation in the activities of the commission to the extent that he deems necessary and proper to protect the national interest.

(t)(1) All Acts or parts of Act inconsistent with the provisions of this Act are hereby amended for the purpose of this Act to the extent necessary to carry out the provisions of this Act.

(2) No action of the commission shall have the effect of repealing, modifying, or amending any Federal law.

(u) Notwithstanding the provisions of sections 2.2 and 2.3 of the compact, the Federal member of the commission and his alternate shall be appointed by the President of the United States and shall serve at the pleasure of the President.

(v) Notwithstanding the provisions of section 12.5 or any other provision of the compact, the furnishing of technical services to the commission by agencies of the executive branch of the Government of the United States is pledged only to the extent that the respective agencies shall from time to time agree thereto or to the extent that the President may from time to time direct such agencies to perform such services for the commission. Nothing in the compact shall be deemed to require the United States to furnish administrative services or facilities for carrying out functions of the commission except to the extent that the President may direct.

(w) Nothing contained in this Act or in the compact shall supersede, impair, affect, compel, or prevent the exercise of any of the powers, rights, functions, or jurisdiction of the Federal Power Commission, Federal Communications Commission, Atomic Energy Commission, Interstate Commerce Commission, or other such Federal independent regulatory agency under existing or future legislation. Accordingly, no action of the Susquehanna River Basin Commission shall conflict with any of the terms or conditions of any license or permit granted or issued by the aforementioned Federal agencies. This reservation shall not be construed as a basis for noncompliance with the requirements of the compact or this Act; nor shall it be construed to permit use of waters of the Susquehanna River Basin or to endanger their quality without approval pursuant to the compact.

EFFECTUATION

SEC. 3. (a) The President is authorized to take such action as may be necessary and proper, in his discretion, to effectuate the compact and the initial organization and operation of the commission thereunder.

(b) Executive departments and other agencies of the executive branch of the Federal Government shall cooperate with and furnish appropriate assistance to the United States member. Such assistance shall include the furnishing of services and facilities and may include the detailing of personnel to the United States member. Appropriations are hereby authorized as necessary for the support of the United States member and his office, including appropriations for the employment of personnel by the United States member.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN TRUST FOR THE EASTERN BAND OF CHEROKEE INDIANS OF NORTH CAROLINA

The bill (H.R. 16811) to authorize the Secretary of the Interior to declare that the United States holds in trust for the Eastern Band of Cherokee Indians of North Carolina certain lands on the Cherokee Indian Reservation heretofore used for school or other purposes was considered, ordered to a third reading, read the third time, and passed.

LANDS IN TRUST FOR THE MAKAH INDIAN TRIBE, WASHINGTON

The Senate proceeded to consider the bill (H.R. 9311) to declare that certain lands shall be held by the United States in trust for the Makah Indian Tribe, Washington.

Mr. JACKSON. Mr. President, H.R. 9311 declares that the 719-acre Ozette Indian Reservation in northwestern Washington shall be held in trust for the Makah Indian Tribe. Created by Executive order in 1893 for a branch of the Makah Tribe, the Ozette Reservation is no longer inhabited on a permanent basis. Most of its original residents and their descendants moved to the larger Makah Reservation nearby. However, the Makahs continue to regard Ozette as their land and frequently visit it. The reservation is administered by the Bureau of Indian Affairs. H.R. 9311 would reaffirm its status as Indian land and assure all members of the Makah Tribe a right to enjoy it.

The 719-acre tract is bounded by the coastal strip of the Olympic National Park on three sides and by the Pacific Ocean on the fourth. It is generally regarded an exceptionally scenic natural area. Conservation groups have been concerned lest the reservation might be developed in a manner aesthetically incompatible with its surroundings. However, the Makah Tribal Council has recognized this concern and has expressed in a resolution its desire to preserve Ozette as a modern monument to its ancient past and not to permit development inconsistent with that objective. The resolution has been made a part of the report, of the Senate Commitee on Interior and Insular Affairs. On the basis of the assurances expressed in the resolution, the conservation groups that had expressed reservations about H.R. 9311 have expressed their concurrence in its objectives. I wish to express my appreciation to all parties in this matter for their cooperative attitude, which reflects the best traditions of citizen involvement in the allocation, conservation, and management of the Nation's land resources.

Mr. President, I ask that the following letters from the commissioners of Clallam County, Wash.; Olympic Park Associates, Inc.; The Mountaineers; and the chairman of the Makah Tribal Council and the Makah Tribal attorney be inserted in the RECORD.

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

BOARD OF CLALLAM COUNTY COMMISSIONERS,
Port Angeles, Wash., September 30, 1970.

STATEMENT OF THE CLALLAM COUNTY COMMISSIONERS REGARDING THE PROPOSED LEGISLATION DECLARING THAT CERTAIN LANDS BE HELD BY THE UNITED STATES IN TRUST FOR THE MAKAH INDIAN TRIBE, WASHINGTON

At the regular meeting of the Board of Clallam County Commissioners held on October 2, 1970, the Clallam County Commissioners endorsed H.R. 9311 with the resolutions as adopted by the Makah Tribal Council of the Makah Reservation at Neah Bay.

THOS H. MANSFIELD,
Chairman.
JOHN F. KIRNER,
HARRY L. LYDIARD.

OLYMPIC PARK ASSOCIATES, INC.,
Seattle, Wash., September 25, 1970.

Senator HENRY M. JACKSON,
Chairman, Senate Committee on Interior and Insular Affairs, Senate Office Building, Washington, D.C.

Regarding H.R. 9311 whereby the Ozette Indian Reservation would be transferred and held in trust by the United States for the Makah Indian Tribe, in Washington State.

DEAR MR. JACKSON: Olympic Park Associates, Inc. is an association of conservation groups and individuals whose purpose is to preserve the integrity and wilderness of Olympic National Park, located on the Olympic Peninsula of Washington State.

The 719 acre Ozette Indian Reservation, facing the Pacific Ocean, is located entirely within the boundaries of Olympic National Park. The Ozettes who are a part of the Makah Tribe abandoned the reservation some years ago and their descendants now live on the larger neighboring Makah Reservation to the north. The area remains in its natural condition, roadless, the same as it was during its ancient past.

The Ozette Reservation was created by an executive order of President Grover Cleveland in 1893 for those Indians not already on reservations. This was some thirty-five years after the treaty creation of the Makah Reservation.

The Ozette Reservation is relatively small, being less than 3% of the approximately 27,000 acre area of the Makah Reservation. Due to its small size, the annual economic gain which could be derived from the exploitation of its timber resources, on a sustained yield basis is also relatively small compared to the values now derived from the present Makah timber cutting program. The prime value of the small Ozette area, in our opinion and from the standpoint of the Makah Tribal Council's land use policy resolution, lies essentially in their desire, "to preserve the Ozette Reservation as a modern monument to its ancient past," and its residential use, "by the Makahs in fishing, hunting, berry-picking and related uses." Their resolution preamble stresses the Makah peoples' feeling of deep reverence for Ozette.

Some years ago a Department of Interior solicitor's opinion indicated that the abandoned lands of the reservation had in effect terminated the trust obligations of the United States and consequently that these lands should be turned over to the General Services Administration, as surplus land. Such unappropriated lands entirely within Olympic National Park would then become, logically a part of Olympic National Park Ocean Strip.

However, this course of action would have required rescinding the Presidential executive order of April 12, 1893 and in view of the Makah concern and its subsequent petition, this action will not take place.

Olympic Park Associates, after several meetings with the Tribal attorney and members of the Tribal Council, have decided that it now concurs with the desire of the Makahs to assume tribal trust jurisdiction of the present Ozette Reservation.

This position has been prompted by the voluntary Makah Tribal Council's Resolution No. 19–70, which in part states, "The Tribe will not lease or otherwise permit any commercial development of the area or use inconsistent with its primary use by Makahs, as here stated, or inconsistent with the natural beauty of the area and its surroundings."

Olympic Park Associates have always been concerned over developments within Olympic National Park which would be inconsistent or non-conforming with its natural environment. We now feel that the mutual benefits that can accrue for the Indians and the general public interest, in regard not only to the question of Ozette land use but

in other respects can be strengthened through working together closely in future program consultation, thus demonstrating a mutual trust in each other's concerns.

The Makahs have demonstrated by their voluntary land use resolution a desire that the reservation be treated in a manner consistent with public policy concerning the preservation of natural beauty and environmental quality.

Olympic Park Associates therefore, recommends that H.R. 9311 be enacted as a mutual benefits to all concerned.

PHILLIP ZALESKY,
President.
JOHN OSSEWARD,
Vice President.

THE MOUNTAINEERS,
Seattle, Wash., September 25, 1970.

Hon. HENRY M. JACKSON,
Chairman, Senate Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SIR: The Mountaineers are vitally interested in the future of Olympic National Park.

We feel that the integrity of the ocean strip can be adequately protected if the Ozette land is given over to the Makahs. We trust that the Makah Resolution 19–70 will preclude any commercial developments such as timber harvests and real estate developments.

We therefore support the Makans in their efforts to obtain this land.

Sincerely yours,
MAX HOLLENBECK,
President.

ZIONTZ, PIRTLE & FULLE,
Seattle, Wash., September 23, 1970.

Senator HENRY M. JACKSON,
Chairman, Senate Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

Re H.R. 9311.

DEAR SENATOR JACKSON: Mr. Edward Claplanhoo, Chairman of the Makah Tribal Council, and I, tribal attorney, have had an opportunity to read Senate Report No. 91, 91st Congress, 2d Session, to accompany H.R. 9311.

We believe the report correctly states the position of the Makah Tribe regarding H.R. 9311, and are in accord that the report and bill in their present form fully satisfy the interests of the Makah Tribe regarding Ozette.

Very truly yours,
ALVIN J. ZIONTZ,
Tribal Attorney, Makah Indian Tribe.
EDWARD E. CLAPLANHOO,
Chairman, Makah Tribal council.

The PRESIDING OFFICER. The question is on the third reading and passage of the bill.

The bill (H.R. 9311) was read the third time and passed.

BLACK BUTTE PROJECT

The bill (H.R. 18298) to amend the Central Valley reclamation project to include Black Butte project was announced as next in order.

Mr. FULBRIGHT. Mr. President, may I ask what the bill involves?

Mr. MANSFIELD. Mr. President, it has been reported out of the Committee on Interior and Insular Affairs, I think unanimously.

Mr. FULBRIGHT. What does it involve? Is it a big or a small project?

Mr. MANSFIELD. Mr. President, over on this one and let the rest of the calendar go.

MILITARY CONSTRUCTION AUTHORIZATION, 1971—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17604) to authorize certain construction at military installations, and for other purposes.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. JACKSON. Mr. President, I ask unanimous consent for the present consideration of the conference report.

The PRESIDING OFFICER. The report is before the Senate.

Mr. JACKSON. Mr. President, the conference report now pending before the Senate represents a final resolution of the differences between the House and the Senate on the various items in the military construction authorization bill.

The main item in dispute, Mr. President, pertains to section 611 of the bill pertaining to naval weapons activities at the Culebra complex off the coast of Puerto Rico.

Mr. MILLER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Washington yield for a parliamentary inquiry?

Mr. JACKSON. I yield.

Mr. MILLER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MILLER. Mr. President, my parliamentary inquiry concerns whether there was a unanimous-consent request to take up the conference report and if that request was made, whether the Chair announced that the unanimous-consent request had been agreed upon.

The PRESIDING OFFICER. There was a request. It was ruled by the Chair that it was agreed to. The Parliamentarian also advises that it could have been done by motion.

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

The PRESIDING OFFICER. The Senator will state it.

Mr. MILLER. Mr. President, does it require a ruling by the Chair that the unanimous-consent request has been agreed to?

The PRESIDING OFFICER. The Chair has just given the ruling it made before. The unanimous-consent request had been agreed to.

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

The PRESIDING OFFICER. The Senator will state it.

Mr. MILLER. Mr. President, the Senator from Iowa did not hear the Chair rule. Is the Chair stating that the Chair had ruled?

The PRESIDING OFFICER. The Chair ruled, regardless of who heard it.

Mr. MANSFIELD. Mr. President, if the Senator does not want the bill brought up and wants it laid aside, I am prepared to accede to it. It is an important bill. It has a great deal of importance. If the Senator wants to stall and delay and raise parliamentary inquiries, we can recess now rather than waste the Senate's time.

Mr. MILLER. Mr. President, I appreciate the indulgence of the distinguished majority leader. I do make the request for the reason that, as pointed out yesterday, we have an important farm bill waiting to be received by the Senate. It seems to me that the farm bill certainly ought to be received by the Senate before we undertake further business.

Mr. MANSFIELD. Mr. President, in line with the request made by the Senator from Iowa and in view of the fact that we had intended to consider not only the military construction authorization conference report but also the military construction appropriation bill, I now move that the Senate——

Mr. SCOTT. Mr. President, would the Senator yield before he makes the motion?

Mr. MANSFIELD. Mr. President, I am going to move to adjourn.

Mr. SCOTT. Mr. President, I would respectfully request the Senator to withhold that.

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

Mr. SCOTT. Mr. President, so far as the minority leader is concerned, I would like to see the military construction authorization bill and the military construction appropriations bill acted upon.

I would hope that we could work out some way of doing that, even though I have in mind also working on the farm bill. Perhaps we could have some other discussion a little later on.

Mr. MANSFIELD. Mr. President, may I say that if the military construction authorization conference report and the military construction appropriation bills—both very important bills—are not taken up today, they will not be taken up until sometime in November at the very earliest.

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

Mr. MANSFIELD. I yield.

Mr. SCOTT. Mr. President, I want to say this is a matter of the utmost importance to the Secretary of Defense and the Department of Defense, and certain matters of military assistance programs are involved in these bills.

Mr. MANSFIELD. Yes.

Mr. SCOTT. I would hope we could persuade Senators to allow these to be taken up.

Mr. MANSFIELD. Come to think about it, there is something in there having to do with the allocation of material to Israel, as I remember.

Mr. SCOTT. Yes; there is a savings clause in another bill.

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

Mr. MANSFIELD. I yield.

Mr. GOLDWATER. Mr. President, I hope the Senator from Iowa will reconsider. We went through this last year for an appropriation bill for the military which was passed late. As a result, we are far behind in the development of certain important weapons systems. If this money is authorized at this time and we have to wait 1 month, I am afraid we will have the same thing again this year. We would be better off, in effect, not ap-

propriating money for the B–1, AWACS, and others that have been waiting for money to go ahead with projects. In the military construction bill there are important programs for every State in the Union, if that is of any interest. We are not out of an inflationary cycle. If we wait 1 month the costs will be higher and I think it would be much wiser to pass this bill now than to wait until November 16, and even that may not be soon enough.

Mr. MANSFIELD. Mr. President, the distinguished Senator from Arizona has stated his case in a nutshell.

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

Mr. MANSFIELD. I yield.

Mr. MILLER. Mr. President, I know the distinguished majority leader wants to be fair, but I am sure he understands the deep concern many of us feel over the farm bill. I wonder if he could tell us whether it is contemplated by the leadership to receive the conference report from the House so that it would give the Senate the opportunity to consider that after we dispose of the military construction matter.

Mr. MANSFIELD. After the military construction authorization will come the military construction appropriation bill. At an appropriate time the message from the House will be received.

Mr. SCOTT. Mr. President, if the distinguished majority leader will yield, I would like to say that after the message is received, I have spoken to the distinguished majority leader, and prior to adjournment he would agree to give me the opportunity to read on the floor a letter from the President pertaining to the farm bill.

Mr. MANSFIELD. I think that is most applicable. I would like to hear what the President has to say. I have an idea what it will be. I would like to say something in reply because I happen to be in a most embarrassing position, to use an outworn phrase, where one hand is tied behind my back, but that is one of the liabilities that the leadership, joint leader singly, has to assume.

Mr. SCOTT. Mr. President, if the distinguished majority leader will yield further, I share with him the same problems. I am aware that both of us at times must present positions which are not necessarily our personal positions, but which are those which represent some or all of the Members on our side of the aisle.

Therefore, I have great sympathy for the distinguished majority leader, but it will not prevent me from asserting a point of view which may differ from his a little later on.

Mr. MANSFIELD. No; I appreciate that, as always.

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

Mr. MANSFIELD. I yield.

Mr. MILLER. Mr. President, in view of what has been said, the Senator from Iowa will withdraw his request. The Senator from Montana made the point that one hand is tied behind his back. There are several of us here who would like to assist him in untying that hand at an appropriate time.

Mr. MANSFIELD. I appreciate what the Senator just said, as always.

AUTHORIZATION FOR INSERTIONS IN THE CONGRESSIONAL RECORD FOLLOWING ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Senators may be permitted to make insertions in the Extensions of Remarks of the RECORD following the adjournment of Congress in accordance with the notice of the Joint Committee on Printing and the statement by the Senator from North Carolina (Mr. JORDAN), as published on the first page of the RECORD of October 13, 1970; but this order shall not apply to any subject matter which may have occurred or to any speech delivered subsequent to the adjournment of Congress.

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

MILITARY CONSTRUCTION AUTHORIZATION, 1971—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17604) to authorize certain construction at military installations, and for other purposes.

Mr. JACKSON. Mr. President, the conference report on the military construction authorization bill for fiscal year 1971 was signed by all the conferees on the part of the House of Representatives and the Senate and has now been agreed to by the House. I believe the end result is, with one very important exception, an improvement on the original product of either House. The bill as agreed to in conference provides a total new authority of $1,667,154,000 and an increase in prior years' authority of $33,586,000, or a total authority of $1,700,740,000 which it $425,051,000 below the request of the Department of Defense. I should point out, however, that $334 million of this reduction relates to the construction of the Safeguard antiballistic-missile system which was transferred to and considered in the military procurement authorization bill, which was passed by the Congress recently, leaving a net reduction of about $91 million which I consider to be a substantial one in a rather austere bill. The Senate position prevailed on about 70 percent of the items in dispute in the conference.

Now, Mr. President, I should like specifically to mention two points in which I know there is considerable interest. First is section 610 of the bill which was added to the bill during its consideration in the Senate. It is designed to provide financial aid to the small rural communities in Montana and North Dakota who find themselves in the position of having to provide increased municipal services and facilities as a result of the construction of the Safeguard antiballistic-missile sites in these areas. I am pleased to report that the House conferees agreed that financial assistance to these small communities will be needed, but they were of the opinion some limitation should be placed in the bill to provide congressional review of the assistance to be given out of the Safeguard appropriations. Accordingly, this section was amended in conference to provide that funds appropriated to the Department of Defense for any fiscal year beginning after June 30, 1971, for carrying out the Safeguard anti-ballistic-missile system may, to the extent specificially authorized in an annual Military Construction Authorization Act, be utilized by the Secretary of Defense in carrying out the provisions of the section to the extent that funds are unavailable under other Federal programs. This does not, of course, preclude the Department from affording such assistance as may be found necessary during this fiscal year. I think the amendment improves the language of section 610 of the bill.

Now I should like to mention section 611 of the bill which relates to the naval weapons training activities on the Culebra Island complex off the coast of Puerto Rico. This section proved to be the most controversial matter considered in the conference. A very thorough and lengthy discussion of the Navy's present and programed activities was had by the conferees. The House committee has studied this problem quite extensively. Following hearings and an inspection trip, the House committee concluded that the naval training activities in this area should not be disrupted.

Following hearings in the Senate, the bill was amended in committee and adopted by the Senate. The Senate provision called for a comprehensive study and a report by the Secretary of Defense to the President of the United States and the chairmen of the Committee on Armed Services of the Senate and the House of Representatives no later than April 1, 1971. Pending completion of the report required and its review, the Navy was directed to avoid any increase or expansion of the present range activities in or around the Culebra complex. Section 611 of the Senate-passed bill further provided that the Navy would terminate all weapons range activities on or near the eastern coast of Culebra and cays within 3 nautical miles of the eastern coast not later than January 1972, unless the President of the United States made a determination that the national security required continuation of such activities beyond that date.

The House conferees opposed this section in its entirety. Their position was stated in an August 4, 1970, report by the Real Estate Subcommittee of the House Armed Services Committee on "Navy Acquisition and Disposal Reports for the Island of Culebra." In brief, the House position endorsed the Department of the Navy's plan for future weapons range activities on Culebra and adjoining cays and made a number of recommendations to improve safety and relations with the people of Culebra.

The Senate conferees insisted upon the adoption of section 611 of the Senate-passed bill. Following a discussion of the problem, the House agreed to accept the Senate language with two changes. The first change deleted all of subsection 611(c). This subsection directed the Navy to terminate all weapons range activities on the eastern part of Culebra and adjoining cays by January 1, 1972. The second change was to add language to section 611(a) requiring the Secretary

to consider resettlement of the people of Culebra as one of the possible alternatives in the study he is directed to undertake.

Mr. President, I am not happy with the final outcome of the conference committee's action with respect to Culebra. The Senate conferees did, however, win major concessions from the House. These concessions represent an important departure from the House position as stated in the August 4, 1970, House report. They include:

First. A 6-month study by the Secretary of Defense of all possible alternatives to the training now taking place in Culebra. In making the study the Secretary is directed to consult with the government of Puerto Rico, the people of Culebra and all appropriate Federal agencies. He is also directed to consider environmental factors, safety, the local economy, and political ramifications as well as national security.

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 to the President and to the Congress.

In addition, the directives and recommendations in the Senate Armed Services Committee's report on Culebra are unaffected by the subsequent action of the conference committee. These include:

First. Pending completion of the report and an opportunity to act on the Secretary's recommendations, no Walley 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. A total of 680 acres of land is 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. 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, in view of the unyielding position of the House on this matter, I reluctantly must recommend to the Senate that the conference report be adopted. Rejection of the report and instructing the Senate conferees on this matter as some have proposed would, in my judgment, be futile. It would mean serious delay in acting on this measure and would in the end be frustrating and unproductive. Rejection of the report would create expectations on the part of people in Culebra and in Puerto Rico which I do not believe can be fulfilled in this session of Congress. In addition, it would result in further delay in action on the military construction appropriation bill which is, of course, contingent upon the adoption of this authorization bill.

I want to assure the Senate that as far as I am concerned I will make every effort to see that they find a range that will be acceptable to the people of Puerto Rico; a range that will carry out the necessary military missions of the Navy but at the same time not violate the rights of the citizens of Puerto Rico.

While I strongly oppose the two changes made in the Senate language, I am confident that section 611 of the conference report still lays the groundwork and sets in motion procedures which will lead to a final solution to this difficult problem next year. The study and report of the Secretary of Defense are to be transmitted to the President as well as to the Congress. In my view, the report will be the President's report and will reflect an appreciation of the political ramifications for Latin America which are involved in the long-term settlement of this problem which has not been present in the Department of the Navy's previous public statements on Culebra. To insure that this is the case, I have written the President and asked that the White House staff and the State Department be directed to monitor the Secretary's study and to review the report and recommendations before a formal policy on Culebra is adopted by the Department of Defense.

Mr. President, that completes my statement and I urge the Senate's adoption of the conference report. I shall be glad to answer any questions.

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

Mr. JACKSON. I am happy to yield to the distinguished Senator from Tennessee, who has taken such a keen interest in the problem of Culebra, for which I commend him.

Mr. BAKER. I thank the Senator for yielding.

Mr. President, I heartily concur with and want to be identified with the excellent remarks of my able colleague from Washington, (Mr. JACKSON) on the matter of Culebra. My colleagues will recall that an amendment offered by me to the military construction bill at the request of Puerto Rican Governor Luis Ferre, would have required that the Navy cease all weapons range activities on Culebra not later than January 1, 1976. The amendment failed by a vote of 37 to 39.

I had seriously considered proposing the recommittal of this report due to language that was both added and deleted in conference. However, my principal interest is not in a short-term legislative victory, but in a permanent solution to a very serious political problem. I am not abandoning that effort and intend to work closely with Senator JACKSON, Governor Ferre, Resident Commissioner CÓRDOVA, and others until this matter is resolved.

I also want to call attention to the very commendable leadership of Senator GOODELL, who has earned the gratitude of Governor Ferre and the people of Puerto Rico. Senator GOODELL will continue to play a key role in this effort.

I ask unanimous consent that there be printed at this point in the RECORD, two articles from the San Juan Star and a recent speech on the floor of the House of Representatives by Resident Commissioner CÓRDOVA.

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

STATEMENT OF JORGE L. CÓRDOVA

Mr. Speaker, I would be remiss in my duty to my people and to the Congress if I did not express here the feeling of disappointment and uneasiness, if I may be permitted the luxury of understatement, with which the news of the conference recommendations respecting the people of Culebra in the report now before this House was received by me and by my constituents over all of Puerto Rico.

I know that the distinguished Chairman of the House Armed Services Committee, and indeed all of the House conferees feel that the recommendations are reasonable and fair. It is certainly true that while the report contains the recommendation that the evacuation of Culebra and the resettlement of its people elsewhere be considered in a comprehensive report to be prepared by the Department of Defense covering the Navy activities in Culebra it is provided that the Culebrans will not be resettled unless a majority of their electors approves the resettlement.

That, on the face of it, and to those who are not aware of the background against which this proposal is made would seem to be fair enough. Why fear the results of a report if you are given a chance to approve or reject it?

The answer is that the report will cover all phases of the Navy activities in Culebra, all phases of the use of Culebra as a weapons range by the Navy; that is, it will permit the Department of Defense to dictate to the Culebrans the alternative to resettlement. They may vote on resettlement, but they may not vote on the alternative. And the people of Culebra have already been told in the past, when the Navy was insisting on resettlement, what the alternative would be. Here is the alternative, in the words of the Commanding Officer of the Navy at the time, in a letter which he addressed less than a year ago to a citizen of Puetro Rico who proposed to construct weekend cottages on a part of Culebra:

"Culebra Island is a keystone in the Atlantic Fleet weapons range, which encompasses Naval Station Roosevelt Roads, nearby Vieques Island and thousands of square miles of ocean area. This large complex is expanding and operations are becoming increasingly intensive, frequently being conducted through seven days of the week. As such use increases, inhabitants of nearby areas such as your property will be subjected to the noise of supersonic booms, gunfire, rocket fire, and heavy air traffic."

It is disheartening to learn that the Department of Defense will now have the opportunity to prepare a report which may well offer what the Department may consider a generous resettlement, but which the Culebrans must know will also tell them that their alternative will be to live under the conditions described in the letter from which I have quoted.

I fully realize, Mr. Speaker, that the report to be prepared by the Department of Defense is to be made after consultation with the Government of Puerto Rico and the people of Culebra. That can hardly allay the fears of anyone. After consulting, it is obvious that the Department will pay to the Culebrans, to the people of Puerto Rico and to the Governor of Puerto Rico no more attention than that Department has given them up to now.

Fortunately, the conference report also provides that the report of the Department of Defense will be submitted to the President and to both Houses of Congress for

their consideration. I have faith in the fairness of our colleagues and of the President. I know of their good will towards Puerto Rico, a feeling which, as far as this House was concerned, was so eloquently expressed on September 15 on the floor of the House by so many of its members. But I feel it necessary to request whatever assurance the distinguished Chairman of the House Committee on Armed Services can give the people of Puerto Rico that the Department of Defense will not dictate terms on Culebra, that it will submit a report which will be considered carefully in committee and by this House. I know that if the Department of Defense is made aware from the beginning that there is no intention of allowing it to make terms for Culebra, the report will be quite different than it otherwise might be. I might add, Mr. Speaker, that it has been particularly unfortunate to bring up again the question of the resettlement of the people of Culebra. Only a few weeks ago on Septmber 23, 1970, the Secretary of the Navy wrote the Honorable Henry M. Jackson a letter containing the following paragraph:

"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."

It is regrettable that, after announcing publicly that it had abandoned plans to resettle the people of Culebra, the Navy should be now directed to consider anew a plan so dear to its heart.

That is the reason, Mr. Speaker, why the news of this conference report has been so dismaying to me and to my people, and has caused us uneasiness. We are not about to give up the fight for our integrity. We are not about to surrender to any demands the Navy may choose to make. On the other hand, as Americans, we do not want to have to fight the Navy. We would feel much easier in our minds if the Congress understood the situation and if the people of Culebra and of all of Puerto Rico were assured that this conference report does not mean that the Congress proposes to let the Navy have its way.

I cannot overstate the importance of reassuring the people of Culebra that the Congress will make its own evaluation and take its own action on any Navy report for Culebra. It is important that the Culebrans share the assurance that I have of studied consideration of their plight and eventual resolve of their problem.

But we must recognize that damage has already been done, in the best of faith and by the best intentioned of people. I also know that there is still time to repair the damage and to still the fears aroused in my people. Certainly you will find the desire to repair it in the overwhelming majority of the people of Puerto Rico, led by our Governor, Luis A. Ferré, and I need not reiterate my own position. I know that any one of our colleagues can match my loyalty to the nation, but I am sure none can exceed it. That is why I have felt it my duty to speak out as clearly and frankly as I have spoken.

[From the San Juan Star, Oct. 10, 1970.]

A MESS OF POTTAGE

(By Frank Ramos)

(Once when Jacob was boiling pottage, Esau came in from the field and he was famished. And Esau said to Jacob, "Let me eat some of the red pottage for I am famished." Jacob said, "First sell me your birthright." So he swore to him, and sold his birthright to Jacob.) Genesis XXV; 29–33

Like a modern-day Esau the people of Culebra may soon be given an opportunity to sell their birthright to the U.S. Navy for a mess of pottage. Democratic Rep. Charles Bennett of Florida has called it "the chance of a lifetime" for the Culebrans.

It seems incredible that members of Congress would ever consider such a crude proposal as the one advanced by Bennett for the resettlement of the Culebrans people. And yet, Senate-House conferees this week proceeded to order a feasibility study of Bennett's proposal while at the same time eliminating the Jackson Amendment that would have phased out Navy operations on eastern Culebra. Although the measure must still be approved by the full House and Senate, it seems unlikely that these bodies will reverse the action of the conference committee.

All in all, it was a sad defeat for the people of Culebra and it assured that the Navy's use of the island would continue to be a sore point in U.S.-Puerto Rico relations for some time to come. Two conclusions are inescapable in this whole affair: the impotence of the Puerto Rican people to resolve such problems as the Navy's use of Culebra and the shortsightedness of many members of the U.S. Congress.

The action of the Senate-House conferees was all the more surprising because it came at a time of growing optimism that the Culebra problem was on the way to being solved. In fact, Resident Commissioner Jorge Luis Cordova Diaz had predicted that the Jackson Amendment would be quickly approved by the Senate-House conferees.

And yet, in retrospect, recent events did not justify such optimism. For even though most senators favored the approval of a compromise solution to the Culebra question, such as that proposed by Sen. Henry Jackson, there was a group of influential House members who were adamantly opposed to any such compromise. In the end, the view of the House members prevailed over that of the senators.

The odyssey of the Culebra issue through Congress began last June when Bennett's Real Estate Subcommittee opened hearings on the Navy's plan to lease an additional 2,350 acres in Culebra in exchange of certain concessions to the islanders. A parade of witnesses from Puerto Rico, ranging from Culebran fishermen to political leaders, testified that the Navy's operations were hurting Culebra's economy and endangering the lives of its citizens. Although there were significant differences, representatives of three status alternatives generally agreed that the Navy should give up Culebra or at least restrict its activities on the island.

This testimony was apparently lost on Bennett who instead apparently paid greater heed to the Navy's claim that Culebra was irreplaceable as a target area. When the subcommittee issued its report in August, it not only approved the Navy's Culebra plan but it also suggested the possibility of resettling the Culebrans on Vieques. The subcommittee said:

"In order to enjoy the inherent advantages which naturally accrue to the more inhabited location, such as schools, water supply, hospital facilities, industrial payrolls, etc., the subcommittee considered the possibility of recommending the resettlement of the people of Culebra to Vieques. However, we are hesitant to take the initiative in any such plan; and, therefore, we make no such proposal. Because of the unique situation existing, if the people of Culebra would like to make such a move, which we believe would be in their own self interest, this subcommittee would be prepared to consider legislation containing a resettlement proposal that would be financially more attractive than the kind of settlement that would be permitted by existing laws."

Bennett's suggestion was denounced by Puerto Rican leaders, and Culebra Mayor Ramon Feliciano said his people were "boiling mad." Having lost the struggle in the House, the island's leaders turned their attention to the Senate.

After considerable lobbying efforts by Puerto Rico's political leaders, Senate members began to denounce the Navy's presence on Culebra. The turning point came when the influential Sen. Jackson, chairman of the Military Construction Subcommittee, suggested in a speech that Culebra be converted into a national park. Jackson later introduced an amendment to the military construction authorization bill that would ban Navy target practice on the eastern part of the island and order a study of alternative target areas. The Jackson amendment was approved by a 73–0 vote.

The very day the Senate was approving the Jackson Amendment, Bennett introduced in the House an amendment to the same bill calling for a resettlement plan for the Culebrans. In so doing, Bennett was ignoring his subcommittee's pledge not to take the initiative in offering a resettlement plan as well as the evident rejection of such a plan by Culebra's leaders. Bennett's plan said each household would be given $10,000 plus moving expenses for leaving the island. Bennett stipulated that the plan would have to be approved by the Culebrans themselves in a referendum, as is required by the Commonwealth Constitution.

The military construction authorization bill, with its conflicting House and Senate amendments, then moved to the conference committee. The rest is history: the House amendment prevailed, and the Defense Department was ordered to study the feasibility of resettling the Culebrans off the tiny island. The Jackson Amendment was stricken from the bill, except for the provision that the Defense Department still had to make a study of alternate target sites.

It seems very unlikely that the Culebran people will ever agree to abandon their homeland for the "mess of pottage" offered by Bennett and his colleagues. And yet, the very fact that such a proposal was made constitutes a serious affront to the people of Culebra and the Puerto Rican people in general. Through its own shortsightedness, Congress has guaranteed that the Culebra issue will remain around for some time to come.

[From the San Juan Star, Oct. 10, 1970]

NO TALKS ON CULEBRA PLANNED WITH NIXON

(By James McDonough and Betsy Lopez Abrams)

Gov. Ferre said Friday night this is not the time to take the Culebra problem to President Nixon.

Ferre was supported in his position by Culebra Mayor Ramon Feliciano, who met with Ferre for an hour to discuss Culebra's recent reversal in Congress.

A Senate-House conference Committee Wednesday rejected a Senate proposal to ban Navy target practice on the eastern part of the island.

Ferre and Feliciano said the problem should not be taken to Nixon until the Navy completes a study on Culebra in April, which Congress has required it to conduct.

They noted that Congress has asked the Navy to consult with the people of Culebra and the governor on the study which will determine the possibility of establishing alternate target sites or relocating Culebran's.

"It is logical to suppose that the President of the United States will not consider this matter (Culebra) until the Navy report is submitted," the two officials said in a prepared statement.

At the same time, Ferre and Feliciano rejected outright any plan to relocate Culebrans.

The statement said both officials "are convinced that the Navy cannot legally or morally do away with the municipality of Culebra. Such an action can only be taken with the consent of the island's legislature, the governor, and the people of Culebra."

Ferre also announced that he will take steps as soon as possible to establish a factory in Culebra to replace a breeding laboratory for experimental mice, which closed down recently.

Feliciano met with the Governor and with Senate President Rafael Hernandez Colon to map out new strategy for the Navy vs. Culebra battle.

After his meeting with Hernandez Colon, held before going to La Fortaleza, Feliciano accused the Navy of attempting to begin a civil war in Culebra through a job-recruitment program "aimed at buying consciences."

The program, Feliciano said, is not intended to alleviate unemployment because "persons who had jobs in Culebra are being employed by the Navy to do nothing."

Some 35 persons, he added, including the justice of the peace, have been recuited as guards and "maintenance" employes. Now, the Mayor said, Culebrans who try to stop shelling of the beaches will be stopped by Culebran guards "and this could start a civil war."

Hernandez Colon insisted that the Governor should take up the matter with President Nixon directly.

The relocation alternative, both Hernandez Colon and Feliciano said, is an insult to the people of Culebra.

Mr. SCOTT. Mr. President, will the Senator yield so that I may request the yeas and nays on the military construction bill?

Mr. JACKSON. I yield.

Mr. SCOTT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

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

Mr. JACKSON. I am happy to yield to the junior Senator from Florida.

Mr. GURNEY. Mr. President, I thank the Senator, the distinguished manager of the conference report.

As the Senator will recall, I have a deep interest in the Naval Recruit Training Center in Orlando, Fla.

The version of the military construction bill that passed the House omitted two items, one item being $2.5 million for a Naval Training Center academic training building, and another item of $2.2 million for a Naval Training Center technical training building.

The Senator will recall that when his committee marked up the bill they included these items. These were items requested by the administration and recommended by the Bureau of the Budget. Will the Senator tell me the status of these items and what happened to them in conference?

Mr. JACKSON. We restored the items in the Senate committee. The Senate approved this action. The House was adamant in their position as to these items and indicated they would go along with them if they are included in the bill next year. I will say to my good friend from Florida that we will see to it that these items are restored when the budget is submitted to the committee for consideration next year.

Mr. GURNEY. I thank the distinguished Senator for restoring them this year and trying hard in the conference. I understand the position of the House is that they refused to budge on this matter.

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

Mr. JACKSON. I am happy to yield.

Mr. GOLDWATER. I address this question to the chairman also because of his great interest in the same subject. Last year the Military Construction Authorization Act contained $16.8 million for the construction of a cadet facilities building at the Military Academy at West Point. During the hearings this year it was brought out that the bids had exceeded this amount by roughly $10.7 million. As I recall it, in the Senate authorization bill we authorized, but did not authorize to be appropriated, $10.7 million to take care of this.

As I understand it, the House would not go along with this. They said something about robbing Peter to pay Paul, feeling that, if it were left up to the Army to take this money from some other source, it might possibly take it away from barracks, hospitals, and so forth.

In my reading of the report, the Senate yielded to the House.

In the chairman's mind, does this seriously affect the ability of the Academy to go ahead with the construction of its building?

Mr. JACKSON. No. As I understand the situation now, the Department of Defense has formally requested the funds to cover this deficiency. Therefore, under the current legislative situation, with the adoption of this report and the approval of the appropriation bill which will be coming up after this report, the Department of Defense is in a position to come in and ask for a reprograming of funds to cover the deficiency. Under those circumstances, they can proceed with the construction of Eisenhower Hall. It is subject, of course, to the approval of the responsible committees.

Mr. GOLDWATER. I want to further point out that both committees have rightly been critical that West Point has not had a facilities advisory board, as do the other academies. Because of the very unusual labor conditions at West Point—and I might say that I have requested that this matter ought to be looked into—we have to pay portal to portal pay from New York City to the Academy, and there have been some big overruns in the cost of operations at the Academy.

I am very glad to report to the chairman that I visited the chairman of the West Point administration. They were going, in a meeting at that time, to name the board. I talked to the superintendent of the Academy before coming to the floor, not knowing this matter was coming up, and he told me he is going to the Pentagon this afternoon to ask that the board be named.

I make that point because the committee has been critical—and I think rightly so—and I thank the Senator for his assurance.

Mr. JACKSON. I want to commend the distinguished and able Senator from Arizona for his interest in this matter, as well as the continued interest, of course, of the distinguished Senator from South Carolina. Both Senators have followed this matter very closely. I hope now that we are at the point where this matter can be finally resolved.

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

Mr. JACKSON. I am happy to yield to the distinguished Senator from Florida.

Mr. HOLLAND. I remember, when this bill was passed on by the Senate, that the Senate committee was recommending the deletion of an item affecting the naval air facility at Jacksonville. Am I correct in my understanding that in conference that further appropriation has been restored?

Mr. JACKSON. The Senator is correct. It was restored in conference.

Mr. HOLLAND. I thank the Senator, because I believe that that particular facility was badly needed.

Do I understand it is restored in the full amount requested by the Budget?

Mr. JACKSON. It was restored in the full amount requested.

Mr. HOLLAND. I thank the Senator for his consideration.

Mr. JACKSON. I thank the able Senator from Florida for his comments.

Mr. President, I move the adoption of the report.

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

Mr. JACKSON. I yield to the distinguished Senator from Colorado.

Mr. DOMINICK. I am going to take only 30 or 45 seconds, first, to congratulate my distinguised leader, the Senator from South Carolina (Mr. THURMOND), as well as the chairman of the Military Construction Subcommittee, for a very fine job. This was not an easy conference, as I am sure was pointed up by the questions raised here this afternoon. I believe we have come up with an excellent bill, a bill which does not in fact increase the budget. It decreases the budget but still gets in those items of priority which are so badly needed if we are going to maintain a viable and effective defense force.

I was particularly pleased that we were able to resolve the differences on the proposed school at Bolling Field. This was the situation in which the House had felt that we should fund, through the Defense Department, a separate school there.

I think it is only fair to point out to the people from the District of Columbia that they must start reestablishing a better school system within the areas where all these personnel are living and where their children are enrolled in schools. Otherwise we are going to have a continuing fight to try to establish a separate system of schools for children of military personnel. Reports and evidence which were submitted to our committee have been extremely disturbing about the character and the ability of the District schools to be able to take care of this problem. We feel it is their responsibility, and I think we have made it crystal clear in this report that we expect them to take further action in trying to improve the quality of education and the safety of the children in those schools.

Once again I want to congratulate the Senator from Washington as well as the Senator from South Carolina on what I conceive to be a very, very fine conference report.

Mr. THURMOND. Mr. President, as the ranking member of the Military Construction Subcommittee of the Senate Armed Services Committee, I join with our subcommitee chairman, Mr. JACKSON, in urging the Senate to approve the conference report of the fiscal year 1971 Military Construction Authorization.

As Senator JACKSON remarked in his statement, the Senate conferees were successful in holding about 70 percent of the Senate position during the conference markup.

The final result was a bill containing new authority of $1,667,154,000 for military construction and $33,586,000 in prior year authority for a total of $1,700,740,000.

This represents a net reduction of $91 million in the notably austere requests of the Defense Department for military construction in fiscal year 1971.

Actually, the total bill is $425 million below the Defense Department request, but $334 million of this amount came from the antiballistic missile construction account which was transferred to the procurement bill so all of the ABM funds would be in one piece of legislation.

Before closing I would like to say the Senate conferees were hard pressed to hold in the bill some of the language written in our committee reference the Culebra test range. While we could not hold the entire language the compromise is, in my opinion, a fair dividing line between the views of the two Houses.

Mr. President, again I urge the Senate to give prompt approval to the conference bill as presented by the distinguished Senator from Washington (Mr. JACKSON).

ORDER TO PROCEED TO H.R. 17970, MILITARY CONSTRUCTION APPROPRIATIONS, AFTER DISPOSITION OF CONFERENCE REPORT ON MILITARY CONSTRUCTION AUTHORIZATIONS, 1971

Mr. MANSFIELD. Mr. President, before the question is put, and if I may have the attention of my colleagues on the other side of the aisle, I ask unanimous consent that after the pending conference report is disposed of, the Senate turn to the consideration of H.R. 17970, Order No. 1335, the Military Construction Appropriation Act of 1971.

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

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, in order to keep the Senate informed it is the intention of the majority leader to return to the equal rights amendment at an appropriate time briefly, and then once again to endeavor to take up S 2193, the Occupational Safety and Health Act of 1970. Whether or not I shall be successful remains to be seen, but I thought the Senate should be on notice.

MILITARY CONSTRUCTION AUTHORIZATION, 1971—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17604) to authorize certain construction at military installations, and for other purposes.

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

Mr. FULBRIGHT. Mr. President, I am not greatly surprised to learn that the conference committee on the military construction authorization bill has disregarded the will of the Senate. This is certainly not the first time in matters of this nature that the House conferees have dictated the terms of a conference agreement.

On September 29, the Senate passed the bill, including a section added by the Senate Armed Services Committee, by a vote of 73–0.

The section added by the committee dealt with the weapons training activities of the Navy on the island of Culebra and the surrounding cays. The subject of Culebra has received considerable attention in the Senate on several occasions and was discussed in some detail again on September 29.

Despite the unanimity of the Senate in approving the bill with the section on Culebra, the conferees have now dropped a key provision from that section. The provision reads:

> 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.

Mr. President, I think that provision was a most reasonable one. If I recall correctly, the chairman of the subcommittee, if he did not propose it, at least supported it. It leaves to the President, the Commander in Chief—to whom many in this body wish to attribute practically all the powers of government—the discretion, not to proceed, but he has to find that it is important to the national security of the country.

I think that was a very sensible position and, as I say, it had the support of all the Members of the Senate.

The conference report states:

> House conferees insisted and were adamant in their position that the direction to terminate all activities by a certain date must be stricken.

That sounds as if they just ignore that the provision to terminate by a certain date was a direction to terminate unless the President found that it was really important to the national interest.

Additionally, the conference added a proviso to the Senate requirement for a Department of Defense study "to consider all feasible alternatives to the training now taking place on the Culebra complex." The conference added:

> In addition, such study shall consider the feasibility of resettling the people of Culebra to another location in the Commonwealth of Puerto Rico, the cost of such a move, and the attitude of the people of Culebra to a generous resettlement plan that would have to be approved by a majority of the qualified electors of Culebra in a plebiscite.

Although the section implies that a plebiscite would precede any resettlement of the Culebran people, the whole idea of resettling the inhabitants of this island—who are American citizens—smacks of arrogance and a lack of sensitivity for the feelings of the Culebrans. It has already been rather well documented that what the Culebrans would like is for the Navy to quit using their island for target practice. The mayor of Culebra has made that quite clear. Both the present Governor, Mr. Luis A. Ferre, the former Governor, Mr. Luis Munoz Marin, and other Puerto Rican leaders have indicated their agreement with the Senate-passed bill.

Indeed, most Culebrans and Puerto Ricans would have liked to see the Senate go further in restricting the Navy. As Senators will recall, the Senate narrowly defeated—39 to 37—an amendment by Senator BAKER which would have placed further restrictions on weapons range activity by 1973 and would provide for the cessation of all weapons range activity on all of Culebra and the adjoining waters no later than January 1, 1976.

Mr. President, certainly there was nothing about the Senate bill which would have imposed undue burdens upon the Navy. In fact, it would have provided for the phasing out of only the most objectionable of the Navy's activities on the eastern coast of Culebra and preserved for future determination the activities on the western coast.

In reporting the bill to the Senate, the chairman of the Military Construction Subcommittee of the Armed Services Committee, Mr. JACKSON, said:

> The time is at hand when something must be done to make at least a portion of the area (Culebra) now in use by the Navy available for development and recreational purposes and to ameliorate the distress of the local residents. . . . 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.

I think the case was well stated in a letter I received from the Resident Commissioner of the Commonwealth of Puerto Rico. In his letter of September 21, the Honorable JORGE L. CÓRDOVA wrote:

> Having been exposed to several Navy briefings on the importance of Culebra, and having visited Culebra together with members of the Subcommittee on Real Estate of the House Armed Services Committee in order to see first-hand the Navy's activities in Culebra, I am more than ever convinced that Culebra and the activities (as shown to us) are of such relatively minor importance to the readiness of the Navy for modern warfare, that there is no adequate reason for imposing on the citizens of Culebra the restrictions, inconveniences and dangers that these activities involve.

This statement sums up the matter very well, Mr. President, and I deplore the fact that the conference committee has chosen to disregard the views of the people of Culebra and the elected officials

of Culebra and Puerto Rico, as well as the unanimous vote in the Senate.

Mr. President, I have had a long acquaintance with the Government of Puerto Rico—not that others have not also—dating back many years, when former Gov. Luis Munoz Marin first headed the Government. He really was, you might say, the creator of the concept of "commonwealth" status which Puerto Rico now enjoys. I think it has been one of the most successful political experiments, if I may call it that, that this country has ever experienced. It was a unique arrangement between the small island of Spanish-speaking people and this Government, and I have always been very proud of the way this Government treated those people. We have not always had such a good record—vis-a-vis, for example, the Philippines. I think we have tried to make it up to the Philippines, but we had a very sorry record.

But here was an outstanding record. I think it was one of the things we could point to with pride, that this big country had treated the people of Puerto Rico with consideration, recognizing their dignity as individuals. Gov. Munoz Marin was one of the most able, intelligent and effective political leaders I have ever known. He is an extremely able man.

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

Mr. FULBRIGHT. I yield.

Mr. JACKSON. Perhaps I can help clarify this. I just want to say to the able Senator from Arkansas that I am not happy with the result on this matter in the conference.

So far as I am concerned, consistent with whatever responsibility I may have when Congress returns in January, I shall do my best to see to it that the Navy considers all possible alternatives in an effort to resolve this matter.

Senators should know that the language put in this bill and approved, by the Senate, by unanimous vote was put in at my instigation.

Mr. FULBRIGHT. That was my understanding.

Mr. JACKSON. It was not in the bill as submitted to the Congress. We took affirmative action based on the various protests that had come to our attention in the committee; and I am sure that my colleagues on the committee—they may not all be in agreement, but certainly a majority are—agree that this problem must be resolved.

I intend to follow through personally. I would expect the Navy to come up with various optional proposals so as to solve what is indeed, as I have said on the floor, a festering problem.

I assure the Senator from Arkansas that I am going to do everything I can. I was simply outvoted in the conference. We had no alternative than to report back what we now have before the Senate, but I am not happy with it.

Mr. FULBRIGHT. I certainly do not wish my remarks to be a reflection on the Senator from Washington.

Mr. JACKSON. I understand.

Mr. FULBRIGHT. I do think that it is getting to be a scandal the way we, the Senate, are being forced time after time to give way to the House.

There is a controversy on the agricultural bill, which the Senator from Iowa has raised. I am very interested in having an agricultural program. The House, I have been told—I am not on the conference—takes an adamant attitude. They are beginning to feel their oats. Some of them call the Senate the "Upper House" with the greatest contempt, and they make no bones about thinking they are going to make it go the way of the House of Lords. As a Member of this body, I do not subscribe to that theory.

This has happened time after time. This is not the only instance. I am not complaining about the Senator from Washington. I am complaining about the arrogant attitude of some of the House Members of these conferences. This is one illustration. This is the most current one. It is the most outrageous, because it is not that important, really, to the Navy. I know very well that the Senator from Washington and his colleagues would not have done what they did if they thought it was really important to the Navy.

I have read a letter from the Resident Commissioner of Puerto Rico. Very clearly, he went down personally and explored it. I read a part of his letter. He said there was not a scintilla of evidence that this was important to a modern Navy. There is plenty of evidence.

This shows the extreme to which the conferees of the House demand their pound of flesh. They did the same in the conference on the other bill from the Armed Services Committee. I spoke to the Senator from Mississippi. Always it is the same story: They are adamant, and we have to give in.

I happened to be in a conference with the House on the foreign military sales measure, and I did not give in—perhaps rightly or wrongly. I am getting tired of that. I said we are not going to do it. The Senate adopted the Cooper-Church amendment; it was a policy. After a long debate, we adopted it in the Senate with a good vote. I refused to give in, and the bill is still in conference.

I am just saying that I think if the Senate is not going down the drain, we occasionally have to stand our ground.

What could be more important and a better example of the extent to which the House leadership in this field just will not tolerate anything from the Senate? Here is a very minor issue. How minor it is is clear when we look at the provision of the Senate which says that they shall cease this unless the President says "no," that it is in the national interest.

That is about as generous as one can be. All they had to do is to get the Commander in Chief, who certainly is on the best of terms with the chairman of the Armed Services Committee of the House, to say that this is in the national interest and therefore it will go on.

This shows the extremity of the arrogance, in my view, of the House attitude toward the Senate. We cannot even be allowed to make a slight expression of sympathy and consideration for a small people on a small island belonging to a part of the Commonwealth of Puerto Rico.

I, for one, just do not like to take it. I think we might as well fold our tents and fade away, if we are going to take this kind of treatment from the House every time. I cannot think of an important bill this session in which we have not heard exactly the same report—that, unfortunately, the House conferees were adamant, so we had to give in; there was no alternative. Then everybody says, "Yes; we are sympathetic." I even have been guilty on occasion of saying, "Yes, I understand, because I have been on conferences, and they certainly are adamant." They are always adamant. I just do not like it.

I do not for a moment blame the Senator from Washington. I know it is difficult. But I, for one, am not going to give in every time on a little matter, and I do not think we ought to give in on this kind of matter. Nobody has made a good case—the Senator from Washington or no other Senator on this floor has made a good case—that this is really important to the security of our country. On the other hand, it demonstrates an arrogance on our part that sits very poorly with the people of Puerto Rico and the people of all of Latin America.

We are very apprehensive about what is happening in Bolivia and in Chile. In Chile an avowed Marxist may become President on the 24th of this month, which is only 10 days away. What kind of picture does this country present to Latin people, when they see us treating with so little consideration, with complete arrogance, a small people under our tutelage; when all the Senate says is that if the President does not find this is really in the national interest, we ought to let these people alone and quit using their land for target practice?

I think this is the worst kind of activity from the point of view of our keeping on good relations with all of Latin America—for that matter, anybody, any civilized people.

I invite attention to Mr. CÓRDOVA'S remarks in the House on yesterday, October 13. Mr. CÓRDOVA is the Resident Commissioner of Puerto Rico. We do not have one in the Senate. He does not have much influence, apparently, but he speaks for and represents those people.

With respect to the proposal, so gratuitously offered by the Armed Services Committee of the House, that we will pay them, we will bribe them, we will give them $10,000 or so each to move off and leave their land, who is going to put up the $10,000? We will, and so will our constituents. I do not like that, either. Enough money is going down the drain for these matters now. If it is not essential to our defense, if it is to humor some Congressman or somebody else who is interested in maintaining this area for target practice, I do not favor giving $10,000 to the head of each family to move off.

Mr. CÓRDOVA said:

> They may vote on resettlement, but they may not vote on the alternative.

In other words, all they are going to submit to them is, "Do you want to resettle or not?" They are not going to let them vote on the other alternative—

"Will you move away and leave us in peace?"

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

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business, which would be laid before the Senate at this time, be postponed until the military appropriation bill is disposed of.

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

Mr. FULBRIGHT. Mr. President, I want to read a short excerpt from Resident Commissioner CÓRDOVA's remarks on yesterday.

He said:

It is regrettable that, after announcing publicly that it had abandoned plans to resettle the people of Culebra, the Navy should be now directed to consider anew a plan so dear to its heart.

That is the reason, Mr. Speaker, why the news of this conference report has been so dismaying to me and to my people, and has caused us uneasiness. We are not about to give up the fight for our integrity. We are not about to surrender to any demands the Navy may choose to make. On the other hand, as Americans, we do not want to have to fight the Navy. We would feel much easier in our minds if the Congress understood the situation and if the people of Culebra and of all of Puerto Rico were assured that this conference report does not mean that the Congress proposes to let the Navy have its way.

Mr. President, I certainly hope I have interpreted the words of the Senator from Washington correctly—that he does not propose to let the Navy have its way. I believe that the least that Congress, that we in this body, can do is to take an active interest in seeing that this matter is settled in accordance with what I thought was the sentiment of this body when it passed on this matter before, and not in accordance with the sentiment of the House conferees on this matter.

Mr. JACKSON. Mr. President, may I respond to my friend by saying that, as the lawyers say, we will insist that the matter be reviewed de novo. We will insist that the Navy look at all possible options to the solution of the problem.

I reiterate, I give assurance that Congress will have the last say in this matter. We will have a military construction bill before us again next year and, if necessary, after we have reviewed the Navy's recommendations, we will write into law whatever may be needed to implement the judgment of the committee and, subsequently, of Congress.

Mr. FULBRIGHT. Mr. President, I shall not detain the Senate much longer on this matter, but I want to reiterate that while this is a relatively minor matter which does not involve the national interest, and clearly does not involve by any stretch of the imagination any great issue on which one could argue the security of the country was involved—certainly no case has been made here—I think it does, however, indicate an attitude, which is significant to other people.

While I do not have the primary responsibility to make judgments in the military field, I do have in another field. One of the great troubles with this country is the impression left in the eyes of many people around the world that we are considerate of the interests of smaller or weaker countries, that our own interest is the whole of the matter and that we do not take into account what their interests are.

Mr. President, the offer to purchase their agreement is itself, in a way, insulting to the people of Culebra, and so are statements such as that made on the floor of the House by the chairman of the House Armed Services Committee, on page H10043 of the RECORD:

We regard these people as being just as valuable as any other American.

Well, for goodness sake, why not? They are Americans. They have been recognized as such. I think that is a patronizing attitude to take. This kind of thing has a lot to do with our influence or lack of influence in Latin America.

As I have said before, when it was a relatively minor matter of intervention in the Dominican Republic by the previous administration—and it was not so dangerous or so damaging to us as what it did to the Dominican Republic—it did tremendous damage to our influence all over Latin America. They saw, in a flash—again involving a relatively minor matter compared to some of our other activities in Latin America—that we had absolutely no regard for our solemn undertakings not to intervene, which we had made on several occasions through formal treaties. Whenever it suited the United States or the President of the United States thought that it was to our interest—I do not think it was—we disregarded a solemn undertaking in regard to the Dominican Republic without any thought.

I may say, in that connection, that the Senate was not consulted on that occasion. A few of us were informed, after the decision had been made, after the President had already ordered the troops into the Dominican Republic.

I emphasize that, solely because it has more of a far-reaching effect on the so-called image and reputation of the United States all over the world, but especially in Latin America, than many Senators may think, and certainly, than many House Members may think. They think of it only as a military matter. If it was a great, important military matter, I would not feel so strongly about it, but the very fact that it is minor—and even in small, minor matters, we are not getting the influence unless it suits the convenience of a House committee—shows the extremity of our arrogance and our lack of consideration.

I think it is a very bad thing. I certainly hope the Senator from Washington will support the desires of the people of Culebra and Puerto Rico. I will do everything I can to support them.

I have the greatest respect for the people of Puerto Rico. They have done a magnificent job with a small, poor island, the most heavily populated area in the Western Hemisphere—even the world, I believe. They have literally, as the saying goes, pulled themselves up by their bootstraps.

I do not wish to leave out the present Governor, Luis A. Ferre. He is an outstanding man. He came here personally, at considerable trouble, to see a number of us—I do not know how many—to plead his case.

I think it is rude and crude, if not barbarous, to treat these people in this fashion. I hope that something may be done about it.

THE U.S. ROLE IN GREECE

Mr. FULBRIGHT. Mr. President, in view of our Government's resumption of supplying full-scale military funds to the military dictatorship in Greece, I believe it would be interesting to Members of this body to read what a large number of Greek publishers and journalists, now living outside of Greece, have to say about this matter.

The letter is dated October 3, 1970, and is addressed to the President of the United States.

I ask unanimous consent to have the letter printed in the RECORD, together with additional material.

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

WASHINGTON, D.C.,
October 3, 1970.

OPEN LETTER FROM THE UNDERSIGNED GREEK PUBLISHERS AND JOURNALISTS LIVING OUT OF GREECE

To: H. E. The President of the United States, Mr. Richard M. Nixon

MR. PRESIDENT: On the 22nd of September 1970, on the occasion of the decision to resume the shipment of heavy arms to Greece, the State Department's official spokesman Mr. Robert J. McCloskey, added to the announcement the following statement: "In Greece—the trend toward a constitutional order is established. Major sections of the Constitution have been implemented, and partial restoration of civil rights has been accomplished. The government of Greece has stated that it intends to establish parliamentary democracy . . ."

As Greek journalists living out of Greece because in our country we have been denied the freedom of expression, speaking for ourselves and also in the name of colleagues still working in Greece, we feel obliged to bring to your attention, that this decision, of such importance to our country, is based upon lies.

The truth, which every well informed person of good faith already knows about the present situation in Greece, is as follows:

1. Greece is still under Martial Law, with all that implies in respect of the deprivation of basic individual liberties and human rights.

2. The military courts continue to take their daily toll of the liberty of any who happen to believe differently from those in power, handing out life sentences for the printing of 'illegal literature'.

3. Hundreds of political prisoners, holding views ranging from the extreme left to the extreme right, are still in prisons, concentration camps or in exile. They are useful hostages, available for release in periodic acts of "clemency" to impress public opinion.

4. A few "freedoms" sporadically accorded in response to international pressure—the freedom to travel, to express mild criticism, to hold a meeting—are available in Greece today not by the rule of law, but at the whim of the dictators. They are given to some as a favor; as a punishment, they are denied to others who have no legal redress.

5. The Press is strangled by a draconian Press Law by which any expression of dis-

agreement can be interpreted as a "national crime". One recent example: Our colleague Ioannis Kapsis, was sentenced to five years imprisonment because as editor of the newspaper "Ethnos" he allowed the publication of an interview in which a former politician called for the formation of a coalition government.

6. The whole fabric of the State—the judiciary, the Civil Service, the Trades Unions, the schools, the universities and all the agencies of cultural life—continue to be permeated by the retrograde ideas of the rulers, and administered by a personnel harassed and demoralized by constant, thorough-going purges.

7. The so-called "Constitution" the implementation of which appears to be Washington's ultimate test of the Greek regime's claim to respectability is in reality a formula for the perpetuation of military power in the government of Greece. It comes as a shock to the free democratic world that Washington in 1970 can apply the term "constitutional" to its authoritarian and illiberal provisions.

8. The Greek regime has not, to this day, after three and a half years in power, given the slightest proof that it ever intends to return to parliamentary democracy. On the contrary, it has repeatedly refused to name a date for the holding of elections, an event which one of its leaders has recently declared, would be catastrophic.

Mr. President, we do not protest only for the act of support and encouragement to the present Greek regime, a protest already expressed by political leaders and responsible people all over the world.

As publishers, editors and journalists, members of a profession whose duty it is to inform public opinion, we can not allow this blatant distortion of the truth about the situation in Greece to go unchallenged.

And in sending you this letter we are convinced that we are contributing to the survival of the democratic values which are under threat throughout the world.

Respectfully yours,

ELIAS P. DEMETRACOPOULOS.

SIGNATORIES

Andreas Arnakis (Frankfurt).
Paul Bakoyannis (Munich).
Nikos Delipetros (Paris).
Elias Demetracopoulos (Washington).
Antonis Drossopoulos (Vienna).
Aris Fakinos (Paris).
Spyros Giannatos (London).
Spyros Granitsas (New York).
Costas Hadjiandreou (Frankfurt).
George Katiforis (London).
Ioannis Katris (Minneapolis).
Michael Kostopoulos (London).
Panayotis Lambrias (London).
Ioannis Lampsas (Geneva).
Anghelos Maropoulos (Bonn).
Basil Mathiopoulos (Bonn).
Basil Mavridis (Cologne).
Costas Nikolaou (Cologne).
Marios Ploritis (Paris).
Evangelos Panteleskos (Rome).
Asteris Stangos (Rome).
Richard Someritis (Paris).
George Yannopoluos (London).
Helen Vlachos (London).
George Voukelatos (Bonn).

[From the Washington Post, Oct. 4, 1970]

EXILES SEEK TO BAR ARMS AID TO GREECE

A group of 25 Greek journalists and publishers living in the United States and Western Europe has written President Nixon opposing the resumption of heavy arms shipments to Greece.

The journalists—who include Washington-based Elias P. Demetracopoulos—noted that Robert J. McCloskey, State Department press officer, had talked of a trend toward constitutional order in Greece.

The newsmen said Greece was still under martial law, military courts continue "to take their daily toll of the liberty of any who happen to believe differently from those in power," and hundreds of political prisoners were still in custody.

"The Greek regime has not to this day, after 3½ years in power, given the slightest proof that it ever intends to return to parliamentary democracy," the exiles told President Nixon.

WASHINGTON.—The spokesman for a group of exiled Greek journalists and publishers Sunday protested the U.S. resumption of heavy arms shipments to the military junta in Greece.

Elias P. Demetracopoulos, a Greek journalist living in Washington, released the text of a letter to President Nixon which said the U.S. justification for resuming the shipment of arms to Greece was "based upon lies."

Demetracopoulos said he delivered the letter to Rodger Davies, Deputy Assistant Secretary of State for Near Eastern and South Asian Affairs.

The United States announced Sept 22 that the partial ban on the shipment of arms to Greece, imposed by the Johnson Administration following a coup by the Greek military in April, 1967, was being ended.

State Department spokesman Robert J. McCloskey, in announcing the lifting of the partial suspension, said that in Greece "the trend toward a constitutional order is established. Major Sections of the constitution have been implemented and partial restoration of civil rights has been accompanied."

The letter, signed by 25 Greek journalists and publishers living in the United States and Europe, said the justification was a "blatant distortion of the truth about the situation in Greece . . ."

"Greece is still under marital law, with all that implies in respect of the deprivation of basic individual liberties and human rights," the letter said.

It said that "hundreds of political prisoners, holding views ranging from the extreme left to the extreme right, are still in prisons, concentration camps or in exile."

What freedoms do exist in Greece, the letter said, "Are available . . . not by the rule of law, but at the whim of the dictators. They are given to some as a favor; as a punishment, they are denied to others who have no legal redress."

"The so-called 'constitution', the implementation of which appears to be Washington's ultimate test of the Greek regime's claim to respectability," the letter said, "Is in reality a formula for the perpetuation of military power in the Government of Greece."

WASHINGTON, October 3.—A group of exiled Greek publishers and editors today protested to President Nixon over the U.S. decision to resume shipping heavy arms to Greece.

The decision was based on lies, the group said in a letter to Nixon handed to the State Department by Elias P. Demetracopoulous, a leader of the Greek exile movement in the United States.

The letter was signed by publishers, editors and journalists now living in seven European countries and North America and representing a broad cross-section of Greek political views prior to the military takeover in 1967.

The letter took issue in particular with a statement made Sept. 22 by State Department spokesman Robert J. McCloskey in announcing the end of the U.S. arms embargo.

McCloskey said the trend toward a constitutional order is established in Greece; that major sections of the constitution have been implemented; that partial restoration of civil rights has been accomplished, and that the government has said it intends to re-establish parliamentary democracy.

The signatories said they were sending the letter to Nixon because "we cannot allow this blatant distortion of the truth about the situation in Greece to go unchallenged."

It said Greece was still under martial law, with military courts and hundreds of political prisoners in prisons, concentration camps or in exile.

The press is being strangled and the so-called constitution is in reality a formula to permit the perpetuation of military government, the letter said.

[From the Washington Daily News, Oct. 5, 1970]

THE WORLD TODAY

Elias P. Demetracopoulous, a Greek journalist living here and a spokesman for a group of exiled colleagues, released the text of a letter to President Nixon which said the U.S. justification for resuming shipment of arms to Greece was "based upon lies."

Mr. FULBRIGHT. Mr. President, concerning this subject, in a recent hearing, an Assistant Secretary of State informed the committee, upon my questioning him about political prisoners now in Greece, that the present regime in Greece holds a fewer number of political prisoners now than the government of former President George Papandreou.

I had a check made by the intelligence community, as I did not believe at the time what he said was correct, and I find that it is not so. I am saying this for the benefit of both the State Department and the public generally, that this is a misrepresentation. They either are misinformed or they are not very truthful.

When former President George Papandreou came into office, he found quite a number, as many, they believe now, although it is not absolutely accurate, as 1,000, who had been incarcerated by the previous regime.

I am told on good authority now that President Papandreou released most of them. Only a handful were left a few months after he had been in office. At any rate, it was nothing like as many incarcerated under that regime as are being presently held under the current military regime in Greece.

U.S. MILITARY OPERATIONS IN CAMBODIA

Mr. FULBRIGHT. Mr. President, recently, I received a letter from the Department of Defense, concerning U.S. military operations in Cambodia, which exemplifies the problems confronting Congress—or, at least, the Foreign Relations Committee—in examining executive branch policies in Southeast Asia, or around the world for that matter.

At a press conference on May 8, in commenting on the plan for withdrawal of American forces from Cambodia, the President said that he expected the South Vietnamese forces would come out at the same time our forces did because "when we come out our logistical support and air support will also come out with them." On June 3 the President backed away from this commitment and said that after July 1 there will be U.S. air missions in Cambodia "to interdict the movement of enemy troops and materiel where I find that is necessary to protect the lives and security of our men in South Vietnam."

Following press reports that American fighter-bombers were flying support missions for Cambodian troops as far as 100 miles from the South Vietnamese border, I wrote to the Secretary of Defense on June 23 to obtain information for the Committee on the restrictions applicable to U.S. air operations in Cambodia. On July 16 the committee received a top secret letter from Dennis J. Doolin, Deputy Assistant Secretary of Defense for International Security Affairs, which did not provide any specific details on the nature and extent of those operations, as had been requested. I, therefore, repeated the committee's request in a letter dated July 30.

After waiting nearly 2 months more, while reports appeared in the press almost daily of U.S. air operations in support of Cambodian forces, Mr. Doolin finally replied, stating that he was "unable to respond to your request for the specific details relative to the restrictions imposed upon U.S. air operations in Cambodia inasmuch as this would involve a discussion of disclosure of specific Rules of Engagement and operating rules relating to the actual conduct of the war." I ask unanimous consent that this exchange of correspondence, with the exception of Mr. Doolin's letter which was classified Top Secret, be printed in the RECORD.

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

JUNE 23, 1970.

Hon. MELVIN R. LAIRD,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: I enclose an article from this morning's *Washington Post* concerning U.S. air operations in Cambodia. I should appreciate your providing the Committee with specific details on current restrictions imposed—geographic, tactical, and other—concerning United States air operations in Cambodia and information as to any changes that have been made in these restrictions since April 30.

Would you also please supply the Committee with the detailed instructions governing U.S. air support of any kind to aid South Vietnamese or Cambodian forces involved in ground fighting and specific information concerning the number of times, if any, United States aircraft have been involved in assisting non-U.S. forces involved in ground fighting beyond the 21.7 mile limit.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

PENTAGON SAYS U.S. PLANES ARE STRIKING DEEP INTO CAMBODIA

(By George Lardner, Jr.)

American fighter-bombers have been striking deep into Cambodia against new enemy infiltration routes for the past week, the Defense Department acknowledged yesterday.

Sources indicated that the "interdiction" raids have been authorized as far as 100 miles from the South Vietnamese border, well beyond the 21.7-mile limit established by President Nixon for ground forces in Cambodia.

Pentagon press spokesman Jerry W. Friedheim say the strikes were aimed at new enemy supply lines posing a threat to U.S. forces in South Vietnam. Sources, however, suggested that raids might well include harassment of enemy troops spotted in Cambodian ground fighting along the way.

According to a United Press International dispatch from Saigon, U.S. warplanes have flown support missions for Cambodian troops as far west as Kompong Thom, a provincial capital 100 miles from the South Vietnamese border.

Friedheim declined to comment on the report, saying only that "our organized (air) campaign is not a campaign to save Cambodia."

He said the air strikes began "in the last week." They might continue beyond June 30, the deadline set for withdrawal of all U.S. ground forces from Cambodia, he said.

The air missions, he said, are being directed primarily at Se Kong and Mekong river routes that the North Vietnamese have been developing in Cambodia since President Nixon ordered ground attacks on enemy sanctuaries near the South Vietnamese border.

Recently, Friedheim said, "it became obvious to our commanders that they were attempting to shift their supply lines to the west . . . further away from South Vietnam." By now, he said, the Communist forces have established a small but recognizable flow of supplies and men that can be hit from the air.

The Defense Department described the missions as carefully planned and carried out in close "personal coordination with Cambodian military authorities" as well as the South Vietnamese.

First hint of the new raids came over the weekend with the announcement in Saigon of the loss of an F-4 Phantom fighter-bomber during an "interdiction" mission over Cambodia. It crashed Thursday somewhere west of South Vietnam's Darlac Province.

Officials added more details yesterday both here and in Saigon.

In his June 3 address on the progress of the Cambodian operation, President Nixon held open the prospect of the raids, though not directly in support of Cambodian troops. He said the only U.S. military operations in Cambodia beyond June 30 would be "air missions to interdict the movement of enemy troops and materiel where I find this is necessary to protect the lives and security of our men in South Vietnam."

Officials here and in Saigon declined to spell out the precautions laid down for the air raids, beyond calling restrictions on the pilots "very elaborate."

According to one report, warning leaflets are dropped cautioning Cambodian villages to stay close to home at night; shrines and villages are avoided, and no firing or bombing can be undertaken without a go-ahead from Cambodian officials accompanying each mission.

The Associated Press reported yesterday from Indochina:

Enemy forces were reported to be quitting Kompong Thom. North Vietnamese captured about half the Cambodian provincial capital Saturday and held it over the weekend despite air strikes.

In Saigon, the U.S. Command disclosed that parts of two battalions of the Second Brigade of the First Cavalry Division (Airmobile) began pulling out of Cambodia. Before this operation, 9,700 Americans were in Cambodia.

Families of French military advisers in Cambodia are being sent home, informed sources in Phnom Penh said. The more than 150 French advisers are expected to remain for the time being, but they are playing an increasingly insignificant role, working only in headquarters and not in the field.

The departure is only the latest in the widespread evacuation of dependents of foreign residents because of the fear the capital will be attacked. Some embassies, have also pared their staffs. An exception is the U.S. embassy which has more than doubled from the 11 staffers present three months ago.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
July 30, 1970.

Hon. DENNIS J. DOOLIN,
Deputy Assistant Secretary (ISA),
Department of Defense,
Washington, D.C.

DEAR MR. DOOLIN: I have received your letter of July 16 in response to mine of June 23 concerning restrictions governing U.S. air operations in Cambodia.

Your letter did not supply the information I requested. Would you please supply to the Committee *specific* details on the restrictions imposed both by Cambodian and our own officials on U.S. air operations in that country, particularly those relating to geographical limits. Would you also please provide the information requested in the second paragraph of my letter concerning the specific instructions and operational information about U.S. air support for South Vietnamese and Cambodian forces.

I am unable to see what information in paragraphs four and five of your letter justifies the classification *Top Secret—Sensitive.* Would you please advise exactly what information in these paragraphs is *Top Secret—Sensitive* that was either not included in preceding paragraphs of your letter, made public earlier by Government officials, or not likely to be known by the enemy already.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., September 24, 1970.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter of July 20, 1970 concerning air operations in Cambodia and is supplemental to my letter to you of July 16, 1970.

In his radio and television address on June 3, 1970, President Nixon clearly defined U.S. government policy by stating, in effect, that air operations will be conducted in Cambodia to interdict enemy supplies, communications and personnel whenever such operations will benefit or enhance the safety and security of U.S. and allied forces in South Vietnam.

On a number of occasions, the Secretary of Defense has publicly reaffirmed that policy. For example, in a news conference on June 26, 1970, Secretary Laird said:

"I stated before the Foreign Relations Committee the primary reasons for carrying on air activities in Cambodia will be the interdicting of supplies and materiel, interdiction of personnel, to protect Americans in Vietnam, to protect our Vietnamization program, to make withdrawals of American troops a continuing process and to reduce American casualties."

The Secretary also pointed out that there would be an ancillary or collateral benefit accruing to the Cambodian government from these interdiction missions. Secretary Laird further stated:

"As Secretary of Defense, I will continue to keep the maximum pressure on the reduction of American casualties in Southeast Asia. I believe this use of airpower in Cambodia, which is coordinated with the Cambodian government, is a good use of U.S. military assets in that area and is part of the program which I believe is so important to keep American casualties at a very low rate."

With reference to geographical limits being placed on air operations, the Secretary, in testimony before your Foreign Relations Committee, testified that the limitation on our ground forces did not apply to air operations in Cambodia.

I am unable to respond to your request for the specific details relative to the restrictions imposed upon U.S. air operations in Cambodia inasmuch as this would involve a discussion or disclosure of specific Rules of Engagement and operating rules relating to the actual conduct of the war. In Deputy Secretary David Packard's letter to you of 11 June 1970, it was indicated that operational procedures and methods involving the risk of life or safety of military personnel were not to be disseminated outside the Executive Branch. As a matter of fact, because of their sensitivity in terms of possible increased hazards to our pilots, the rules of engagement and implementing operating rules for Cambodia are closely held within the Executive Branch itself.

Paragraphs four and five of my earlier letter were originally one and classified Top Secret—Sensitive because they disclose the geographical boundaries in Cambodia within which certain types of missions are authorized. Such information would be advantageous to the enemy. I agree with you, however, that when they are separated, as was done in my letter, the fifth paragraph no longer warrants the classification Top Secret—Sensitive.

I hope this information is useful.

Sincerely,

DENNIS J. DOOLIN,
Deputy Assistant Secretary.

Mr. FULBRIGHT. Mr. President, it appears that the executive branch learned little, if anything, from the experience of trying to fight a secret war in Laos. It has now switched the secrecy to Cambodia. The enemy forces know where and to what extent U.S. planes are conducting air operations in Cambodia. The Cambodians and the South Vietnamese know the extent of the air support their ground forces receive from our planes. But Congress, which represents the people who pay for the planes, the bombs, and the bullets, and supply the bodies is denied the same information—information essential to appraising the course of the war in Southeast Asia and our current policy. I shows quite clearly how far the pendulum of power has swung to the executive branch, and how far Congress has to go to regain its proper role in the formulation of our Nation's foreign policy.

Most disturbing of all it shows the extent to which the executive branch respects the role and responsibility of the elected representatives of the people.

COMMENTS ON THE TRADE BILL

Mr. JAVITS. Mr. President, the distinguished Senator from Tennessee (Mr. BAKER) questioned some of the remarks I had made on glycine which will be governed by a strict quota provision of the trade bill of 1970 which is now before the Congress is passed.

In light of Mr. BAKER's intervention of October 11 I ask unanimous consent that a letter written to me by one of my constituents on this subject be placed in the RECORD. I also note that the constituent who wrote this letter asked to be heard by the Senate Finance Committee. His request was denied. He also received word of the Finance Committee hearings—as did most of the Nation—on Friday morning. He was instructed to have a statement to the Finance Committee by close of business Monday, if he wished to be heard. I seriously doubt whether the mail services of this Nation provide for such speedy delivery of letters—even if they are sent special delivery.

I also ask unanimous consent that a letter I have from the counsel of an important segment of the U.S. fur industry be printed in the RECORD. The letter concerns the effect the mink quota provision, as written, and apparently accepted by the Senate Finance Committee will have on the American fur industry. Arnold Mayer, the legislative counsel of the Amalgamated Meat Cutters Union, has made repeated representations to my office on this matter on behalf of the workers.

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

ROBECO CHEMICALS, INC.,
New York, N.Y., August 25, 1970.

Senator JACOB K. JAVITS,
U.S. Senate,
Committee on Foreign Relations,
Washington, D.C.

HONORABLE SIR: Thank you very much for your response of June 29th to our original objection to bills presented before the House of Representatives on Glycine.

Subsequently, these two bills were included in the overall Trade Act of 1970 H.R. 18970. We realize there is little that can be done to oppose this obscure measure contained within the overall Act in the House.

We do, however, want to have a hearing in the Senate, and are taking the means, as per attached letter, of advising all Senators of our feelings in this regard. We know your thoughts in this matter regarding the Trade Bill, and realize that they are sympathetic to our feelings.

We thank you for this consideration.

Very truly yours,

ROBECO CHEMICALS, INC.,
M. L. ROSENTHAL.

SEPTEMBER 1, 1970.

HONORABLE SIR: There is pending before the House of Representatives the "Trade Act of 1970" HR 18970.

Incorporated in this comprehensive legislation is an obscure measure to restrict the imports and raise the duty of Glycine (Page 54, Sec. 344), a product of interest to us.

Unfortunately this product has been made part of such an important controversial bill. It is an anomaly, and I respectfully request consideration be given to eliminate the item Glycine from the bill, should the House of Representatives pass it, and it go to the Senate.

My reasons for opposition to this particular part of the bill are as follows:

1) There is only one U.S. producer of Glycine, and he consumes two thirds of this production.

2) Due to an anti-dumping action (U.S. Tariff Commission Investigation AA1921-61; TC Publ. 313, February 1970) only one foreign producer (Holland, through our company) is presently entering supplies in the U.S.

3) The anti-dumping commission report states that no evidence was found to cause the American producer to lower his selling price or lose sales.

4) Due to substantial increased usage for Glycine, both the American producer and we are unable to satisfy the demand, and material is actually allocated.

5) Selling prices are firm and expected to go up unless the shortage of material is relieved.

This measure to restrict imports and raise the duty of Glycine is completely contrary to the actual conditions applicable to the sale of this product. It will definitely lead to a restraint of free trade, and give the U.S. manufacturer complete control.

I earnestly recommend your wholehearted opposition to this unfair measure should it be presented before you.

Thanking you, we are

Very truly yours,

ROBECO CHEMICALS, INC.
M. L. ROSENTHAL.

JAMES R. SHARP,
Washington D.C., September 28, 1970.

Re Section 343—H.R. 18970.

Mr. KENNETH GUENTHER,
Special Assistant to Senator Jacob K. Javits,
U.S. Senate, Washington, D.C.

DEAR MR. GUENTHER: Senator Javits has requested that I, as counsel for important segments of the U.S. fur industry, present to you facts which demonstrate the necessity for amendment of the Trade Act of 1970 to eliminate certain provisions.

To save the Fur Trade (the labor force, brokers, dealers, manufacturers and processors), a New York State centered industry, from almost complete demise, Sec. 343(a) must be deleted from the bill. The Trade has no objection to paragraphs (b) and (c) of Section 343, which would eliminate the embargo now in Headnote 4 of Subpart B, Part 5, Schedule 1. Elimination of the embargo would be advantageous to the labor force in which unemployment is high and to the trade. However, the elimination of paragraph (a) of Section 343 is of greater importance to the labor force and trade than is the repeal of Headnote 4 (the embargo) which is provided under paragraph (b) of Sec. 343.

In order that you may gather the import of the required elimination of Paragraph (a) of Sec. 343, I attach to this letter certain data and documents related to two different facets of the situation:

1. *The lack of necessity for any tariff quota as provided under Sec. 343 as to Mink Furskins:* The inclusion of the tariff quota provided by paragraph (a) of Sec. 343 is without justification. The facts supporting this statement are briefly but adequately set forth in the attached copy of a letter dated July 23, 1970 addressed to the Honorable Wilbur D. Mills (Appendix A). The statement in that letter that the present crisis in domestic mink ranchers' circles is the result of economic conditions rather than imports is fully supported by three documents attached marked Appendices B, C and D respectively. Appendix B is a copy of a letter appearing in the *Fur Rancher*, September 1970 issue, entitled "Mink Price Supports Advocated by AMRA," written by Otto Pavek, Vice President of the American Mink Ranchers' Association. Mr. Pavek openly admits that the tight money and low economic levels currently prevailing are at the seat of the ranchers' current problems.

Appendix C is a copy of the joint statement of the undersigned and B. H. Hessel of the American Fur Merchants' Association on June 9, 1970 before the House Ways and Means Committee. A page summary is attached to the front of this testimony but reference to the statement may be had for the facts fully backing up the summary.

Appendix D is a comparison of the raw mink furskin imports for the first eight months of the current marketing season, that season being December 1969 through November 1970. *The dramatic decreases in imports are evident.* The picture presented by Appendix D is indeed not the sort of picture which can justify import quotas.

Finally, as to the 4.6 million duty free import quota, I must add the following:

The curve in world and U.S. consumption of mink furskins has been almost constantly upward—receding only when economic conditions recede such as they did in 1969. Ap-

parent U.S. consumption was reported in the 1968 Tariff Commission report as follows:

Apparent domestic consumption (sales plus imports minus exports of both domestic and foreign merchandise)

[Million furskins]

Average:	
1953–57	4.0
1958–62	6.2
1963–67	9.2
Annual:	
1963	8.0
1964	8.4
1965	9.2
1966	10.3
1967	10.2

No accurate figures are available as to apparent consumption for years subsequent to 1967. The economic slowdown of 1969–70 has unquestionably temporarily halted the upward curve shown by these statistics—but only temporarily. As our affluence increases, as the population increases—mink consumption will increase for mink is the most versatile and popular fur available to satisfy the resulting increasing consumer demands. The curve shown by the Commission report will continue upward in the next decade and the decade succeeding that.

Yet the 4.6 million duty free quota provided by Sec. 343 contains no growth formula as in the case of textiles, and shoes. It is fixed! The likelihood of obtaining any amendment to this little noticed section of the TSUS for many years to come is negligible. But the impact of the quota on the fur trade will be highly detrimental as our economic situation improves and U.S. consumption grows from the 10 million mink furskin level of 1966 and 1967 shown by the above statistics to a 15 million and possibly 20 million skin level in the next ten years. Note that the average consumption 1955–57 was 4.0 million with an over 100% increase in consumption by 1966, 1967. History will surely repeat itself.

Thus the fur industry fears the appetite of the U.S. mink ranchers for high profits and low production with fixed ceilings on competitive imports. The industry believes the ranchers' policies will not serve the interests of the industry or of the consumers.

For these reasons they urge their representatives in Congress to either vote against the bill or to support an amendment in the Senate which will delete Sec. 343(a).

2. *The 4.6 million quota is either a fraud or an absolute mirage:*

The term "furskins" and "skins" are defined in Headnote No. 2 to Schedule 1, part 5, Subpart B of the TSUS as follows:

"2. As used in this subpart—

"(a) The terms *"furskins"* or *"skins"* include the whole skins, or cuttings, heads, paws, tails, or other parts of whole skins, whether or not assembled into plates, mats, linings, strips, crosses, or similar forms * * *."

To reinforce that definition the 4.6 million quota provided in Sec. 343 of the Trade Act of 1970 provides that the quota shall consist of "an aggregate quantity of" 4.6 million "skins (or pieces of skins) entered in any calendar year."

Then, to seal the doom of the fur industry as if there was any conceivable question about it in view of the above provision, the Majority Report of the Committee on Ways and Means on H.R. 18970 contains the following statement at page 55:

"In determining the number of skins and pieces of skins for quota purposes, each of the individual pieces assembled into a plate, mat, lining, strip, cross, or similar form would be counted."

From the above it is clear that each "piece" of mink furskin imported in any calendar year either sewn together or not sewn must be regarded as a "full" mink furskin for the purposes of the quota.

It is now clear from evidence gathered in the past few days that not only several million whole skins are imported each year but in addition there is imported in each year 30 to 50 million pieces of scrap mink furskins sewn together in the form of "bodies" and an uncertain quantity of unsewn together pieces of mink furskin scraps also reaching into the millions.

The unsewn material (heads, paws, tails and trimmings) is imported largely from Canada, being scrap generated in the Canadian fur manufacturing trade. It is exported from Canada to the United States where it is joined with similar scrap generated by the U.S. mink fur manufacturing industry and shipped to Greece.

In Greece the scrap from the U.S. and Canada is sorted, matched, trimmed and sewn together in what were once known in the language of the U.S. Tariff laws as "plates, mats, linings, strips and crosses" but which are now generally known as "bodies" i.e., pieces from 40" to 45" long and 80" to 95" wide, each body being sufficient to permit one fur coat or garment to be cut from it.

The U.S. fur manufacturing industry for years had to junk the dressed trimmings generated in the fur garment manufacturing process. Some years ago Greek merchants in New York commenced to buy this scrap in bales, send it to Greece where it is sewn together by highly skilled labor and sold as "bodies." Currently about 400,000 pounds of such scraps are shipped to Greece annually for production of bodies there and about 80,000 to 90,000 pounds of "bodies" are returned to the U.S. annually, the balance being sold by Greek manufacturers to buyers in other countries. The bodies returned to the United States are made up of from 1,500 to 20,000 individual pieces sewn together. The average number of pieces is over 2,000 in a "body" so that total "pieces" imported in the form of "plates, mats," etc. is between 30 and 50 million annually.

The Greek merchants export to the United States bodies made up of one about ¼ of the scraps they import from the U.S., the balance going in the form of bodies to other countries, largely West Germany and Sweden.

The Greek Government official statistics for 1967 (the latest available) are available as to imports and exports of such material. They are not broken down between *mink* other fur scraps or bodies, but the data relating to imports from the U.S. and exports to the U.S. is believed by knowledgeable persons in the fur trade to be composed of 90% or more of mink:

Greek Imports of "Extremeties and scraps for fur in irregular forms" Total 13,065,976 pounds of value in U.S. dollars of $2,454,000.

Of which there are imported from—

U.S.: 376,504 pounds at $1.75 a pound for a total of $666,000.

W. Germany: 826,529 pounds at $1.86 a pound for a total of $1,534,000.

Total Greek Exports of "plates, crosses and similar forms composed of irregular shapes scraps sewn together":

Total 699,538 pounds of a value in U.S. dollars of $7,630,000.

Of which there were exported to—

U.S.: 79,794 pounds at $9.67 a pound for total of $771,000.

W. Germany: 409,842 pounds at $8.50 a pound for total of $3,485,000.

Sweden: 92,620 pounds at $15.71 a pound for total of $1,455,000.

The U.S. mink ranchers who have so long, without justification, sought import quotas (twice recommended against by the U.S. Tariff Commission in the last 12 years) have never sought control of imports of "pieces" of mink whether or not sewn together—but only of whole "skins." Now due to bad draftsmanship in the Ways and Means Committee, they find themselves with a windfall". The importation in the first week of January in any calendar year of *2300 Greek-made "bodies"* made up of an average of *2000 pieces* each of scrap mink (even if made largely from scraps of U.S. bred and raised mink) would fill the 4.6 million quota and not a single whole skin could be imported. Or, the importation of a few bales of scrap from Canada for reexport to Greece, each bale containing several hundred thousand scraps worth $1.75 a pound when reexported to Greece would fill the quota and not a single whole skin could be imported.

This result the Ways and Means Committee has thus far shown no inclination to eliminate.

The clearest solution is the elimination of paragraph (a) of Sec. 343. In lieu thereof, if an unnecessary and uncalled for quota is to be retained, the language of Sec. 343(a) of the bill must be changed to read as per the attached draft marked Appendix E to eliminate from the quota sewn together and unsewn together scrap material. If that amendment was adopted, no circumvention by way of cutting up whole skins is likely, for cutting a mink skin into pieces, particularly small pieces, very substantially reduces its value. It can no longer be "let out" or worked into the better garments. The smaller the pieces the lower the value. There is attached as Appendix F the only available statistics from the Department of Commerce relative to the volume of imports of mats, plates, etc. and of tails, paws, etc.

This letter is long but the facts are complicated. Concurrent with the delivery of the letter, I will show you samples of the sewn together scraps making up these imported "bodies." These 45"x 90" pieces are made up from 1,500 to 22,000 pieces per body. They are dramatic evidence of the bad draftsmanship pointed out above.

The help of the Senator and his staff in the situation described above is urgently needed if the fur industry and its labor force is to survive.

Sincerely,

JAMES R. SHARP.

BANKERS ASSIST MINORITY BUSINESSES

Mr. JAVITS. Mr. President, I would like to report to the Senate on an interesting and valuable proposal by the American Bankers Association to assist the funding of minority-owned banks across the country.

The association's urban affairs committee, chaired by Mr. Thomas W. McMahon of the Chase Manhattan Bank in New York, has proposed the creation of a development bank which would serve the equity needs of minority-owned banks. Shares in the development bank would be subscribed to by major urban banks; it is hoped that as much as $10 million will be raised in this manner. The development bank would in turn buy nonvoting stock of banks owned principally by blacks or members of other minority groups; this would supply such banks with the capital they need for the continued, safe expansion of services to minority communities.

Several New York bankers were instrumental in the discussion stage of this proposal, including Mr. McMahon and Mr. William Hudgins, of the Freedom National Bank. It is anticipated that New York banks will also play a major role in the financing of the proposed development bank.

I think that the bankers have come up with a most valuable initiative. The attempt to create an open society, in which the possibility of economic advancement is available to all persons

without regard to race, depends in large part upon the willingness of private groups to make imaginative efforts in their own areas of expertise. I believe that the banking community can render the Nation an important service by implementing this proposal, and I am especially pleased to see the bankers of New York taking a leadership role in this effort.

Mr. President, I ask unanimous consent to have printed in the RECORD accounts of the development bank proposal from the October 13, 1970, issues of the American Banker and the New York Times of October 13, 1970.

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

[From the American Banker, Oct. 13, 1970]

ABA URBAN GROUP TESTING DEVELOPMENT BANK PLAN TO AID MINORITY BANKS

(By Phillip Brooke)

MIAMI BEACH, FLA.—The American Bankers Association urban affairs committee will begin investigating immediately a prototype development bank program designed to put additional capital into minority-owned banks in this country, it was announced here Monday.

Thomas W. McMahon, executive vice president, Chase Manhattan Bank NA, New York, who is chairman of the urban affairs committee, said the committee has asked each of its regional chairman across the nation to go back to their respective areas and to test the prototype program among bank constituents.

Mr. McMahon described the development bank as a structure to which ABA member banks would subscribe to on a voluntary basis to buy shares in banks owned by black and other minority groups.

He said that if the idea is successful, an estimated $10 million could be channeled into minority-owned banks within the first year of such a program. The $10 million figure, Mr. McMahon said, is "only on a prior guess but it is a damned good guess."

The urban affairs committee chairman emphasized that the plan is in no way an attempt to dilute neighborhood ownership of black-owned banks. Nor is the committee in any way critical of the activities of minority-owned banks in the U.S., he added.

But, Mr. McMahon stated, if they are going to support increased activity they will need increased capital.

He said the ABA committee has been studying such a program for a development bank for the last three or four months. Moreover, the committee has asked each of its regional chairmen to report back the reactions of the industry at the next urban affairs committee meeting scheduled for December.

"If the proposal is accepted, we will make a formal recommendation in December," Mr. McMahon stated.

The banking industry already has pledged to make $1 billion in loans to minority businesses in a five-year period. The development bank project, if approved, would be completely separate from the already committed loans.

[From the New York Times, Oct. 13, 1970]

BLACK-HELD BANKS MAY GET FUND AID—UNDER TENTATIVE PLAN, NEW CONCERN WOULD BUY STOCK IN MINORITY INSTITUTIONS—PRIME RATE'S OUTLOOK—HEAD OF BANKER ASSOCIATION SEES MORE CUTS BUT NOT UNTIL AFTER YEAR'S END

(By H. Erich Heinemann)

MIAMI BEACH, FLA., October 11.—The American Bankers Association is considering a new program to pump additional capital into black-owned banks across the country.

While the details of the proposal are still tentative and yet to be approved by the banking hierarchy gathered here for the association's 96th annual convention, the plan would involve the creation of a new corporation that would buy common or preferred stock of institutions owned by members of minority ethnic groups.

Funds for the new corporation, which bankers here say might be similar to the old Reconstruction Finance Corporation, would be provided largely by major banks. They would subscribe to its shares on a voluntary basis. The R.F.C. was created in the Depression to buy stock in banks that were in financial difficulty.

METHOD OF OPERATION

Bankers emphasized in conversations here today that, in comparing the proposed new venture to the R.F.C., they were not implying that minority-owned banks were experiencing any general difficulty but rather were describing the method of operation that might be used.

The proposed new company, if it is created, would represent a commitment over and above the existing pledges of the banking industry to make $1-billion in "soft" loans to minority enterprises over a five-year period.

MILITARY CONSTRUCTION AUTHORIZATION, 1971—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 17604) to authorize certain construction at military installations, and for other purposes.

Mr. FULBRIGHT. Mr. President, I do not wish to delay the Senate any longer. However, I in good conscience cannot vote to agree to the conference report.

Mr. THURMOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

Mr. JAVITS. Mr. President, I would like to identify myself with the arguments made about Culebra. I, too, have been in many House-Senate conferences. I know how obstinate our colleagues in the other body can be. Perhaps I should use the word "obdurate" which is a more kindly word. Thus, I know what the Senator from Washington was up against. However, I feel that, considering his great power as subcommittee chairman, and what he has said about holding the Navy responsible in this situation, together with the handle he has that is written into the law, namely, the report, can be very effective.

I must say that, knowing the Senator from Washington as I do, and having heard the commitments which he has made on the floor, I am sure he will see to its that the people of Culebra really get an honest break. I would like to say that quite publicly and also say how deeply I have felt about the matter as has my junior colleague from New York, Senator GOODELL, who sponsored the original amendment to stop the shelling of Culebra. This is a matter that disturbs our whole Puerto Rican community of New York which today numbers about 1 million souls.

Very deep feelings are involved in this matter.

I, too, would like to adopt the position stated by the Senator from Arkansas (Mr. FULBRIGHT) as he reported on the expression of views of Mr. CÓRDOVA, the Resident Commissioner of Puerto Rico from page 36563 of the RECORD of October 13 in the other body.

The question I would like to ask concerns the amendment which the Senator from Washington accepted. It was a proviso at the end of section 103, to prohibit any possible use of that section as "backdoor" authority to acquire ABM sites not otherwise specifically authorized by Congress.

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

The PRESIDING OFFICER. There will be order in the Senate.

The Senator may continue.

Mr. JAVITS. Mr. President, that amendment to section 103 of the Senate bill was dropped in conference. The proviso adopted unanimously by the Senate reads:

Provided, That this section may not be used as authority to initiate deployment of any strategic weapons system at any site not otherwise specifically authorized by law.

Mr. President, the reason for dropping this amendment and the reverse implications which may occur from dropping it are important because of the way in which I read section 103—which is a complete carryover section, as the Senator explained, from previous laws. No one really worried about it. It was limited to a $10 million authorization with respect to unforeseen considerations which caused changes in Army missions.

It did permit within the authorization "land acquisition" and "site preparation."

Now these concepts tie right in to the ABM situation, where really only $10 million was first asked for the "area defense" oriented site acquisitions.

I am a lawyer and have worked with lawyers for the executive departments for years. They always hunt around to find something that will cover the situation that their bosses want covered. I was concerned that a good Defense Department lawyer—and there are lots of them—would find this section and say, "We can have a new ABM site. Here is the authority. We have $10 million. We can get our foot in the door."

That was the reason. The Senator was very gracious. He said he would take the amendment to conference, which he did. However, I think that now the reverse implication of dropping it needs to be explained clearly for the RECORD.

Mr. JACKSON. Mr. President, I am very happy to respond to the proper question put by the Senator from New York.

The House committee took the position that the amendment of the Senator from New York was made unnecessary by the passage of the Department of Defense procurement authorization bill which contains a restrictive section in title IV specifically prohibiting the use of funds authorized by that act or by any other act from being used to initiate any ABM deployments other than those specifically authorized in the Department of Defense procurement bill.

The specific section, which is now law, is section 402. While this act, the pending conference report, is subsequent to the Defense Procurement Act legislation which is now law, I would say as the chairman of the subcommittee that I concur in that judgment.

To make this a part of the legislative history, I would say here and now that section 402 applies specifically to the area attempted to be covered by the Senator's amendment. In addition, so that there can be no ambiguities in this matter, I should point out that even if the argument should be made the other way, I would say that is invalid. It would be necessary under the emergency authorization to come before four committees of the Congress—the Armed Services Committees of the two Houses and the Appropriations Committees of the two Houses—to get the necessary approval under the emergency provisions of that section.

So, I want to say categorically that as I read the legislative history and record here, section 402 of the Defense Procurement Act, which was signed by the President just a few days ago, is applicable and that section 103 of the military construction authorization bill could not be used as authority to attempt to build a new site someplace.

The sites that can be built are limited to those contained in section 402 of the Procurement Authorization Act.

Mr. JAVITS. Mr. President, I gather it is the Senator's opinion, including the fact that being cognizant of section 402, that there has been discussion in the conference, and it not having been repealed or otherwise affected, that the conferees thereby showed their intention that the sections should be read together—sections 103 and 402.

Mr. JACKSON. That is correct. Section 402 is not modified by implication, explicitly or implicitly, as a result of the decision of the conferees.

Mr. JAVITS. I thank the Senator. I hope very much that will suffice. Certainly the intent is clear. We will rely on his interpretation of the law which, as he says, may or may not be airtight—and I think he is correct that it is not airtight—and the good faith of the committees as to the basis for this.

Mr. JACKSON. In light of my statement, I think clearly the Department of Defense would be obligated in any event to come before all four committees. As I indicated earlier when the Senator's amendment was up, this authority was never used for any such purpose.

Mr. JAVITS. I thank the Senator. I hope the Department of Defense lawyers will hasten at once to section 402.

Mr. JACKSON. I hope so, too.

Mr. JAVITS. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico (Mr. MONTOYA), the Senator from Maryland (Mr. TYDINGS), the Senator from Maine (Mr. MUSKIE), the Senator from Missouri (Mr. SYMINGTON), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Rhode Island (Mr. PASTORE) would each vote "yea."

Mr. GRIFFIN. I announce that the Senators from Vermont (Mr. AIKEN and Mr. PROUTY), the Senator from Utah (Mr. BENNETT), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Oregon (Mr. HATFIELD), the Senator from Nebraska (Mr. HRUSKA), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senators from Illinois (Mr. PERCY and Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

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

If present and voting, the Senator from Arizona (Mr. GOLDWATER), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 65, nays 0, as follows:

[No. 380 Leg.]

YEAS—65

Allen	Fannin	Miller
Allott	Gravel	Mondale
Anderson	Griffin	Nelson
Baker	Gurney	Packwood
Bayh	Hansen	Pell
Bellmon	Harris	Proxmire
Bible	Hart	Ribicoff
Boggs	Holland	Saxbe
Brooke	Hollings	Schweiker
Byrd, Va.	Hughes	Scott
Byrd, W. Va.	Inouye	Smith, Maine
Case	Jackson	Spong
Church	Javits	Stennis
Cook	Jordan, N.C.	Stevens
Cooper	Jordan, Idaho	Talmadge
Cotton	Magnuson	Thurmond
Curtis	Mansfield	Williams, N.J.
Dole	Mathias	Williams, Del.
Dominick	McClellan	Yarborough
Eagleton	McGovern	Young, N. Dak.
Ellender	McIntyre	Young, Ohio
Ervin	Metcalf	

NAYS—0

NOT VOTING—35

Aiken	Hartke	Pastore
Bennett	Hatfield	Pearson
Burdick	Hruska	Percy
Cannon	Kennedy	Prouty
Cranston	Long	Randolph
Dodd	McCarthy	Russell
Eastland	McGee	Smith, Ill.
Fong	Montoya	Sparkman
Fulbright	Moss	Symington
Goldwater	Mundt	Tower
Goodell	Murphy	Tydings
Gore	Muskie	

So the report was agreed to.

MILITARY CONSTRUCTION APPROPRIATIONS, 1971

The PRESIDING OFFICER (Mr. GRAVEL). Under the previous order, the Chair lays before the Senate the bill (H.R. 17970) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (H.R. 17970) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes, reported with amendments.

Mr. MANSFIELD. Mr. President, there is a typographical error on page 3 of the bill, under the appropriation for Defense agencies, and another typographical error on page 5 of the bill under the appropriation for family housing.

The bill on the calendar is in error in showing a figure of $45,025,000 on line 5, page 3, since the committee approved an appropriation of $46,300,000. In addition, the figure of $808,138,000 on line 5, page 5, is in error since the committee approved an appropriation of $804,153,000. Therefore, Mr. President, I ask unanimous consent that the following corrections be made:

On page 3, line 5, strike out "$45,025,000" and insert "$46,300,000".

On page 5, line 5, strike out "$808,138,000" and insert "$804,153,000".

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

Mr. MANSFIELD. I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be considered as original text and that no point of order be considered as waived.

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

The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, at the beginning of line 4, strike out $637,909,000" and insert "$653,996,000".

On page 2, line 14, after the word "appropriation", strike out "$285,672,000" and insert "$309,551,000".

On page 2, at the beginning of line 22, strike out "$637,909,000" and insert "$653,409,000".

On page 5, line 13, after the word "Construction", strike out "$77,600,000" and insert "$92,863,000".

On page 5, line 16, after the word "Construction", strike out "$77,600,000" and insert "$75,926,000".

Mr. MANSFIELD. Mr. President, I present today for the consideration of the Senate H.R. 17970, together with the report from the Appropriations Committee, No. 91–1318, making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

The Military Construction Subcommittee on the Appropriations Committee held joint hearings again this year with the Military Construction Subcommittee of the Armed Services Committee, chaired by the able Senator from Washington (Mr. JACKSON). These joint hearings were most productive in saving time for Senators and the witnesses from the Department of Defense. Additional hearings by the Appropriations Subcommittee were held to hear testimony on items in the bill which were from previous years' authorizations and on the Safeguard missile system.

It is not my intention in presenting the bill to give detailed figures concerning each line item. The line item breakdown and explanation are contained in the report which has been placed on each Senator's desk.

Before going into the recommendations of the Appropriations Committee, I would briefly like to summarize the pertinent facts pertaining to the bill.

When one considers that just five major items in the bill total $1,294,200,000, it is easy to deduce that there is not a large sum of money left to the military services for military construction. The large items in the bill are the requests of $804,153,000 for family housing, $357,000,000 for the Safeguard program, $25,000,000 for Vietnam, $41,500,000 for NATO infrastructure, and $66,700,000 for planning and design.

The fiscal year 1971 budget estimates as submitted to Congress for military construction last January were $2,225,000, broken down as follows: Army, $686,100,000; Navy, $339,100,000; Air Force, $303,500,000; Defense agencies, $45,600,000; Army National Guard, $15,000,000; Army Reserve, $10,000,000; Naval Reserve, $5,000,000; Air National Guard, $8,000,000; Air Reserve, $4,000,000; and Defense family housing, $809,038,000.

The total of the military construction appropriations bill as reported by the Committee on Appropriations is $2,148,409,000. This is an increase of $60,834,000 over the $2,087,575,000 provided by the House. The total bill as reported to the Senate is $76,929,000 under the budget estimate of $2,225,338,000.

ARMY

The major Army item included in this bill is $357 million to be used for planning and construction of the four Safeguard sites approved in Public Law 91–441, the Military Procurement Authorization Act. The committee retained in this bill $11.7 million originally requested for advance planning on four other sites denied authorization. These funds are retained to assist in offsetting the community impact costs resulting from the influx of construction workers on the small communities in the vicinity of the Safeguard sites in North Dakota and Montana.

The committee allowed $44.8 million for medical facilities. The major facility is a 760-bed regional speciality military hospital at Fort Gordon, Ga., for the Southeastern United States. Of greater importance, however, is the approval of $10.2 million for the first phase of the replacement of Walter Reed General Hospital in the District of Columbia. The plan provides for a 1,280-bed hospital to be built on the current site of the hospital. In order to cause minimum disruption in patient care at the present hospital center, sequential development of this new facility is planned. The funds included in this bill will provide interim facilities to house those medical activities which must be relocated to clear the site for the new building and to relocate and modernize the utilities needed for this new medical center.

This bill includes construction of 3,022 barracks spaces, and 524 bachelor officer spaces at permanent installations in the United States. As all of us who are familiar with Army installations know, a large percentage of the Army's barracks and bachelor officer quarters consist of World War II mobilization facilities erected in the early 1940's. The temporary wood frame buildings, which had a life expectancy of 5 years when originally constructed, are now nearly 30 years old. These aging structures become more expensive to maintain each year and increase fire and safety hazards due to the obsolescence of their utility systems and electrical distribution lines.

In "Research and development facilities," the committee concurs in the relocation of Harry Diamond Laboratories from their present location at the old Bureau of Standards site in the northwest section of Washington, D.C. Since 1956—when the National Bureau of Standards announced its plan to move to Gaithersburg, Md.—the Army has been seeking suitable permanent facilities for these laboratories. In 1967, an eminently suitable site for the relocation on unused land of the Naval Ordnance Laboratory at White Oak, Md., was identified. Transfer of land for this purpose was approved by Congress in 1968.

Another phased research and development project recommended by the committee is the construction of Western Medical Institute of Research to be colocated with Letterman General Hospital at the Presidio of San Francisco.

In keeping with the national programs for pollution abatement, the committee has approved all pollution abatement projects requested and authorized by the Congress. For the Army, this includes $27.5 million for water pollution abatement at 25 installations and $4.4 million for air pollution abatement at seven installations.

A reduction of $15 million was made from the Army request of $40 million for construction in Vietnam. We believe that $25 million in new obligational authority, together with the unobligated balance and the availablity of Department of Defense contingency funds, will be adequate to meet the needs of construction support for our own and the Vietnamese Armed Forces.

The committee agreed with the House reduction of the NATO infrastructure request by $8.5 million and allowed $41,500,000 in new obligational authority in this bill.

The committee has been a firm supporter of the expansion plan for the U.S. Military Academy at West Point, N.Y., and has approved in this bill a request for $11.1 million for four new projects and one deficiency request. The committee, after extensive deliberations, has also approved a deficiency for $10.7 million for the Cadet Activities Center approved in last year's bill; however, additional funds have not been allowed for this project. The Army is directed to take effective action to check the perennial cost overruns at West Point and provide funds for this project from currently available resources. Further, the committee has instructed the Army to review the remainder of the expansion program with a view to reducing the amount of construction at one time at West Point by stretching out the completion of the less essential items in the expansion program. A special Army board of distinguished private and public members is being established to review all aspects of the construction program at West Point. Such a board was recommended by this committee in 1968. The committee will expect the new review board to exercise a strong and positive influence over construction planning, standards, and execution with special emphasis on cost aspects.

Approval has been given to the Army request for $65.2 million for general authorization which includes: $31.8 million for planning, access roads, and community impact previously mentioned for the Safeguard antiballistic missile system; $10 million for urgent minor construction; one-half million for access roads; and $22.9 million for general planning and design.

Included in this bill are $15 million for construction support of the Army National Guard and $10 million for the Army Reserve.

NAVY

The portion of the military construction budget proposed for the active forces of the Department of the Navy was $339,100,000. The committee approved for the Navy $309,551,000, which is $23,879,000 greater than the amount allowed by the House and a decrease of $29,549,000 from the budget estimate of $339,100,000.

I would like to address some particularly important segments of the Navy's construction program. The Navy has pursued a program to improve support facilities for naval personnel. The committee, in support of personnel support facilities, approved $51.7 million for troop housing, messing, and community support facilities. Realizing the importance of well-trained personnel, the Navy requested $32.1 million for academic and specialized training facilities. The committee approved funding of $28.7 million, the full amount authorized for academic and specialized training facilities.

Additional increments of the shipyard modernization and modernization of the naval air rework facilities programs were approved this year in the amounts of $30.3 million and $10.9 million, respectively.

The Navy is concerned with the prevention of environmental pollution and actively seeks to: first, control and abate emissions of pollutants from Navy sources; second, design and construct facilities to meet recent environmental quality standards; and third, cooperate with local, State, and Federal agencies.

The proper treatment of complex and highly toxic industrial wastewaters generated at naval air rework facilities and shipyards will be accomplished by five projects totaling $5 million for facilities to collect and properly treat these wastewaters.

The total pollution abatement program approved for the Navy is $24.0 million. Other categories of facilities receiving significant funding are operational facilities, maintenance facilities, and utilities.

Funding in the amount of $34.0 million was approved for the Marine Corps facilities. As in last year's program, major emphasis was placed on personnel support facilities, which comprise 61 percent of the Marine Corps program. The provision of adequate bachelor housing is a high priority requirement. The committee fully supported the bachelor housing program of the Marine Corps.

On August 3, 1970, a disastrous hurricane, Celia, struck the Naval Air Station, Corpus Christi, Tex. The Department of Defense requested eight projects to replace facilities severely damaged by Hurricane Celia under the "Continuing authorization" in the United States Code, title 10, section 2673. The committee approved funding in the amount of $3.4 million for these projects. During the Senate deliberation on the authorization bill, two projects and amended authorization for a third project were added to the bill. The committee approved funding for these added projects in the amount of $1.7 million.

The committee took note of the Armed Services Committees' amendment to last year's authorization, which will provide authorization in the amount of $24 million for the Naval Hospital, Camp Pendleton, Calif. The committee now recommends proceeding with the project, but did not provide funds in the belief that, by careful management of the total Navy program, funding can be generated from savings or by the deletion of projects which are no longer required

The committee allowed $5,000,000 for Navy Reserve facilities.

AIR FORCE

The Air Force portion of the bill provides $292,409,000 which includes $256,189,000 for projects in fiscal year 1971, and $36,220,000 for "Planning and design, minor construction," and projects authorized but unfunded in fiscal year 1970. This represents a reduction of $11,091,000 from the original request of $303,500,000.

The bill covers essential facility projects for the Air Force and a few others where national policy, such as in the case of pollution abatement, and strong cases of economy, dictate proceeding this year.

A case of the latter point is the aircraft engine overhaul facility at Kelly Air Force Base, Tex. No single item in this year's military construction program is of higher economic priority to the Air Force than this one. The Office of the Secretary of Defense is currently undertaking a study of engine overhaul and repair capability within the entire Department of Defense. It was with knowledge of this impending study that OSD approved the item for this year's construction request. Immediate reduction in the purchase of $10 million worth of engines for the C–5 aircraft has been effected in anticipation of the faster engine overhaul at this facility. Moreover, the added efficiency of this overhaul facility will permit amortization of the total construction cost in a single year.

The largest portion of the Air Force funds is for urgent operational facilities. These are the pavements, airfield lights, taxiways, and protective facilities for our aircraft and missile forces. They total $75.6 million, or 26 percent of the recommended amount. The major items approved by the committee are: $12 million for the satellite basing of Strategic Air Command bomber and tanker aircraft; $7 million for continuation of the TAB VEE program for protection of tactical aircraft in Europe.

The second largest portion of the bill provides for troop housing and dining facilities. This category totals $42.3 million, or 15 percent of the amount to be funded. For troop housing, there is proposed $42.1 million. Of that amount, $28.9 million is for the construction of 7,285 new airmen dormitory spaces and $5.3 million for the alteration and improvement of existing dormitories. Also included is $7.2 million for the construction of 630 new officers quarters and $0.6 million for the improvement of existing quarters. Major new 1,000-man student housing composite buildings are provided at Chanute Air Force Base, Ill.; Keesler Air Force Base, Miss.; Lowry Air Force Base, Colo.; and Sheppard Air Force Base, Tex. These composites are similar to ones provided in earlier programs and have proven to be very effective. The third largest portion of the bill is for maintenance facilities, predominantly for aircraft maintenance. It also includes maintenance shops for aircraft ground support equipment and other mobile Air Force equipment. The largest single facility project is the aircraft engine overhaul shop at Kelly Air Force Base, Tex., which I discussed in some detail earlier.

The construction proposed to support the Research and Development effort amounts to $11.7 million, or 4 percent of the recommended amount. There is $4.3 million for additional propulsion test cells at the Arnold Engineering Development Center, Tenn., $2.4 million for an aviation medical research laboratory at Brooks Air Force Base, Tex., and $1.0 million for an electronics research facility at Griffiss Air Force Base, N.Y.

The administrative category contains 3.6 percent of the program at $10.6 million. Significant construction projects are located at Peterson Field, Colo., where a $1.6 million addition to the headquarters is approved and $1.2 million for a vitally needed air base group headquarters at Malmstrom Air Force Base, Mont.

Projects in the utilities category provide augmentation and extensions to existing utilities systems to support the increased demands placed upon them. They are 11 percent of the program at $31.2 million. Many of these projects will also provide environmental protection by improving sewage plant treatment facilities and by converting heating plants to fuels with lower emission of pollutants. Of the amount for utilities, $13.3 million is for environmental protection.

In the support category area, we are providing $31 million, of which $17 million is for the design of facilities in this and future programs, and $14 million is to fund minor construction projects that have been individually determined to be urgent requirements by the Secretary of Defense or the service secretaries.

Approval of $8,000,000 for the Air National Guard and $4,000,000 for the Air Force Reserve has been given by the committee.

FAMILY HOUSING

The committe has approved $804,153,000 in new appropriated funds for the fiscal year 1971 military family housing program. This amount comprises approximately 37 percent of the entire funds appropriated in this bill.

To provide maintenance and operation funds for defense housing, approval has been given in the budgeted amount of $395,686,000. The budget request was for the maintenance and operation of 369,585 housing units during fiscal year 1971.

The approved program will provide for the construction of 8,000 new permanent units and the relocation of 27 units. New construction includes 1,700 units at 12 Army installations, 3,500 units at 10 Navy and Marine Corps bases and 2,800 units at 11 Air Force bases. It is noted that the 8,000 new units provide a significant increase over the 4,800 new units approved for funding in the fiscal year 1970 appropriation. Funds in the amount of $192,522,000 are provided for construction of new housing, $1,470,000 for relocation of existing housing and for construction of trailer court facilities, $19,196,000 for improvements to adequate quarters, $1,200,000 for minor construction, $1 million for planning and $129,000 for rental guarantee payments. The funds approved for construction are in the same amount as that approved in the Military Construction Authorization Act, 1971, plus $8.8 million to finance the authorization for construction of 200 family units for the Malmstrom ABM Site, Mont., and 200 family units for the Grand Forks ABM Site, N. Dak., as authorized in section 401, title IV, Public Law 91–441. This funding provides a reduction of $3,985,000 from the request based on the authorization action in reducing the average unit cost for new housing construction in the 48 contiguous States and Puerto Rico from the $24,000 requested to $23,000 per unit.

The fund allowed by the committee for debt payment is the budget estimate of $164,266,000. This includes $90,538,000 for the payment of debt principal amount owed on Capehart, Wherry, and Commodity Credit financed housing. In addition, $66,248,000 is approved for the payment of interest on mortgage indebtedness on Capehart and Wherry housing and for other expenses relating to the houses in prior years. The committee ap-

proved $7,480,000 for payment to the Federal Housing Administration for premiums on Capehart and Wherry housing mortgage insurance and for the payment of premiums on insurance provided by the FHA for mortgages assumed by active military personnel for houses purchased by them.

The committee also has approved $28,684,000 for leasing of 7,500 domestic and 3,966 foreign family housing units for assignment as public quarters. This provides a reduction of $900,000 from the request and is in consonance with the authorization action which reduced the maximum average domestic unit cost per month for leasing from the $200 requested to the $190 average.

DEFENSE AGENCIES

The committee has approved $46,300,000. This represents an increase of $700,000 in the fiscal year 1971 request and is $12,385,000 above the appropriation for fiscal year 1970.

A wide range of projects is encompassed in the approved program. The Defense Atomic Support Agency has received approval for projects totaling $1,260,000 at Bossier Base, La., and Sandia Base, N. Mex. The committee has restored to the bill the item for a warehouse and sales addition to the main commissary at Sandia Base, N. Mex., in the amount of $575,000. The Defense Supply Agency has received approval in the amount of $6,423,000 for projects at the Defense Construction Supply Center, Columbus, Ohio; the Defense Depot, Ogden, Utah; the Defense Personnel Support Center, Philadelphia, Pa.; and the Defense Depot, Tracy, Calif. The committee has approved $1,617,000 for the National Security Agency, including $700,000 requested for land acquisition at Fort Meade, Md., based on security considerations, which was not considered before the House Appropriations Committee.

The committee has approved the full amount of $35 million requested by the Secretary of Defense for the contingency fund. Based upon previous experience, it is apparent that the Secretary must have a contingency construction fund available from which to draw in unforeseen emergencies worldwide. The committee has also allowed $1 million each requested for planning and minor construction.

Mr. President, I ask unanimous consent that there be included in the RECORD a comparative statement of the appropriations for fiscal year 1970 and the estimates and amounts recommended in the bill for fiscal year 1971.

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

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1971

Item	New budget (obligational) authority, fiscal year 1970	Budget estimates of new (obligational) authority, fiscal year 1971	New budget (obligational) authority recommended in the House bill	Amount recommended by Senate committee	Senate committee bill compared with— New budget (obligational) authority, fiscal year 1970	Budget estimates of new (obligational) authority, fiscal year 1971	House allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Military construction, Army	$287,228,000	$686,100,000	$637,909,000	$653,996,000	+$366,768,000	−$32,104,000	+$16,087,000
Military construction, Navy	300,028,000	339,100,000	285,672,000	309,551,000	+9,523,000	−29,549,000	+23,879,000
Military construction, Air Force	284,327,000	303,500,000	268,831,000	292,409,000	+8,082,000	−11,091,000	+23,578,000
Military construction, Defense Agencies	33,915,000	45,600,000	45,025,000	46,300,000	+12,385,000	+700,000	+1,275,000
Transfer, not to exceed	(20,000,000)	(20,000,000)	(20,000,000)	(20,000,000)			
Military construction, Army National Guard	15,000,000	15,000,000	15,000,000	15,000,000			
Military construction, Air National Guard	13,200,000	8,000,000	8,000,000	8,000,000	−5,200,000		
Military construction, Army Reserve	10,000,000	10,000,000	10,000,000	10,000,000			
Military construction, Naval Reserve	9,600,000	5,000,000	5,000,000	5,000,000	−4,600,000		
Military construction, Air Force Reserve	5,300,000	4,000,000	4,000,000	4,000,000	−1,300,000		
Family housing, defense	688,476,000	809,038,000	808,138,000	804,153,000	+115,677,000	−4,885,000	+3,985,000
Portion applied to debt reduction	−85,784,000	−90,538,000	−90,538,000	−90,538,000	−4,754,000		
Subtotal, family housing	602,692,000	718,500,000	717,600,000	713,615,000	+110,923,000	−4,885,000	−3,895,000
Grand total, new budget (obligational) authority	1,561,290,000	2,134,800,000	1,997,037,000	2,057,871,000	+496,581,000	−76,929,000	+60,834,000

Mr. MANSFIELD. Mr. President, I yield to the Senator from Delaware.

Mr. BOGGS. Mr. President, I join the distinguished Senator from Montana (Mr. MANSFIELD) in urging passage of this appropriations bill.

This bill represents a bare-bones construction plan for our military services. I do not believe there is any project in here which has not been fully justified during the hearing process.

This bill would appropriate $2,148,409,000 for military construction. That figure is $60,834,000 over the figure appropriated by the other body, but $76,929,000 under the budget estimates for fiscal year 1971.

I would like to point out that 37 percent of these funds, or $804 million, is intended for construction and maintenance of family housing. This will provide for maintenance of 369,585 units of family housing and the construction of 8,000 new units.

The PRESIDING OFFICER. The bill is open to amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

Mr. DOLE. Mr. President, I take this time, not to discuss the pending legislation, but to perhaps engage in a brief colloquy with the distinguished majority leader with reference to the conference report on the farm bill.

Mr. MANSFIELD. Mr. President, before we get into that, I would like to pay my compliments to the ranking minority member (Mr. BOGGS) for his faithful, efficient, and dedicated service during the hearings on the subcommittee; to the distinguished senior Senator from Nevada (Mr. BIBLE), who worked so hard, and filled in so well when I could not be there, which was most of the time; and to the distinguished senior Senator from North Dakota (Mr. YOUNG), who attended faithfully and gave us the benefit of his wisdom and counsel.

Because of their efforts, plus the efforts of the Senator from Washington (Mr. JACKSON) and his subcommittee, a reasonably good bill was produced and a reasonable amount of economy was practiced.

If the Senator from Kansas will permit us to pass this bill, I would be prepared to engage in a colloquy thereafter, but we have other business to bring up.

IMPROVEMENTS IN THE PORTSMOUTH NAVAL SHIPYARD ON PASSAGE OF BILL

Mr. McINTYRE. Mr. President, I am gratified that the funds for improvements at the Portsmouth Naval Shipyard are included in the appropriations bill we are now considering on military construction.

These funds are desperately needed to bring about improvements at the shipyard so that it can continue to perform important and vital assignments given it by the Navy.

The Portsmouth Shipyard, now in its 170th year of distinguished service to the Nation, fulfills a major role in America's defense structure. It combines a dedicated staff, workers of great expertise, and an installation which, with the improvements we are funding here today, are capable of providing vital repairs, conversions and construction for the Navy.

I want to especially recognize at this point the efforts of my friend, the able and distinguished Senator from Washington, (Mr. JACKSON), who as chairman of the Military Construction Subcommittee of the Senate Armed Services Committee saw the need for the authorization of these funds for the Portsmouth Shipyard and included them in the bill reported from the Senate Armed Services Committee and passed by the Senate.

Finally, I want to say a special word of praise for my distinguished and able senior colleague from New Hampshire,

(Mr. COTTON), who has always done such yeoman service for the Portsmouth Shipyard throughout the years of its trials and tribulations. I know his leadership on the Appropriations Committee has protected the interests of the shipyard in this instance.

The PRESIDING OFFICER (Mr. GRAVEL). This bill having been read the third time, the question is, Shall it pass?

The bill (H. R. 17970) was passed.

Mr. MANSFIELD. Mr. President, I move that the Senate insist upon its amendments to H.R. 17970, the military construction appropriation bill, and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. MANSFIELD, Mr. BIBLE, Mr. PROXMIRE, Mr. YARBOROUGH, Mr. RUSSELL, Mr. BOGGS, Mr. PEARSON, Mr. FONG, Mr. YOUNG of North Dakota, Mr. SYMINGTON, and Mr. GOLDWATER conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, I extend my compliments to Mike Rexroad of the Appropriations Committee staff who is just as diligent, efficient, effective, cooperative, and understanding as they come. I shall elaborate my remarks on this point later. I also wish to thank Gordon Nease of the Armed Services Committee staff for his fine work on this bill.

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

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

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

Mr. MANSFIELD. I yield briefly to the Senator from Mississippi.

Mr. STENNIS. Just one sentence. I highly commend the Senator from Montana and all his associates on the subcommittee. This is not an easy bill to handle; it has many problems that have to be worked out and ironed out. I especially commend him for the manner in which this matter has been handled on the floor today.

Mr. MANSFIELD. I thank the Senator from Mississippi.

Mr. YARBOROUGH. Mr. President, as a member of the Senate Appropriations Subcommittee on Military Construction, I commend the distinguished chairman of the subcommittee (Mr. MANSFIELD) for his leadership and diligence in working on this year's military construction appropriations bill.

He has brought here a much better bill than the House bill. For example, included in this appropriations bill is $60,684,000 for projects at 18 different military installations in the State of Texas. This represents an increase of almost 55 percent over the $39,362,000 which was appropriated by the House of Representatives for military construction in Texas. These projects are designed primarily to enhance the housing, training, and medical facilities which are so important not only to our national security, but also for the health and morale of our military personnel and their dependents.

In reference to Texas projects, the Senate military construction appropriations bill includes $20,043,000 for the Army, $8,403,000 for the Navy, and $32,238,000 for the Air Force. All of these funds are vitally needed, and I have worked for, and will continue to support every project covered by them.

I am particularly pleased that the Senate bill includes $6,251,000 for use at the Naval Air Station in Corpus Christi, Tex. This is $4,204,000 more than was provided by the House. A portion of this additional appropriation, $3.4 million, is urgently needed for the restoration of facilities which were damaged, or destroyed by Hurricane Celia which struck Corpus Christi on August 3, 1970. Also included in the Senate bill is $804,000 for a jet engine maintenance shop at the Naval Air Station which will enhance the operational efficiency relating to the repair of these engines.

An appropriation of $1.9 million was provided by the House for the Naval Hospital at Corpus Christi, and I am delighted that this money was retained in the Senate's version of the bill.

This appropriations bill restores $15,741,000 for the construction of an engine overhaul facility at Kelly Air Force Base. This money, which is needed to replace presently obsolete structures, was not appropriated by the House and will enable the Air Force to achieve savings in just 1 year which will amortize the cost of the project.

I am also gratified that the committee agreed to include $15,496,000 for the construction of a 2,800-man dormitory complex and an electrical distribution system to replace deteriorating World War II barracks at Fort Sam Houston, at San Antonio, one of the most prestigious military posts in America. These were temporary buildings, which had become worn out and unusable, and the House of Representatives ignored that great need. This bill recognizes it.

The Senate bill contains $337,000 for Bergstrom Air Force Base, as compared with $262,000 which was allowed by the House. The additional $75,000 over and above the amount allowed in the House will be used for an engine test facility which is needed at the Bergstrom base. This bill also contains $809,000 which was not in the House bill for a moving target simulator at Fort Bliss. This device will save the military considerable expense by improving the efficiency of the training of air defense gunners by the Army.

I am hopeful that the funding levels which are incorporated in the Senate version of the military construction appropriations bill will be accepted by the House of Representatives. Any substantial cutback of these programs would seriously jeopardize not only the well-being of our military personnel and their families, but also the economic stability of the areas in which they are stationed. This bill provides appropriations for Texas projects as follows:

Name of installation	*Cost*
ARMY	
Aeronautical Maintenance Center	$3,738,000
Fort Bliss	809,000
Fort Sam Houston	15,496,000
Subtotal	20,043,000
NAVY	
Naval Hospital, Corpus Christi	1,900,000
NAS, Corpus Christi	6,357,000
NAV Inactive Ship Maintenance Orange	146,000
Subtotal	8,403,000
AIR FORCE	
Bergstrom AFB, Austin	337,000
Brooks AFB, San Antonio	2,414,000
Dyess, AFB, Abilene	150,000
Goodfellow AFB, San Angelo	1,216,000
Kelly AFB, San Antonio	18,060,000
Lackland AFB, San Antonio	55,000
Laredo AFB, Laredo	762,000
Laughlin AFB, Del Rio	396,000
Randolph AFB, San Antonio	1,112,000
Reese AFB, Lubbock	1,136,000
Sheppard AFB, Wichita Falls	6,251,000
Webb AFB, Big Springs	349,000
Subtotal	32,238,000
Total	60,684,000

I was at Corpus Christi shortly after Hurricane Celia had destroyed a good part of that city and had destroyed a good part of the hospital at the Navy base, at the naval air station. This bill allows money to restore that hospital, to rebuild it. The $6,251,000 is needed for the naval air station. It is $4,204,000 more than the House provided.

I again commend the distinguished majority leader for having such a realistic bill that meets the needs so much better than the House bill, particularly in the instance of the hospital destroyed by Hurricane Celia at the naval air station at Corpus Christi.

I say to the distinguished Senator from Montana that when he goes to conference, I hope the House will accept the Senate amendments. The Senate bill is a much better bill.

Mr. MANSFIELD. We will do our best.

EQUAL RIGHTS FOR MEN AND WOMEN

The PRESIDING OFFICER (Mr. GRAVEL). Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read the title, as follows:

A joint resolution (H.J. Res. 264) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

The Senate proceeded to consider the joint resolution.

Mr. BAYH. Mr. President, the pending order of business is the equal rights amendment, which was dealt a rather harsh blow yesterday. I do not say "harsh" to be critical of those who disagreed with the Senator from Indiana. But, in the judgment of the Senator from Indiana, yesterday was a sad day. Because of yesterday's vote, on behalf of myself and the distinguished Senator from Kentucky (Mr. COOK), I am now sending to the desk an amendment to House Joint Resolution 264. I ask unanimous consent that the distinguished Senator from Michigan (Mr. GRIFFIN), and the distinguished Senator from New York (Mr. GOODELL) and any other Senators who desire to cosponsor it be added as additional cosponsors, now or at an appropriate time later in the day.

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

The amendment will be received, printed, and will lie on the table.

Mr. BAYH. Mr. President, yesterday was a sad day. It was a sad day not only for the advocates of the equal rights amendment, but for all those who believe that the Senate should consider its actions carefully and proceed upon important matters in an orderly and rational manner.

It is unthinkable to me that this body could, without any advance warning, and with a minimum of debate, bring to the floor and attach to the equal rights amendment a measure with such dangerous and far-reaching implications as the so-called prayer amendment. I do not intend to detail here today the reasons why I find the prospects of the prayer amendment so restrictive of the fundamental liberties of all Americans. At this moment I will not dwell at length on my opposition to that piece of legislation, but I will do so at some length at a later time.

The dangers were admirably pointed out yesterday, as they have been in the past, by one of our Nation's foremost constitutional authorities in this area, the distinguished Senator from North Carolina.

I have joined with the Senator in the past to indicate my fear of imposing the requirement of prayer—even the so-called nondenominational prayer—on children of different faiths and beliefs. I have indicated before my fear of placing in the hands of Governors and State legislators the decision whether or not our children will pray in the classroom, and when they will pray, and how they will pray. But I do not rise today to debate the merits of the so-called prayer amendment.

I rise, Mr. President, to try to suggest a way that we can bring order and reason back into this debate. I do not believe that we can give fair consideration to the equal rights amendment when we are faced with amendments suddenly brought to the floor on the eve of elections and without anything approaching an adequate opportunity for consideration. I believe it is absolutely clear that we cannot proceed to final consideration of the equal rights amendment until we return in November. I hope that the distinguished majority leader will make it the pending order of business after we return.

In addition, Mr. President, I think we must recognize that the equal rights amendment has been subject to very strong criticism in this body. In addition to the extraneous amendment adopted yesterday, we also adopted the amendment of the Senator from North Carolina dealing with compulsory military service. A number of other amendments have also been introduced, amendments providing additional exemptions from the application of the equal rights amendment. These amendments would provide exemptions designed to protect the "health" or "safety" or "privacy" or "education" or "economic welfare" of women, or "to enable them to perform their duties as homemakers or mothers."

Mr. President, we must recognize that it has all too often been under the guise of protection that women have been discriminated against under the law. And we must recognize that enshrining into the Constitution these specific exemptions would be an affront to the dignity of American women, a demeaning change in the fundamental law of the land.

I do not mean to contend that the precise language of the equal rights amendment as it passed the House of Representatives has any special magic. We must recognize that House Joint Resolution 264 must already be returned to the House, either for approval there or for a conference. And we must recognize that this language has not been revised in some time, indeed, over a period of time which has seen a dramatic evolution in our concepts of constitutional equality.

Mr. President, I am today proposing that we consider a revision of the equal rights amendment, a revision designed to provide most of the affirmative benefits which are sought by its sponsors, while meeting the objections of its most articulate critics.

Those of us who support the equal rights amendment have done so because we believe that the 14th amendment guarantee of equal protection of the law must be extended to cases involving discrimination on account of sex. Indeed, the record shows that under the 14th amendment the Supreme Court—although often presented with the opportunity—has never invalidated State action discriminating between the sexes. As the distinguished Representative from Michigan, Mrs. GRIFFITHS, the principal sponsor of the amendment in the House, indicated in a letter to all Members of the Senate:

> Most opponents and all supporters of this Amendment agree that the Fourteenth Amendment, properly interpreted, would make the new Amendment redundant. . . ."

The major objective of the sponsors, therefore, has been to assure that the 14th amendment protection of equality is extended to cases of discrimination on account of sex.

The opponents of the equal rights amendment have contended that the current language is excessively restrictive. Their objections are perhaps best summarized by the testimony of Prof. Paul Freund of the Harvard Law School, who takes the position that "not every legal differentiation between boys and girls, men and women, husbands and wives, is of" an "obnoxious character, and that to compress all these relationships into one tight little formula is to invite confusion, anomaly, and dismay." Mr. President, I have argued on the floor over the period of the last week that there was indeed flexibility built into the equal rights amendment. In my view, and in the view of Mrs. GRIFFITHS, the amendment would allow State action differentiating between the sexes in the cases of "overriding and compelling public interest." But yesterday's vote on the amendment offered by the Senator from North Carolina suggests that the Members of this body are not prepared to accept that judgment.

We are then faced with the cold facts of life. In the judgment of the Senator from Indiana, we are not going to have any action, we are not going to be able to succeed at all, if we retain the present terminology of the equal rights amendment. As I said earlier, this is a sad day. But we must face reality, and hopefully we can get something constructive out of the chaos and the tragedy that befell this important work yesterday.

These, then, are the conflicting concerns that face us—insuring the equal protection of the laws to those who have been discriminated against an account of sex, while recognizing the need for a flexible standard in cases where different treatment under the law may be justified. Mr. President, I am today proposing an amendment which I believe would accommodate both of these important objectives. The essence of my amendment would be the incorporation of the specific language of the equal protection clause of the 14th amendment, and the application of that language expressly to cases of discrimination on account of sex. The crucial section of my amendment would read as follows:

> Neither the United States nor any State shall on account of sex, deny to any person within its jurisdiction the equal protection of the laws.

The amendment would also recognize some of the other criticisms voiced against the House-passed version. It would require ratification within 7 years. It would provide for a 2-year delay in effective date rather than a 1-year delay. And it would provide in language identical to the 14th amendment that "the Congress shall have power to enforce, by appropriate legislation, the provisions of this article," thus correcting a potential ambiguity noted by Professor Freund and by Dean Louis Pollak of the Yale Law School.

I am asking that the amendment lie on the table that we all may have a chance to study it during the recess. I hope that after the recess we all will agree that this new language gives us the opportunity, once and for all, to strike away the last vestiges of discrimination against the women of our country.

Mr. President my proposed amendment would have the following effects:

First, this amendment would make it absolutely clear that the Congress and the country do not agree with the implication of the Supreme Court's decisions in this area. Many scholars have contended that these decisions were likely to fall, in time, in any case. The Court's 14th amendment standards have evolved dramatically in recent time. But this amendment would remove any doubt whatsoever, by making the will of the Congress and of the States explicit.

Second, I believe that this amendment would accomplish the great bulk of the specific items of reform sought by the proponents of the equal rights amendment. Passage of this amendment—or passage of the equal rights amendment without change—would do no more than encourage and require the courts and the legislatures to take a fresh look at these specific areas of abuse, under a newly clarified mandate. In my judgment, most if not all of the few serious remaining statutory discriminations that would have been eliminated by the equal

rights amendment would fall under my amendment.

Third, the amendment would clearly prevent the kind of restrictive interpretation and disruptive application which the critics have feared. By relying upon the language of the equal protection clause, the amendment would incorporate a vast body of history and judicial precedent, a vast body of experience in dealing with the most difficult questions of discrimination. The standards of application under the 14th amendment have developed into a coherent and comprehensive body of law. And in cases involving important personal rights—such as those we are dealing with in the case of discrimination on account of sex—the courts have developed standards involving a painstaking examination of the grounds asserted as requiring the discrimination. There can be no doubt that this amendment would assure the kind of continuity and consistency for which the opponents of House Joint Resolution 264 have been arguing.

Fourth, and most important, this amendment would retain the most essential benefit of the equal rights amendment—the extraordinary symbolic value of a national mandate in the area of discrimination on account of sex. The addition of this amendment to the Constitution would symbolize our dedication to the cause of equal protection for all Americans. It would demonstrate our determination to insure that we are all in fact equal in the eyes of the law.

Mr. President, I do not expect to seek a vote on my amendment today. I ask that it be printed in the RECORD, so that it may be studied by our colleagues over the recess ahead. I would like to get the views of some leading authorities on this specific proposal. We have not yet had an opportunity to do that. I hope that when we return in November we can give this amendment the kind of careful consideration to which this body is accustomed, and I hope that we will determine to add this amendment to the fundamental law of the land.

The text of the amendment is as follows:

AMENDMENT No. 1062

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 of the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. Neither the United States nor any State shall, on account of sex, deny to any person within its jurisdiction the equal protection of the laws:

"SEC. 2. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

"SEC. 3. This article shall take effect two years after the date of ratification."

Mr. JAVITS. If the Senator will yield right there. The Senator is a fine leader in this field; he has done a great thing to adopt this approach.

I would like to join him in the introduction of this substitute for the equal rights amendment, which I would not be doing were it not for the adoption yesterday by the Senate of amendments which practically kill the measure. I had announced my intention to introduce the very same substitute this morning.

I have been for the original measure and I did not wish to confuse the situation. However, I feel that this is a very much better legal approach to accomplish what so many of the women in America want to see accomplished and, at the same time, deal in a very generic way with the fears of many who were concerned with the unforeseeable consequences of the original equal rights amendment.

Mr. BAYH. It would be an honor to have the Senator from New York adding his prestige and influence to this amendment.

Mr. President, we have had our heads against the wall. The events of yesterday proved conclusively that despite our determination, we were not going to be able to succeed. I hoped and prayed that we would be successful, but we are not at the present.

The question now becomes: How do we bring some measure of success out of the ashes of yesterday's defeat? I believe this will accomplish almost all, if not all of the goals of the previous amendment. Therefore, I urge the Senate to consider it carefully.

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

Mr. BAYH. I am happy to yield to the Senator from Kentucky. He has been very helpful in this struggle.

Mr. COOK. Mr. President, the junior Senator from Indiana and I are offering today an amendment in the nature of a substitute which we think may well bring about the equal treatment of women under the law which was, of course, the purpose of Senate Joint Resolution 61. We offer this amendment not knowing at this time whether it will be satisfactory to the various womens' groups who have worked so hard for passage of a constitutional amendment guaranteeing equal treatment under the law regardless of sex. We introduce this amendment on the last day before the preelection recess so that all parties interested in this cause will have an opportunity to study the matter and so that we may acquire legal opinions from various law professors in the country who have expressed an interest in this subject before we return on November 16, at which time House Joint Resolution 264 will again be the pending business.

The advocates of the equal rights amendment which passed the House of Representatives, including myself, have argued that the 14th amendment should have rendered this effort unnecesary. It is for this reason that the Senator from Indiana and I offer today an amendment in the nature of a substitute which embodies the langauge of the 14th amendment, but adds "on account of sex," what we have done here is to literally write sex into the language of the 14th amendment. In addition, in order to meet other objections raised by opponents of the House-passed measure, we have included in the preamble a provision to require that this amendment must be ratified by three-quarters of the State legislatures within 7 years. In a further effort to accommodate those who have had other minor objections, we have drafted section 3 of this substitute amendment to allow an effective date of 2 years after date of ratification.

Mr. President, we do not know whether this amendment will be acceptable, but we offer it in the spirit of seeking to secure passage of a constitutional amendment which will, at last, wipe out all vestiges of sex discrimination under the law.

Mr. President, I ask unanimous consent to have the following material printed in the RECORD: A news release from the National Federation of Republican Women; an article written by Elizabeth Shelton, entitled "Proamendment Professors"; an editorial published in the Washington Post of October 13, 1970, entitled "The Women's Rights Amendment"; a letter of October 12, 1970, from my office on the equal rights amendment; and a letter from the American Newspaper Guild of October 13, 1970.

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

NATIONAL FEDERATION OF REPUBLICAN WOMEN,
Washington, D.C., Sept. 1, 1970.

A JOINT STATEMENT ON THE EQUAL RIGHTS AMENDMENT

As representatives of large organizations of women approving the Equal Rights Amendment as it was passed by the House of Representatives in House Joint Resolution No. 264, we urge passage in the Senate of the same Resolution without change and without amendments.

1. Our position was not assumed lightly, abrasively, nor frivolously. Both constitutional amendments and federal legislation have failed to be recognized by the Supreme Court as establishing equality for women, or even to apply to women. We feel that the Equal Rights Amendment now before the United States Senate is the one unequivocal, enduring method of establishing women as equals before the law, and providing equal opportunity within our society.

2. Because of superficial arguments being advanced in opposition to the Equal Rights Amendment we reject the notion that either state or federal laws, subject to court interpretation, can remedy the injustices at issue, and we reject as spurious the idea that equality will endanger our "health, safety, privacy, education, or economic welfare," or diminish our capabilities as "homemakers and mothers."

3. The Equal Rights Amendment is not new. It has been before Congress for 47 years. It is supported by the largest and most responsible women's organizations in the United States. We are not Johnny-come-latelys to this struggle but for years have worked diligently and constructively for justice and equality. We have no desire and no intent to disturb marriage and the family, which are the foundations of Western Civilization. We are proud to be American women.

ELLY PETERSON,
Assistant Chairman,
Republican National Committee.
GLADYS O'DONNELL,
President, National Federation
of Republican Women.
MARY LOU BURG,
Vice Chairman,
Democratic National Committee.
HARRIET CIPRIANI,
Deputy Vice Chairman,
Democratic National Committee.

PROAMENDMENT PROFESSORS

(By Elizabeth Shelton)

Eleven Harvard Law School professors have sent telegrams to 20 members of the U.S. Senate urging them to vote for the Equal Rights Amendment already passed by the House.

The telegrams were sent as rebuttals to anti-amendment testimony by Harvard Law Prof. Paul Freund before the Senate Judiciary Committee earlier this month when it was considering a substitute amendment written by Sen. Sam J. Ervin Jr. (D-N.C.). The substitute measure would alter the Equal Rights Amendment by preserving state labor laws which were written a half-century ago to give special treatment to women factory workers.

"The undersigned are members of the Harvard Law School faculty," the jointly signed telegram, which went out Sunday night, reads "Having considered the legal arguments against the Equal Rights Amendment, we urge you to vote for the amendment without change."

The telegram was written by Brenda Feigen Fasteau, Harvard law graduate who is vice president in charge of legislation for the National Organization for Women.

Those signing it were Professors Derrick Bell, Robert Braucher, Abram Chayes, Jerome Cohen, Vern Countryman, Alan Dershowitz, Philip Heymann, Charles Nesson, Samuel Thorne, Lawrence Tribe and Lloyd Weinreb.

Meanwhile, opponents of the amendment have mailed brochures to all senators, claiming that the Equal Rights Amendment is "an attractive slogan" and asking, ". . . but is it a good law?" They claim that it is not necessary and will deprive women of some of the rights they now have.

Among those endorsing the brochure is the International Union of Electrical, Radio and Machine Workers, which is involved in three court suits challenging Ohio labor laws on behalf of women employees. The suits against Westinghouse and General Motors were brought as a result of Equal Employment Opportunity Commission decisions that women electrical workers were victims of discrimination.

Ohio labor laws prohibit women from lifting more than 25 pounds. As a result, women were laid off and young men were promoted into their jobs. Some of the women lost two years of wages and two years of seniority.

Over the past weekend, the executive board of the American Civil Liberties Union reversed its long-time stand and decided to support the Equal Rights Amendment.

[From the Washington Post, Oct. 13, 1970]

THE WOMEN'S RIGHTS AMENDMENT

As far as we have been able to sort out the arguments being made in the Senate against the women's rights amendments, they come down to three basic points. One is that there is no serious discrimination against women and that this whole idea of equal rights is silly. The second is that whatever discriminations may exist can be disposed of to the satisfaction of women under the 14th Amendment's equal protection clause. The third is that this particular amendment is sloppily drafted and will result in years of litigation until its full meaning is clear.

There is a case now pending before the Supreme Court that seems to us to be a satisfactory answer to the first two arguments. It is not an important case in itself, since it deals with a subject that arises only rarely. But the philosophy that underlies the action of the lower courts is precisely the philosophy that the more thoughtful leaders of the women's rights movement are fighting.

This particular case arose out in Idaho when the parents of a deceased child squabbled over which of them should be appointed administrator of his estate. Like many other states (and the District of Columbia), Idaho has a law that tells judges what classes of persons to prefer in making such appointments. The children of a deceased, for instance, get preference over the parents. But where children (or parents) dispute the appointment the law says "males must be preferred to females."

Anyway you look at that law, it discriminates against women because of their sex. And it is not the only such law of its kind on the books. In 11 states, special restrictions are placed on the right of married women to make contracts although not on married men. In five states, a married woman must get the approval of a court before she can establish an independent business. In at least eight states, women cannot sign leases until they are 21 although men can sign at 18. In nine states, women are not permitted to mix, sell or dispense alcoholic beverages in public. This ought to be a sufficient catalogue, although there are many more examples, to convince anyone that legal discrimination against women does exist. There is no sense or justice in this kind of discrimination in modern America.

But, say opponents of the proposed amendment, discriminations of this kind can be eliminated under the 14th Amendment's equal protection clause. That clause, which says a state cannot deny anyone "equal protection of the laws," is the clause used to strike down all forms of discrimination because of race. Presumably it will now be used to strike down all forms of discrimination because of sex.

The trouble with that argument is that the clause hasn't been and is not being used for that purpose. It took a constitutional amendment to give women the right to vote because the courts said the equal protection clause did not apply to them. And the discriminations mentioned above are still being upheld in the face of equal protection objections. Just this spring, the Idaho Supreme Court unanimously upheld that law discriminating against women in the appointment of administrators. It cavalierly waived aside the entire argument, stating that the distinction between men and women was perfectly justified as a means of curtailing litigation over which person the judge should appoint. Although the court's logic would apply equally to a law giving preference, in an inter-racial marriage, to the white parent over the black parent, or to a blue-eyed parent over a brown-eyed parent, such a law would not have a chance of surviving the 14th Amendment's ban against arbitrary distinctions. This law survived, it seems clear to us, only because the Idaho justices, and many other judges, regard any reason, no matter how slender, as sufficient to justify discrimination against women. And that, we think, is sufficient to destroy the otherwise impeccable logic of those who oppose this constitutional amendment on the ground that it is not needed.

This leaves only the third argument against the amendment as it stands before the Senate, the argument that it is imprecise and will breed litigation. It is imprecise, as are almost all of the major clauses of the Constitution because it must cover more than just one situation. It will breed litigation, as do all the important clauses of the Constitution, because there are many wrongs that need to be righted. Neither charge against it is valid and the fears of its opponents that it will operate to deprive women of special rights seem to us to be largely strawmen. The amendment is needed and it ought to be passed by the Senate now.

U.S. SENATE,
COMMITTEE ON COMMERCE,
October 12, 1970.

Re the equal rights amendment.

DEAR SENATOR: Last Friday I made a rather lengthy speech concerning the House-passed Equal Rights Amendment. During the course of my remarks I inserted several statements in the Record indicating the position of the President of the United States on this proposal. I am informed by White House aides that although there has been no recent statement from the Administration in support of the Equal Rights Amendment, the President remains firm in his support as indicated by a letter of July, 1968 which you will find in the Congressional Record of October 9, 1970 on page S 17654.

I hope the Republican Party will have a record of overwhelming support for the House-passed Equal Rights Amendment without alteration.

With best wishes.

Sincerely yours,

MARLOW W. COOK,
U.S. Senator.

AMERICAN NEWSPAPER GUILD,
Washington, D.C., October 13, 1970.

Senator MARLOW W. COOK,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR COOK: The following resolution was passed yesterday, October 13, by the International Executive Board of the American Newspaper Guild:

"As members of the U.S. Senate have previously been informed—in a joint communication from American Newspaper Guild President Charles A. Perlik, Jr., United Auto Workers President Leonard Woodcock, and American Federation of Teachers Legislative Representative Carl J. Megel—the Equal Rights Amendment to the U.S. Constitution is supported by the American Newspaper Guild, an international union representing some 35,000 advertising, business office, circulation and news and editorial workers in the newspaper, news magazine and wire news service industries.

"The Equal Rights Amendment was endorsed by the 1970 American Newspaper Guild Convention in June in the form subsequently approved by the House of Representatives. The Convention's 199 delegates, elected by rank and file members in the U.S. and Canada, declared that the Equal Rights Amendment is "consistent with the American Newspaper Guild's existing constitutional provisions for equality without regard to sex—as well as age, religion or national origin."

"The 1970 American Newspaper Guild Convention also reaffirmed American Newspaper Guild support of home-rule for the residents of the District of Columbia and endorsed elected representation for the District in Congress.

"As the International Executive Board of the American Newspaper Guild begins its annual autumn meeting in Washington, D.C., the Equal Rights Amendment is being considered on the floor of the Senate.

"The International Executive Board notes that some members of the Senate have proposed amendments to the Equal Rights Amendment as it was passed by the House, while other members of the Senate have proposed "riders" to the Equal Rights Amendment, including at least one which would amend the Constitution to give the District of Columbia voting representation in both houses of Congress.

"The 800,000 residents of the District of Columbia clearly are entitled to as full a measure of citizenship as residents of the nation's 50 states—including the right to elected, voting representation in the Congress. If there ever existed a rationale for denying them full citizenship it has long ceased to exist.

"However, the millennium has not yet arrived in the U.S. Each of the proposed Constitutional Amendments has encountered its own difficulties in the Congress. Each can be expected to encounter more before securing approval of the requisite state legislatures. It is only a matter of hours before the 91st

Congress recesses for the November elections. It will reconvene for but a few weeks following the elections. The unfinished business before the Congress is much and complex. To amend the Equal Rights Amendment or to couple it with elected, voting representation in Congress for the District, or any other worthy proposal, is to assure that neither will receive the necessary approval from the 91st Congress. Attachment of riders would also increase geometrically the difficulty of securing the state legislative actions necessary to effectuate the amendments.

"The International Executive Board of the American Newspaper Guild therefore calls upon the Senate to approve forthwith the Equal Rights Amendment as it was passed by the House of Representatives, (H.R. Res. 264)."

Sincerely,

CHARLES A. PERLIK, JR.,
President.

Mr. GRIFFIN. Mr. President, I am glad to join with the Senator from Indiana (Mr. BAYH) in the introduction of this particular proposal. It is a proposal which can and should be adopted to become an amendment to the Constitution guaranteeing equal rights for women.

This amendment would clear up whatever doubt exists as to the applicability to women of the equal protection clause of the 14th amendment.

I believe this proposal represents the right and the best approach. It is an approach that I can wholeheartedly support.

I believe this proposal will open the door to adoption of an equal rights amendment to the Constitution. If this proposal were adopted, the long history of Supreme Court decisions interpreting the equal protection clause of the 14th amendment would be available as precedent for interpretation of this equal rights amendment. If we adopt the language of this proposal, it could be said that we would know what we are doing. Unfortunately, that could not really be said with respect to the earlier version of the equal rights amendment.

While I have not opposed the earlier version of the equal rights amendment, I was not a cosponsor simply because there were so many unanswered questions about it and the effects it would have.

By using language similar to that which appears in the equal protection clause of the 14th amendment as the basis for an equal rights for women amendment, I feel confident that we can narrow the areas of doubt and that we can attract the support needed for adoption in Congress and ratification by the States.

Accordingly, I am pleased to associate myself with the remarks of the Senator from Indiana (Mr. BAYH) and with this proposed amendment.

Mr. BAYH. I appreciate the remarks of my friend from Michigan, as well as the distinguished Senator from Kentucky, who has, as I said earlier, waited so patiently through all the hearings and worked with me as we labored to try to get the original language adopted.

Obviously, on yesterday, we were doomed to no further success or progress at all on this 47-year effort that the women of America have been making to get equal treatment under the law.

Mr. President, I ask unanimous consent that the name of the distinguished Senator from Kansas (Mr. DOLE), be added as cosponsor. I ask once again that all Members of the Senate and, hopefully, some of our colleagues in the House will look at the language during the recess to see if there are any flaws we have not yet uncovered. I am sure we all want to make the strongest effort to see that the women of America are treated equally in the eyes of the law.

Mr. COOK. Let me say to all Senators now in the Chamber that in the debate, when we return, we have, at least, I think, eliminated one of the things that we spent so much time on; namely, the creative language that was in the then pending resolution.

We now find ourselves with constitutional language already in. We now find ourselves with no change in the language which has stood the test of the courts and the Supreme Court of the United States for many, many years.

We will at least have eliminated any doubt as to the clarification of the language because we have lifted the language from the present 14th amendment to the Constitution.

Mr. MANSFIELD. Mr. President, first let me say that I was not a cosponsor of the original equal rights amendment to the Constitution. I was a supporter. I am a supporter. I hope that we can get something as close to the original resolution which was taken up by this body and which now has been changed, to some extent.

SENATOR MOSS RECEIVES "BETTER LIFE AWARD"

Mr. CHURCH. Mr. President, at its annual convention in Miami, Fla., recently, the American Nursing Home Association paid tribute to one of the best friends it has in the U.S. Senate, the Senator from Utah (Mr. Moss).

It gave to Senator Moss its coveted "Better Life Award," as a way of expressing appreciation to the Senator for helping nursing home operators achieve higher standards of nursing care, and thus improve the lives of those Americans who must spend any part of their days in a nursing home.

Since there are now more than a million Americans in nursing homes out across the country, and medical science is lengthening the life span each year, there will undoubtedly be many more of our ill and our elderly in nursing homes in the years ahead, so improvements in the field of long-term medical care loom more important each day.

This award was, in many ways, an unusual one in that it was presented by an organization which is "regulated" by the Federal Government to one of those who helps formulate those regulations. This in itself is a special tribute to Senator Moss—and to his fairness and understanding.

The Senator, who is involved in a reelection campaign in Utah, could not be in Miami to accept the award, but he sent his son Brian, to represent him, and to make the inspiring and informative speech the Senator had prepared on his work as chairman of two subcommittees of the Senate Committee on the Elderly—the Subcommittee on Housing for the Elderly and the Subcommittee on Long-term Care.

I ask unanimous consent that the speech by Senator Moss be printed in the RECORD.

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

SPEECH OF SENATOR FRANK E. MOSS

My friends of the American Nursing Home Association: You do me great honor here today and I sincerely wish that I could have adjusted my schedule to address you in person. In my place I am sending my number 2 son, Brian, who is easily the best looking member of the family. Brian carries with him the speech that I had planned to deliver to you.

Permit me if you will a few remarks about what your award means to me before I begin the discussion of the most important issues and problems with which we are currently confronted.

It is always a pleasure to receive an award from an important national association but I must say that it is a particular pleasure for me to be the recipient of the better life ward of your American Nursing Home Association.

It is a particular pleasure because I have given generous amounts of my time in the United States Senate to the study of nursing home problems. As you know I have served as chairman of the subcommittee on long-term care of the U.S. Senate special committee on aging for the past seven years. During this time, I have toured the country to detail nursing home problems; and I became the author of substantial legislation which had the intent of raising standards in nursing homes.

As you know, my subcommittee has held a series of hearings this year and because of the more than substantial federal interest in nursing homes, it is probable that similar hearings will be held in the future. Unfortunately, we must deal with problems; and it has been a source of great regret to me that we sometimes give the idea that there is nothing positive in the nursing home industry. Nothing could be farther from the truth.

In the hearings we have conducted this year and those to come in the future, I have insisted that we emphasize the positive as much as possible; that we point out the many innovative nursing homes which can serve as models for the future. Make no mistake that I continue my fight for higher standards of care and that I am the enemy of abuse and those who take advantage of the system. This is as it should be because I am an elected representative charged with the responsibility for protecting the federal interest. At the same time, I assure this association of a fair shake in the hearings I will be conducting in the future. I also promise that I will take your part as I did this year if I find that the federal government is not treating you fairly.

In short, I am one of those who had a principal role in regulating your daily affairs—be that for better or for worse. I have tried to be even handed—to substitute constructive criticism for sensationalism. This is why your award means so much to me. By granting me this award you are saying: "Although we don't always agree with you Senator Moss, we respect your integrity and your good faith."

Your giving me this award also serves another function. It puts the American Nursing Home Association even more solidly on record for higher standards in nursing homes. It also gives me the opportunity to remind the general public that your association supported my 1967 amendments even though these amendments had a restrictive effect on some nursing home operations in the name of raising higher standards.

I don't know why some people simply like to assume that you are in favor of lower

standards and that you would look the other way when a few nursing homes abuse the system. In my experience this has not been the case. I find genuine concern here. The worst nursing homes in this country largely are not members of ANHA or any other association. Still, I would encourage you to continue to clean your own house—to press for higher standards within the association because a few bad homes can generate a mountain of adverse publicity. This point was illustrated for me years ago by one of my teachers and I have never forgotten it.

My teacher held up a blank piece of white paper. She took her pencil and put a tiny black spot in the lower left hand corner. Then she asked us what we could see. All of us responded that we could see a black spot in the lower left hand corner. At that time my teacher pointed out that all of us had neglected to mention all the white space all around—all we could see was the black spot.

I will come back to this point, but I would like at this time to express my sincere appreciation to the members of this association for the honor you bestow upon me here today. I am grateful.

Let me now proceed with my discussion of the problems in the field of long-term care. That these problems are important is obvious from the facts.

As you know there are some 25 thousand nursing homes across the country and they house better than one million Americans. Since 1950 nursing homes have increased their share of the U.S. health dollar from one percent to four percent and nursing home revenues now run about 2.5 billion dollars. Two out of three of these dollars comes from the Federal Treasury.

While there were 3 million people over 65 in 1900 there are 21 million elderly in the United States today. This represents a 100 percent growth in just 70 years.

These statistics make several points. First, more and more people are living longer and longer. More and more of our citizens will need nursing home care in the future and the Federal Government has more than a substantial interest in the nursing home industry. In fact, I know of no industry which is so wedded to the Federal Government as the nursing home industry. Any change in policy or direction by the Federal Government in terms of its commitment to the nursing home industry has a dramatic effect on the industry. It is for this reason that those of us in the Federal Government must exercise extreme caution.

I am extremely happy to see that the finance committee of the Senate has seen the need for caution. I refer to Section 225(a) of the House passed Social Security Bill, H.R. 17550.

As you know, the House passed bill would require that Federal matching funds going to the States under the medicaid program would be cut back by one third after the patient has been in a nursing home 90 days. This section of the bill would grant to the States a 25 percent bonus if the States elected to treat individuals through home health services rather than through their nursing home systems.

The House Ways and Means Committee indicated that Section 225(a) was a solution to the problem of overutilization of medicaid. Others have viewed Section 225(a) as the implementation of the suggestion by President Nixon that the Federal Government does not belong in the field of long-term care. I want to take these policy reasons one at a time starting with the latter.

All of us will remember the President's speech from a few months back in which he cited 57 agencies in the Government which he marked for abolition because he said they had outlived their usefulness. One of these agencies was the Federal Board of Tea Tasters. Sandwiched curiously in this proposal was the suggestion that the Federal Government does not belong in the field of long-term care. The President noted that $235 million could be saved if the Federal Government would once again return long-term care to being a State and local responsibility.

Our hearings in the early 60's are replete with the information that the States could not afford to pay for long-term care and this was a principal reason for the enactment of the Federal medicaid program. Now that all of the States are participating in medicaid—relying on medicaid, comes the gloomy news of a pending arbitrary Federal withdrawal. As you know, I have made several speeches in the Senate protesting this foolhardy proposal. I pointed out my own State of Utah would lose $2 million which is proportionately just as great a loss to us the loss of $105 million by New York or the loss of $18 million by Oklahoma. And then, too, the word of the Federal Government should have some credibility. When we court the participation of nursing homes or any other private enterprise group into a Federal program, there should be reasonable assurances about the continuity of the Federal program.

All too often those who enter into partnership with the Federal Government have learned that it is a one-sided contract from which the Government can withdraw at will. I sincerely hope that I have had a major part in keeping the Federal Government from pulling the rug out from under the medicaid program. I know the objectionable language has been deleted from the Senate version of the bill and the projections for keeping it out when the two bills go to conference is good.

I hope the action of the finance committee at least has the effect of answering the President's suggestion that the Federal Government does not belong in the field of long-term care. I strongly believe that the Government does belong in this field.

The one million Americans who fill your homes are by and large the most unfortunate members of society. They suffer the compound burdens of illness and advanced age. Many do not have families or kin. Most have outlived their friends. They have no one to care for them and they are unable to care for themselves. I ask, what is our policy with regard to these people in America?

I answer my own question by saying that we have a wishy-washy policy. We haven't really decided what our policy is towards our ill elderly. Some are content in thinking that with social security and medicare we have taken care of the needs of this group. This is not true. I say that it is about time we put ourselves on record. I say that it is time that the Federal Government announced its unequivocable and irrevocable commitment to the care of the ill elderly.

I would like to see the day that cuts are made in defense spending or on spending for space or the supersonic transport when times got rough rather than on programs for the elderly and handicapped. But it is easier to cut programs for the elderly because they lack political punch. They cannot offer the promise of dollars to political candidates. Nor does this group vote as a cohesive block. And then, too, those who are occupying nursing home beds may be too ill even to vote. All of this is most unfortunate.

Going back to section 225(a) and the suggestion of the Ways and Means Committee that medicaid nursing home beds are overutilized, I have a few comments. First, I don't believe it is true. Why? Because medicaid rates are already much too low. In California you are getting $14 a day and in Michigan you get $14.48 a day even though the audited cost of county owned homes in Michigan exceeds $20 a day. The second reason is that you must render a wide range of services to these medicaid patients. These patients average 85 years of age; most of them have at least one chronic or crippling disease. Those who require the full spectrum of skilled nursing home care probably never will be made well enough to return to their homes. Within this context, the choice is either you give the patient care or you don't. If you do he will need it for a long period of time. Accordingly, the decision to give care can hardly be described as overutilization.

Assuming for one moment, that medicaid nursing homes are overutilized, it is my contention that there are better ways of meeting the problem than by cutting back the share of Federal matching funds. The problem here is that the Congress of necessity must pass general legislation which is refined by administrative regulations. When the Congress attacks a problem with a statute its motions are akin to the wielding of an ax. Those of us in the Congress often wish that we had some other instrument which would give us precision movements like a surgeon's scalpel.

I suggested in one of my previous speeches that if overutilization was a problem that it could not be solved by wielding the Federal financial tax from the pinnacles of Capitol Hill. The way to solve the problem is with the programs of utilization review which are currently in existence. I know utilization review creates some problems for you but at least you can live with it. I suggest you would have a hard time living with a summary pullout of Federal matching funds.

Putting 225(a) aside with our hopes that the language deleted by the Senate Finance Committee will stay deleted when the bill goes to conference, let me say just a word or two about the medicare program.

On April 10 of this year I took the Senate floor to tell the Congress of the step-by-step dismantling of the medicare nursing home program. I learned of this from my Senate hearings in which some of you participated.

You know what has happened better than anyone. I can only give you my regrets. Putting aside the question of whether the Congress intended the extended care program to be on a wide base or whether it was intended to be a narrow post-hospital-post operative program—a few things are clear.

The medicare program in the Johnson administration became an expansive program with the only limitations that a patient be in a hospital for three days and that a physician would certify his continuing need for medical services and that those services were actually rendered. For my part, I argued that the three-day requirement was superfluous. But at least you knew what criteria you had to meet to receive Federal funds.

It is also clear that the Federal program upon which you were relying was abruptly pulled out from under you which led me to say earlier this year that "medicare is beginning to take on the color of another broken promise." I learned from you that accepting a medicare patient was about as unpredictable as putting a quarter in a slot machine. I still empathize with the nursing home patient who has it on the authority of his medicare handbook that he has a guaranteed 100 days in a nursing home. I still sympathize with those of you who have had to break these bubbles of misconception and often suffer financial loss as well.

I know that medicare probably seems like a bad dream to some of you and that you would like something besides my sympathy to salve your wounds. I would hope that the program could be re-instituted as it was when the pressures on our economy abate. But even looking at the experience in past tense, I do believe it was valuable. I believe the medicare program elevated the status of nursing homes. It made them more than ever before medical institutions and part of the medical continuum. I believe that the extended care program did much to improve the image of nursing homes.

Its your image that I want to talk about next. It ties in with what I was saying earlier about a few bad homes generating a mountain of adverse publicity. In-depth psychological research reveals that most people tend to look at nursing homes as the first step of an inevitable slide to oblivion. The

senior citizens think of the hospital and the nursing home in different terms. They say to themselves that with the hospital they have a chance. They have seen many of their friends go into a hospital and come out again. However, they have not seen many of their friends return from the nursing home to society.

This is the notion that we must dispell. I find it essential that we do everything possible to improve the image of nursing homes. With improved services this should follow automatically. The answer I suggest is rehabilitation. Once you can show to the public that it is possible to go into a nursing home and return to society, your image problem will be solved. I fully recognize that some people can never be rehabilitated under this definition. For those who cannot return to society, rehabilitation should be defined in terms of making sure that the patient continues to function to the best of his ability during his stay in the home.

My first recommendation was that we must dispel the notion that all nursing homes are a kind of purgatory. We can do that by improved services with special emphasis on rehabilitation.

My second recommendation for improving the many aspects of long-term care is aimed at the government. We must come to grips with the fact that good nursing home care is expensive. And if it is really our policy in this society to care for our ill elderly, this cost should be met. We must be willing to pay the price for the higher standards we seek. Fourteen dollars a day is ludicrous.

My third recommendation has been suggested in the earlier part of my speech and that is that this association become to some degree, self-regulatory. I would like to see you adopt and enforce a stronger code of ethics like all the major professions and make admission to membership of this association an even greater privilege than it is. I would like to see membership in this association as a standard of excellence, I would like to see you holding your *own* hearings censuring those bad providers and opportunists who blacken your image.

My fourth recommendation is that this association continue its fight to condemn the unfortunate practice of using retirement hotels to function as nursing homes. These hotels in many states are exempt from the strict fire, food, and safety codes that all of you must observe. Nor do owners of these hotels bother to become licensed. The elderly live in these unfortunte dwellings for the singular reason that they are inexpensive. The answer here perhaps is greater income for the elderly.

My fifth recommendation is that together we call for federal financial support of state training programs to provide personnel for our nursing homes. In past years the industry has built 2 to 3 nursing homes every day of the year and competent nurses and assistants must be found who have a genuine interest and concern for elderly citizens. Another factor in this great need for additional personnel is the high turnover rate you experience. I am told by the department of labor that your turnover rate for all nursing personnel is 60 percent and that it runs as high as 71 percent for registered nurses.

Again, good nurses and personnel are expensive. This means that the states and the federal government must look toward a substantial increase in rates paid to nursing homes.

My sixth recommendation is that the standards and the rate of compensation for intermediate care institutions be revised and raised. I have written to the medical services administration to find out why the intermediate care standards were lowered. I learned from some of the members of your Washington staff that the association got the blame for the watered down standards while your position is once again in favor of the higher standards.

And now if you will permit me just a few words in closing. I would like to compliment you for undertaking what my good friend Dr. Victor Kassel calls "the most difficult job in the world." I want to thank you for working hard to make pleasant the last days some Americans spend on this earth.

It is little wonder nursing homes are such a controversial entity because up until the last 25 years nursing homes were warehouses for the living dead and depositories of our guilt. We wanted nursing homes hidden away from the mainstream of our society so that we would not have to see and suffer anew the shame and embarrassment.

Thankfully, nursing homes have begun to come out from under this society imposed shroud. Thankfully nursing homes are now attractive buildings in the centers of the city. Thankfully, a nursing home owner is becoming more and more a professional and an accepted member of society. But the day still appears to be far away when children will be heard to say that they want to be nursing home owners when they grow up. This must change. Change and priorities are the hallmarks of the 1970's. Excellent nursing homes must become better. New methods must give way to still newer and better methods. As a society we must adjust our priorities so that care for the elderly in our society ranks ahead of questionable defense spending and building a supersonic transport.

What is most important to this development is that the lines of communication remain open. I have been grateful for the good working relationship with your Washington staff. We have often exchanged points of view. We have not always adopted each other's point of view, but at least we received some appreciation for the problems and needs of others. I hope we can continue to communicate. I look forward to your letters and to sharing your concerns.

My sincere thanks again for this great honor.

MARY McCONNELL BORAH IS 100 YEARS OLD

Mr. CHURCH. Mr. President, the charming and witty Mary McConnell Borah, widow of Senator William E. Borah, will be 100 years old on Saturday, October 17. I wish today to congratulate her on the centennial anniversary of her birth and to salute her admirable spirit that has never grown old during the long course of her eventful lifetime.

We in Idaho are very proud of Mary Borah. As she told Suzanne Taylor recently in an interview:

I seemed to have earned the title of Methuselah.

But she warned:

Don't ask me my rules for reaching such an astonishing age, for I assure you I have none. I have never partaken of the grain, the grape or the weed.

She confessed:

Yet many who have reached the century mark plus agree that they have always smoked, imbibed and frolicked about, so this abstemious record perhaps is not all the reason I'm still here.

Mary Borah has lived long and seen much, symbolizing the essence of that Robert Browning poem:

Grow old with me!
The best is yet to be,
The last of life,
For which, the first is made.

Born in Arcata, Calif., in 1870, her family, having crossed the Great Plains in early Oregon days, set up a general store in Moscow, Idaho, shortly thereafter. Because of the deep interest of her father, W. J. McConnell, in public life, Mary made her acquaintance with politics at an early age. She helped her father in his efforts to obtain statehood for Idaho, which occurred in 1891, and then to become the first U.S. Senator from our State. When McConnell became Idaho's third Governor, Mary was her father's part-time secretary and hostess.

It was in the statehouse in Boise that "Billie" Borah met the fair Mary; the up-and-coming young trial lawyer was the Governor's administrative assistant. They were married on April 21, 1895, and were each other's partners in politics until Senator Borah died here in Washington in 1940.

"Billie" and "Little" Borah came to the Nation's Capital in 1907. While her husband pursued his famous career as a progressive, independent legislator, his wife kept pace. Borah became known as the "Lion of Idaho" and Mary, in her own right became a lioness of Washington society. But, as she recently recalled:

It wasn't all parties and fun.

During World War I, when shell-shocked soldiers and others mentally disturbed by the horrors of war were brought to St. Elizabeth's in Washington for treatment, I, with others who had been deep in Red Cross and war work, became constant visitors at this mental hospital in an attempt to bring back reality to our boys.

She recalled:

Finally, I had a serious attack of nervous exhaustion and my doctor ordered me back to Idaho for a rest.

She quickly recovered.

As an indication of Mary's watchful eye over her husband, she often complained about his careless dressing habits. Mary objected to his dilapidated hats and unpressed baggy clothes. He once said in his own defense to his wife:

Why, only today, I was complimented by a Senator on being the best dressed man in the Senate.

Mary Borah was quick to reply:

Yes, and I know who that Senator was; it was Senator Gore.

She retorted, referring to the blind Senator from Oklahoma.

By voting his conscience, Bill Borah became a great Senator. He acted like "a rogue elephant," Mary recalls, charging through the "jungles of falsities toward the truth." She was the female partner, carrying forth her duties to make a comfortable home and quiet study for the man who became the Nation's leading foreign policy legislator and critic.

As for the intensifying current desire of women in this country to achieve equal status with their male counterparts, Mary Borah recently remarked in an interview:

It's just an extension of women's urge to become full citizens, no matter how. You know the Senator never voted for the suffrage amendment because he considered it unconstitutional. Personally, I think women should have equal employment opportunities

and pay commensurate with their ability, the same as men. To paraphrase *Animal Farm*, "Every one is equal, only men are more equal than women!"

Wise old Benjamin Franklin must have had Mary Borah in mind when he said:

Old age is a lusty winter. Frosty, but kindly.

Happy birthday, Mary Borah.

NEW CUBAN CRISIS WANES

Mr. CHURCH. Mr. President, as chairman of the Senate Subcommittee on Western Hemisphere Affairs, I would like to bring the Senate up to date on the latest developments pertaining to Soviet activities in Cuba.

On October 1, my subcommittee was briefed by members of the Defense Intelligence Agency on alleged Soviet military construction in Cuba. Warnings had been sounded by high administration officials that Russia was constructing a "permanent" nuclear submarine base on the southern coast of Cuba at Cienfuegos Bay. The evidence presented to the subcommittee, however, was speculative and inconclusive, so much so, in fact, that Defense Secretary Laird, on October 11, did not find it appropriate to repeat the White House briefer's warning that the administration viewed the development "with the utmost seriousness" and would "take such action that seems indicated." The Secretary said, rather, that there was no evidence that the Soviets had used the facility for submarines as yet. Russian military involvement at Cienfuegos remained a matter of conjecture.

Yesterday, the administration disclosed that Russian naval vessels, including a submarine tender, previously anchored in Cienfuegos Bay, had left the port Saturday morning and were heading eastward toward open sea.

Mr. D. Henkin, the Defense Department's spokesman, said that the departure of the tender "makes it less likely" that the port would be used for Russian submarine operations.

Meanwhile, the Soviet Government said yesterday, it "has not and is not building" a military base in Cuba. It charged that the reports of the administration here were a "concoction." TASS, the official Russian news agency, said that the Soviet Union "is not doing anything that would contradict the understanding reached between the Government of the U.S.S.R. and the United States in 1962."

Moscow specifically commented that they would uphold the 1962 agreement and "will adhere to it in the future, too, proceeding from the assumption that the American side will also strictly fulfill this understanding."

At the State Department, spokesman Robert McClosky said the Department considered the TASS statement "to be positive," but added that the United States "will continue to watch the situation."

The New York Times disclosed today that—

The extent of the construction being carried out by Cuban laborers for the Soviet Navy at Cienfuegos amounted to two single-story barracks—which a qualified source described as resembling a "chicken house"—plus a soccer field, a tennis court, and an exercise field.

There are no Soviet naval personnel ashore, insofar as can be determined, and the pace of construction appears to be leisurely.

I believe these latest disclosures tend to bear out the appraisal of the situation I made 2 weeks ago following the briefing my subcommittee received from DIA.

I said then that the evidence of facilities being built in Cuba was much too thin and inconclusive to warrant the conclusion that the Russians were constructing a major submarine base in Cienfuegos Bay.

Naturally, my subcommittee will continue to follow all Soviet activity in Cuba. Meanwhile, I think the administration should take the precaution in the future of keeping its public utterances on this sensitive subject strictly commensurate with the established facts.

AMERICAN ARMS TO PAKISTAN CONDEMNED

Mr. CHURCH. Mr. President, the United States was badly burned in the 1965 war between Pakistan and India by having contributed large quantities of arms which were used in that conflict. In announcing that we are once again providing lethal weapons to Pakistan—according to several news reports, this deal entails a squadron of F–104A's, seven B–57's, 300 armored personnel carriers, and other items from our surplus stock sold at the cut-rate price of $15 million—it could be only a matter of time before recent history repeats itself and the United States is burned again.

These additional weapons of war will only exacerbate the Indian-Pakistan rivalry. Since Pakistan regards India as its prime enemy, these new weapons, particularly the planes, will appear threatening to Delhi. In turn, India will no doubt seek new sophisticated surface-to-air missiles for defense of its forward cities, stock up on SU–7 bombers, and perhaps add more Mig jet fighters to offset the new Pakistani Starfighters. Inevitably, the arms race on the subcontinent will accelerate, increasing the risk of a fourth Indo-Pakistan war.

The new American arms sale to Pakistan is a major policy change from the autumn of 1965 when the President stopped arms shipments to both countries; the British concurred in this arms embargo. In April 1967, we announced an alteration, but still retained our embargo on sending lethal arms to either India or Pakistan.

This 5-year arms limitation policy greatly helped to ease the tensions on both sides. It seemed we had learned from the tragic events of the 3-week war of 1965, when Pakistan and India exhausted each other on the plains of the Punjab, that increasing the availability of weapons is concommitant to increasing the probability of their use.

In that fratricidal encounter, Pakistan employed tanks, aircraft, artillery, and ammunition, which we had been supplying them since 1954. The Pakistan military forces were led by officers trained under our military assistance program. India fought with British and Russian arms. Held in a state of alert in eastern India were Indian divisions the United States had trained and supplied, beginning in late 1962, to counteract feared new Chinese attacks in the Himalayas.

Prior to the last Indo-Pakistan war, I had sought a reduction in our military assistance to Pakistan. I repeatedly warned that the arms we were supplying Pakistan would eventually be used against India, not against Russia or China.

The events of August and September 1965 bore out my worst apprehensions. In the end, both sides made us the scapegoat of the costly, bloody struggle; at the conclusion of which the Soviet Union stepped in to become the peacemaker.

It now appears that our arms bureaucracy has finally prevailed on this administration to start plying Pakistan again with American weapons. Unfortunately, this will not win over the military elite in Rawalpindi, as we are invariably told. Instead, it will inject an unsettling influence, stimulating another arms race between two impoverished countries, neither of which being able to afford it.

What do we gain by this 180-degree turnabout in policy? The Indian Government has already filed a formal protest, both here and in New Delhi. When the Indian Parliament reconvenes in November, the voices of outrage at the resumption of arms deliveries to Rawalpindi, will reverberate throughout the country.

The Indian press, as influential in molding public opinion as the press in this country, has begun a campaign of harsh anti-American criticism. It is obvious that we have not learned from our past mistakes.

I ask unanimous consent that recent press reports relating to our sale of weapons to Pakistan, plus an editorial on America's arms policy in general, be printed at this point in the RECORD.

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

[From the Washington Post, Oct. 8, 1970]

UNITED STATES AGREES TO SELL ARMS TO PAKISTANIS

(By A. D. Horne)

The United States has agreed to sell arms to Pakistan for the first time since the 1965 Kashmir war, State Department officials said yesterday.

Informed sources said the major items involved included 300 armored personnel carriers, 18 F–104A Starfighter supersonic interceptors and seven B–57 Canberra bombers. The sources said the administration had placed a ceiling of about $15 million on the total to be sold, but cautioned that the figures could be held down by listing equipment as "excess"—that is, marked down to 25 to 30 per cent of original cost.

The State Department officials would not confirm either the total value or the kind of arms involved. They stressed that the sale offer was "a limited exception" to the general arms embargo which they said remains in effect for both India and Pakistan.

As adjusted in April, 1967, the embargo allows both countries to buy nonlethal items such as transport, medical and communica-

tions equipment plus spare parts for weapons previously supplied.

Pakistan has pressed the United States to lift the embargo, arguing that its armed forces were heavily dependent on American arms while India had its own and Soviet sources. India, and American ambassadors to India, have argued against ending the embargo.

Most of the public debate on the issue in the past three years has centered on Pakistan's attempt to buy 200 M-48 medium tanks. The Johnson administration tried to arrange an indirect sale of 100 such tanks through various third countries, without success.

The present decision, officials insisted, does not involve any tanks.

[From the New York Times, Oct. 11, 1970]

U.S. AIDES IN INDIA CONCERNED OVER SALE OF ARMS TO PAKISTAN

NEW DELHI, October 10.—United States Embassy officials here are concerned over a possible counter-move by the Indian Government in retaliation for the United States decision to resume the sale of arms to Pakistan, India's hostile neighbor.

"They [the Indians] could make a lot of trouble for us, if they wanted to," said one embassy official, unhappy over the arms decision.

The White House decision, which was made some time ago but came to light only this week, ended more than a year of speculative reports that the Nixon Administration intended to end the United States embargo imposed on arms to India and Pakistan following their brief 1965 war over Kashmir.

Reliable sources here said the arms included twin-jet B-57 Canberra bombers, F-104 jet fighters and armored personnel carriers. The sources said the deal involved no tanks—which to many Indians are the symbol of Pakistani hostility, since Pakistan threw heavy tank forces into northwestern India in the last battles of the three-week war in 1965.

NO CLUE ON INDIAN ACTION

So far, the Indians have given no clue as to what steps, if any, they will take. Some observers, however, think New Delhi might retaliate by granting full diplomatic recognition to North Vietnam or by establishing some diplomatic link with the Vietcong's provisional revolutionary government—moves which the United States has been trying to discourage for some time.

The only official Indian reaction to the United States decision was a formal protest, made both in Washington and at the American Embassy here, saying that the resumption of arms sales to "a country which has already launched three unprovoked aggressions against us cannot but cause to the people and Government of this country the gravest concern."

U.S. DEFENDS MOVE

The Nixon Administration contends that the arms sale will not upset the existing military balance between India and Pakistan—an argument the Soviet Union uses to justify its arms aid to Pakistan. Washington has long been piqued by the fact that United States arms aid to Pakistan always draws much more vehement criticism from the Indians than does similar Soviet aid.

The value of the new arms sale has not been disclosed. Estimates range from $15 million to $40 million.

American officials here stressed that the sale was "a one-time, limited exception to the embargo," and "not an opening of the gates" to a renewal of a regular, annual military assistance program. "The embargo policy continues," insisted one United States diplomat. But the Americans acknowledged there was no guarantee against future exceptions.

"I have a feeling," said one Indian Foreign Ministry official, "that this is only the first installment of many. The explosion in Parliament is going to be terrible."

[From the Baltimore Sun, Oct. 11, 1970]

ARMS TO PAKISTAN

India's quick and vigorous protest against a reported Washington decision to sell new arms to Pakistan was altogether to be expected. The Ministry of External Affairs in New Delhi calls this a transaction in "lethal arms," and if the reports are accurate so it is: they mention, besides armored personnel carriers, 18 supersonic interceptors and 7 Canberra bombers.

The State Department refers to the sale offer as a "limited exception" to the general embargo imposed on arms sales to India or Pakistan at the time of the 1965 war—adjusted in 1967 to allow both countries to buy nonlethal items such as spare parts for weapons previously supplied, transport and medical and communications materiel.

The American position, which seems to accept the Pakistani argument that India has access to its own and Soviet arms sources while Pakistan must depend solely on the United States, is that the new supplies will not upset the military balance in South Asia. India is said to have been so assured.

But India remembers American assurances before 1965 that arms supplied to Pakistan would not be used against India, as of course in the event they were; and New Delhi knows, if Washington still does not, that fear of India is the first and dominant reason for Pakistan's wanting to be effectively armed.

Even granted that these new arms are hardly massive, there are certain conditions Washington might have considered more carefully before offering them. One is the fact that we do not know accurately what the temper of the present Pakistani government is, much less what the temper of Pakistan may be after the elections scheduled later in the year. Another is the probability that Prime Minister Gandhi's rightist-militant opponents will now try to increase their pressure on her for the fabrication of nuclear weapons. The situation in South Asia is dangerous enough, without that.

[From the New York Times, Oct. 11, 1970]

ARMS FOR PAKISTAN

As if it did not already have enough trouble trying to defuse perilous international conflicts in the Middle East and Southeast Asia, the United States Government is—incredibly—adding fuel to another potentially explosive situation in South Asia. The State Department confirms the report that this country has decided to sell arms to Pakistan in what a spokesman describes as "a limited exception" to the prudent arms embargo that was imposed on both India and Pakistan after their 1965 war.

This "exception" in fact represents a major break in the embargo, far more serious than modifications made in 1967 when it was decided to sell spare parts to the Pakistanis and to make available non-lethal equipment to both sides. Although the department denies that tanks will be included in the proposed arms deal, it does not dispute reports that armed personnel carriers, fighter planes and bombers are involved. The spokesman explained that Pakistan felt disadvantaged by the embargo, even as modified, because most of its military equipment prior to 1965 was of American manufacture.

What the department failed to note was that the Pakistanis have been receiving arms from both the Soviet Union and China in recent years and are engaged in an arms race with India that is forcing both countries to divert desperately needed resources from domestic development. Additional American arms aid to Pakistan will not promote the security of Pakistan or stability in the area. Rather it will encourage India to seek further arms assistance, probably from the Soviet Union. It may even swing the balance in India to those who have been pressing for an Indian nuclear force, a development that would have repercussions far beyond South Asia.

Instead of selling more arms to the Pakistanis—or to the Indians, for that matter—the United States should be employing its resources to help reverse the downward trend in economic assistance to the area in order to counteract the appalling poverty that increasingly threatens the stability of both countries. If Communism is at least to gain an upper hand in either place, it is more likely to result from internal causes than from any influence Moscow and Peking might gain through their own short-sighted arms deals.

Instead of arming either side for another round of conflict, the United States should be using all its diplomatic energies to try to resolve the divisive issues—Kashmir and India's Farakka Barrage on the Ganges—that threaten to engulf the subcontinent once more in fratricidal war. Arming friendly powers to fight their own battles may be sound doctrine in some cases, but it hardly makes sense for the United States to arm friends to fight each other.

[From the Baltimore Sun, June 6, 1970]

UNITED STATES MAY LIFT EMBARGO ON ARMS SALES TO PAKISTAN

(By Adam Clymer)

WASHINGTON, July 5.—The embargo on arms sales to Pakistan, a key element of American policy in South Asia since 1965, may soon be lifted, informed sources said today.

Pakistan, armed almost exclusively by the United States until its 1965 war with India, is seeking Patton tanks and jet fighters.

A recommendation to resume sales is understood to have gone to the National Security Council and perhaps to President Nixon, although the State Department is reported to be opposed to any change in the policy. Since 1965, lethal arms have been barred to India and Pakistan.

State and Defense Department spokesmen would say today only that the issue is "under review." William P. Rogers, Secretary of State, said at his press conference last week, "We are actively considering it," but "no decision . . . has been made on that yet."

Senator J. William Fulbright (D., Ark.), chairman of the Senate Foreign Relations Committee, is understood to have written Mr. Rogers this week, asking if a decision has been made, and calling on the secretary to consult with the committee before Pakistan is told of any change in policy.

The department, with Mr. Rogers traveling in Asia, has not replied.

Pakistan officials welcomed President Nixon's election enthusiastically, hoping it would restore the easy access to American arms which that nation obtained when he was vice president. And the subject was discussed when President Nixon visited Lahore last July and met with General A. M. Yahya Khan, Pakistan's martial-law President.

But all Pakistan has to show to date from the Nixon administration has been a commitment, announced early last year, that the policy would be reviewed. One American official called it recently "a perpetual review." In the meantime, deliveries of Soviet arms, which were first promised in 1968, have continued, with more promised recently when General Vahya visited Moscow.

Periodic reports of an impending deal for Patton tanks have stirred dismay in India in recent years.

Any administration decision would presumably allow sales on equal terms to India, but New Delhi is by now reliant on Soviet

planes and ships and has not pressed for more of the air-defense and mountain-fighting gear—about $80 million worth—which it got from the United States between 1962 and 1965. Pakistan, in contrast, is still heavily equipped with American arms, valued between $1.2 billion and $1.5 billion, and could easily use more.

CALLED UNWISE INVESTMENT

Senator Fulbright, questioning U. Alexis Johnson, under secretary of state for political affairs, on March 24, criticized a plan to transfer Patton tanks, now owned by Turkey, to Pakistan, with the United States replacing the ones Turkey would give up. "I would think our experience there would be enough to know that it would be a very unwise investment," he said.

But sources today suggested that the administration is not currently thinking about a deal through a third country, but rather, a direct sale. Such a sale would have to await final passage of the military sales bill, the subject of six weeks of Senate debate. The sources noted that the administration did not fight a successful effort, in the Senate version of the bill, to bar such third-country transfers of American arms.

Pakistan is believed to be most interested in Patton tanks, which cost in the neighborhood of $130,000 each, but plans may also involve aircraft. The Pakistan Air Force is heavily equipped with subsonic F–86 fighter planes, and also has squadrons of Supersonic F–104's and French Mirage IIIE's, and Chinese-built subsonic MIG–19's.

[From the New York Times, Mar. 21, 1970]

TOPICS: WILL WE EVER LEARN IN ASIA?

(By Chester Bowles)

Some months ago it was rumored that pressures were developing within the Nixon Administration to approve the sale to Pakistan of 100 American tanks which we had previously given to Turkey under NATO agreements. Now, according to several authoritative sources, this proposal has actually "reached the President's desk" for his final approval.

This news is all the more disquieting because it coincides with the recent recommendations of the House Armed Services Committee that the "loan" of an American submarine to Pakistan, which was authorized ten or twelve years ago, should be renewed.

Has the United States Government lost all sense of direction in Asia? Can it learn nothing from past mistakes?

American military assistance to Pakistan in the last fifteen years will, I believe, be listed by historians as among our most costly blunders. In a period in which costly mistakes came thick and fast, this program was launched in February 1954, when John Foster Dulles somehow succeeded in persuading President Eisenhower and Congress that a U.S.-equipped Pakistan Army could be counted on to challenge any Soviet or Chinese military threat toward the Arabian Sea or the Bay of Bengal.

When the bizarre nature of this assumption became evident, new justifications for the military aid program to Pakistan were quickly produced. In the late 1950's, for instance, these military assistance grants were said to be necessary to assure continued use of the U.S. Peshawar Air Base in Pakistan from which the U-2 planes took off on their flights across the Soviet Union. After these flights had been abandoned, Congress and the public were told that the base was "essential to our national security" as an observation post.

MILITARY AID UNSTOPPABLE

When President Johnson cut off our military aid to Pakistan following the outbreak of the "Three Weeks' War" between Pakistan and India in September 1965, Pakistan promptly reacted by announcing that our lease on the Peshawar base would not be renewed.

But experience has shown that, once established, any military assistance program, however wrongly conceived, is difficult to stop. A few months after announcing this cutoff the Johnson Administration agreed to the sale of spare parts for Pakistani tanks, which had been procured under the American Military Assistance program. They had been damaged in the war with India and an effort was begun to seek means of replacing some of the tanks demolished or captured.

What followed has been fully reported by the press. Since these tanks had been given to Pakistan on the solemn assurance, underwritten by Presidents Eisenhower, Kennedy and Johnson and five successive American Ambassadors to India (including myself), that they would never be used against India, it was proposed that the replacements should be procured through a third government, to appear less conspicuous.

First an effort was made to persuade the West Germans, then the Belgians, then the Italians, and finally the Turks to "sell" 100 semi-obsolescent U.S. tanks to Pakistan for a nominal price with the assurance that the United States Government would "approve" the sale (necessary under Military Assistance requirements). Then the Pakistan tanks would be replaced with modern ones "to strengthen our NATO forces."

Predictably these "third governments" (all of which were reluctant to become a party to this gambit) leaked the story to the press. After a period of uncertainty the Johnson Administration, already caught in a "credibility gap" in Southeast Asia and elsewhere, decided not to widen the gap further.

This brings us to a disturbing question. Why should the Nixon Administration in the year 1970, with a relatively clean slate, seriously consider a proposal that would simply repeat the blunders and shabby diplomatic gambits of its predecessors? And why should the Congress renew the loan of a submarine to Pakistan, whose only possible function would be to sink Indian ships?

NIXON DOCTRINE?

Are the Administration's new "Nixon Doctrine" and Congress' expressed determination to limit our military commitments simply fresh examples of the usual empty rhetoric by our leaders in dealing with Asia?

Whose interests would be served by such decisions? Certainly not the interests of the American people in Asia. Or the cause of world peace. Or the welfare of the people of Pakistan, who need tractors, not tanks. A few military leaders in Pakistan would be helped and, perhaps, the American firms that manufacture the tanks.

[From the New York Times, Jan. 3, 1970]

PLOWSHARES INTO SWORDS

Pope Paul's New Year's Day criticism of advanced nations which reinforce their economies by "the trading of arms to poor nations lacking plows, schools and hospitals" leaves few, if any, of the industrialized countries untouched, but it particularly hits home in the United States.

This nation leads the field in supplying a $3- to $4-billion annual international arms market. The burdens of an accelerating world arms race are especially heavy on the developing countries. They are currently increasing military expenditures at a rate faster than their rates of economic growth, thus progressively reducing the proportion of scarce resources available for raising the living standards of their people.

The fault, of course, does not all lie with the United States. The leaders of developing nations are themselves primarily responsible for diverting funds into dangerous, unproductive military buildups. Other developed countries, especially the Soviet Union, have spurred the arms race in the Third World by their reckless promotion of arms expansion.

But the United States, as the world's leading weapons producer, has a special responsibility to lead the way in curbing the international arms market. In the Middle East, in South Asia and elsewhere, the United States has persistently supplied weapons to both sides in conflicts it should have sought to dampen through vigorous efforts to discourage arms accumulation.

Prospects of more prudent arms policies in the future are not enhanced by a recent State Department report which concludes that arms embargoes against smaller countries do not effectively influence policy in those countries. This may be true. But it begs the more important question raised by the Pope—namely, whether supplying arms to countries that cannot afford them and may turn them against their neighbors advances the interest of mankind in a more productive and peaceful world order.

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

Mr. CHURCH. I am happy to yield to the distinguished Senator from Ohio.

Mr. SAXBE. Mr. President, I would like to ask the Senator from Idaho some questions. However, first I compliment the Senator on his statement. As a senior member of the Foreign Relations Committee, his statement carries a great deal more weight than what I said on the floor of the Senate this week.

I was both dismayed and perplexed at the decision to resume arms sales.

In that vein of thought, I would like to ask the following question of the Senator from Idaho.

Our Government has said that these aircraft to Pakistan are to influence the Pakistan military elite. Does the Senator from Idaho believe we can "influence" another country's leadership in this manner?

Mr. CHURCH. Events since 1945 have indicated the opposite, yet this kind of erroneous thinking continues to underlie the motivation of our overseas military assistance program. We have the naive notion that, through supplying the military establishment of some foreign country with certain sophisticated weapons which the generals might desire, the United States somehow secures a lasting influence on that elite class.

Yet, time and time again this theory has been disproved. I wonder why we persist in it. I wonder why the Russians also fall victim to the same error. I recall in Algeria, for example, where the Russians had supplied the newly independent government of Ben Bella with large quantities of military equipment and supplies. Then, shortly thereafter, the very tanks the Russians had provided that government were used to depose Ben Bella. The army took over running Algeria.

We had similar experiences in the Mideast; we have had similar experiences elsewhere. On the basis of these experiences, we should have learned by now that foreign military armies feel allegiance to no governments other than their own, and all too frequently they feel no allegiance even to their own. This is one reason why so many countries, at this time in world history, are occupied by their own military forces, without being committed to developing a quality

of economic and social life for the people of their country.

Mr. SAXBE. What would we hope to gain by sales—even if you discount that element—to these countries in the subcontinent?

Mr. CHURCH. We will gain nothing but ill will. The cost politically is very high. The actual return to us in dollars is negligible since this equipment is greatly reduced in price, being sold only at a fraction of its original cost to the United States. When we balance out the political price we pay for this policy against the highly doubtful benefit that might accrue, the scales are heavily weighted against the resumption of sales of weapons to the Pakistan military government.

Mr. SAXBE. When we think that there is Pakistan, which is a SEATO ally, and we reflect upon their contribution to our efforts to maintain peace in Southeast Asia, and I am thinking specifically of the Indochinese war, can we expect anything or have we gotten anything from Pakistan in regard to our desperate situation there?

Mr. CHURCH. No. As the Senator knows full well, the SEATO treaty has been honored only in the breach. Pakistan has refused to take any part whatever in the war in Southeast Asia. Other countries that are members of the SEATO pact, countries like New Zealand and Australia, have at least contributed token forces. Pakistan has in no way participated. For the most part it has condemned the American war effort in Vietnam, as it has American peace initiatives in the Middle East.

Mr. SAXBE. Very well. Let us turn to the Middle East situation which is the hot spot of international diplomacy at present. Is the regiment which Pakistan has stationed in Jordan equipped with weapons we have supplied it and is it possible there might be a deployment of these weapons against Israel?

Mr. CHURCH. It is altogether possible that Pakistan might decide to intervene militarily in the Middle East against Israel. After all, we have been fooled before on how our MAP weapons were deployed. One of the largest military assistance programs that we ever undertook in Asia was with Pakistan. For years we supplied immense quantities of arms and equipment to the Pakistan forces on the theory that these forces would be used by the Pakistanis to contain the Communists to the north; yet, throughout that time, Pakistan looked upon India, the world's most populous democracy, as its potential enemy. Ultimately, these weapons were utilized by Pakistan, not against Russia or Red China, but against its neighbor, India.

Mr. SAXBE. Could Congress have any role in trying to prevent an arms race between India and Pakistan?

Mr. CHURCH. Congress could play a role if there were votes enough in Congress to lay down a prohibition against resumption of this arms traffic with either country. I hope we might work toward that possibility. However, in the past, as the Senator knows, Congress has been very reluctant to establish any prohibition against transferring arms to particular countries on the theory that this is best left to the President, while Congress should content itself with simply determining the overall size of the program.

I strongly believe that the failure of our arms policies in the past is enough to justify much more positive congressional policymaking. As you well know, I felt that way a few months ago when the United States invaded Cambodia. In the area of war and peace, Congress should be asserting much more authority, imposing, if need be, statutory limitations on the transfer of lethal arms and materiel.

Mr. SAXBE. As a senior member of the Committee on Foreign Relations the Senator would know the answer to this much better than I. Was there any consultation at all on this major policy change? For instance, the Senator from Kentucky (Mr. COOPER), former Ambassador to India and one who has maintained very close connections and knowledge on these problems, might have been called. Was there any effort to call on him or other Senators with similar knowledge?

Mr. CHURCH. To my knowledge, the Committee on Foreign Relations was not advised in advance. Once the decision had been reached, we were advised in the most perfunctory way. There was no consultation with the committee. I am unaware that there was any consultation with the Senator from Kentucky, although he is a member of the committee and has particular knowledge of the subcontinent by his service in India as President Eisenhower's Ambassador. This is typical of the way the Executive treats the Senate, unless Congress writes the laws in such a manner forcing consultation or insisting upon congressional approval.

This is the basic thinking underlying the Cooper-Church amendment, which the Senate passed on June 30 by a 58-to-37 vote and which still remains tied up in conference with the House.

Mr. SAXBE. In going over this list of proposed arms, I am amazed at the terms of the agreement. This list was printed in the Washington Post on October 8, 1970—300 armored personnel carriers, 18 F–104A Starfighters, 7 B–57 Canberra bombers, and other material. With those planes costing $1 million apiece, how can we get a bargain on $15 million for the whole works?

Mr. CHURCH. When one considers the whole package and the sale price that has been affixed to it, the money we receive in return will do little more than pay for the paperwork and administrative costs connected with the sale.

But this, too, is not strange. I have seen cases in Central and South America where our permanent military missions are actually costing us more to carry from year to year than the entire size of the program being administered in a particular country. It is a scandal. However, it goes on and on because the vested interest our arms bureaucracy has in perpetuating these ineffective and politically liable programs.

Mr. SAXBE. When we say we sold it for $15 million, then, what we are in effect doing is giving it to them, because, as the Senator has said, the $15 million would barely pay for the cost of readying it for shipment and shipping it; and if we sold it to them at the fair market value or at our cost, it would be 10 times as much.

Mr. CHURCH. This is a subsidized sale. It is customary, in these cases, to put the equipment in what the military calls new condition. So, obviously, the amount of the purchase price here is more of a token price than anything else. This is a subsidized sale, and it ought not to be considered in any other way.

Mr. SAXBE. I thank the Senator.

Mr. CHURCH. I want to say to the distinguished Senator that the statement he made a couple of days ago in the Senate was one of the best I have seen. The Senator was the first Member to call the attention of this body to the Executive decision clearly reversing what had been a sound policy. Good reasons why this reversal was done escape me. The implications are dangerous. Going back to mistakes we made in earlier years beginning in 1954, the serious questions that this raises regarding the manner by which the deal was signed off, the tender relations that exist between Pakistan and India, the possibility that this will create still another arms race in the Subcontinent—all these factors ought to have at least encouraged the administration to come to the Committee on Foreign Relations and consult, even to secure the advice of such Senators as JOHN SHERMAN COOPER. This would stop this bad habit of reading from the newspapers, after the fact, that the policy had been reversed and that this large sale of weapons had been approved.

Advice and consent in the Constitution certainly contemplates more participation on the part of the Senate in decisions of this character than was extended to us in this instance.

I commend the Senator for his remarks, and I thank him for his participation.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). The Chair, on behalf of the President pro tempore of the Senate (Mr. RUSSELL) announces the appointment of Dr. Kenneth Black, Jr., dean of the School of Business Administration, Georgia State University, to membership on the Commission to Conduct an Independent Study of the Future of the Railroad Retirement System pursuant to section 7(a)(1)(C) of the Railroad Retirement Act of 1970.

THE FARM BILL

Mr. DOLE. Mr. President, I take this time to ask a question about the conference report on the farm bill. As Senators know, there was some discussion late yesterday about action on the conference report. The Senator from Kansas is still hopeful—not very hopeful, but still hopeful—that there may be some action yet today on it, but I take this opportunity to ask a question of the distinguished majority leader because I have read with great interest a statement attributed to the majority leader that it will be the first matter of business on November 16, and also there was some assurance from

the majority leader that, without a doubt, the Senate would approve the conference report.

I ask the question now, not in any partisan way, of the Senator from Montana, who comes from a winter wheat producing State, because to his State and to my State of Kansas, which is a winter wheat producing State, this matter is highly important. In fact, I have stated my hope to the Secretary of Agriculture that perhaps, on the basis of assurances on the Senate floor, at least some provisional regulations and recommendations might be made to American winter wheat producers.

Therefore, I would be most grateful if the Senator from Montana would comment on that at this time.

Mr. MANSFIELD. Mr. President, I would be most happy to respond to the distinguished Senator from Kansas, who comes from one of the great wheat-producing States in the Nation, and may I say that Montana is quite a wheat producer, too.

Because of the situation which has developed, I find myself, as the majority leader, in a somewhat embarrassing position. The bill itself is not all that I desired. I thought that the Senate bill was very superior to the House-passed bill. The conference report did not do everything that those of us from the wheat-producing States desired. But, all things considered, it is a good bill, and with a $1.25 base for wheat, with the rest to be made up through certification, with what has been done to take care of the woolgrowers, the stockmen, the situation relative to Public Law 480, and other factors, it is the kind of bill I will vote for.

Furthermore, I think it should be brought out that both Houses unanimously have passed an extension of the wheat referendum from the 12th of October, last Monday, when it should have taken place, to 30 days after the Congress adjourns sine die, which takes it into January of next year, 1971.

There have been rumors to the effect that certain Senators have approached me with the request that I take no action on the conference report. I wish to state, without equivocation, that no Senator has approached me, on the basis of the reports which have become current, asking me to hold back, to retard, or to delay this conference report; and I want that stated specifically because I have noticed on the ticker that the names of Senators SYMINGTON and BURDICK have been mentioned.

I have had no contact with them whatsoever with respect to action on this conference report. They have made no request of me. And, as far as I know, they have been ready, able, and willing to be on the floor at any time when the conference report on the farm bill was to be taken up.

There is a situation within the committee itself, and it relates to the highest source in that committee, which I think has to be brought out and understood as to the situation in which the majority leader, and for that matter the Senate, finds itself at the present time.

It appears as of now that we will not get to the conference report on the farm bill today; and, speaking personally, I must express my own disappointment. But if such is the case, I wish to assure the distinguished Senator from Kansas and the Senate that one of the first orders of business when we return on November 16 will be the conference report on the farm bill. And I think I can say with full assurance that the Senate will agree to that conference report. There may be a little debate on it; I would not expect too much. By that time, the ripples will have dissolved, and it is my firm belief that the farmers affected by this bill can go ahead on all fronts with the assurance that the conference report will be considered as soon as possible on or about November 16, the day that we return, and passed as soon as possible thereafter.

May I say that I have no hesitation whatever in making this statement. I have no doubt but that the Senate will overwhelmingly approve the conference report. I have been assured by the distinguished Senator from Kansas that the President will sign the extension resolution having to do with the wheat referendum, very likely today.

So, with that statement, I give to the Senator from Kansas an answer long drawn out, but I hope explicit enough and definite enough to show where the Senator from Montana stands, the position he finds himself in, and what he proposes to do as a result of it.

Mr. DOLE. I appreciate the response of the Senator from Montana, and feel that the assurances given with reference to the action when we return will be helpful, not only to those of us in the Senate and to the Secretary of Agriculture, but most importantly to the farmer.

Mr. MANSFIELD. Yes.

Mr. DOLE. Because even though in many cases—and I assume in Montana—he has planted 80 to 90 percent of his wheat——

Mr. MANSFIELD. Yes, indeed.

Mr. DOLE. There is a set-aside provision in the farm bill, a new provision, and some adjustments may need to be made. But in any event, I also feel that the conference report will be agreed to. It will be adopted, I would suggest, by a very large margin, because I detect no flat, outright opposition to the report.

Many farmers, regardless of the views of some farm leaders, understand that this may be the last farm bill we will have, because of the question of farm payments and payment limitations. But in any event, there is still some hope; the Senate is still in session, and may be in session for some time yet this afternoon. It is my understanding that at the hour of 2 o'clock, the distinguished minority leader will read a letter from the President of the United States with reference to possible action on the conference report.

So the Senator from Kansas hopes that the matter may yet be resolved; but notwithstanding that, I appreciate very much the statement of the distinguished majority leader, the Senator from Montana, with reference to early action in the event action is not taken today. This assurance, I would hope and would think, would set minds at ease across America, particularly of those farmers who are still waiting to plant. So I appreciate the response very much.

Mr. MANSFIELD. I thank the Senator for his courtesy. I appreciate his comments. I yield to the distinguished Senator from Alabama.

Mr. ALLEN. Mr. President, I thank the distinguished majority leader for yielding to me. He is to be commended for the very fine, frank, and statesmanlike report that he has given with respect to the conference report on the farm bill.

My primary interest in the farm bill is in how it affects cotton. I was well pleased with the Senate bill, and had hoped that the conferees would agree on the Senate bill.

I do not approve of many of the provisions in the conference report with respect to cotton. I do not like the 28 percent set-aside. I do not like the reduction, in effect, in the support price. I do not like the reduction in the number of acres that are to be planted with support payments.

Yet I feel that the conference report, as inferior as it is to the Senate version of the bill, is a vast improvement over the 1958 act, with its two-price system for cotton, with its bulging warehouses full of cotton on which loans had been made, and with the building up of tremendous surpluses of cotton. So I would much prefer the conference report to getting no farm bill at all, and certainly I shall support the conference report when it is before the Senate for consideration.

The very frank and candid statement of the majority leader with respect to the inevitable eventual passage of the conference committee report would certainly make a tempest in a teapot of the statements that were made of this floor from the other side of the aisle with respect to the dire results of a delay in consideration at this time of the farm bill conference report. I was certainly pleased to hear the distinguished majority leader say that he had not been asked by any Senator to delay consideration of the conference report, because intimations of that sort were made on the Senate floor yesterday.

So it would certainly seem to me that we are going to get a farm bill, and that any farmer who wishes to plant cotton, wheat, or feed grains can do so with full assurance that his crop will have the support of the Federal Government, according to the formula provided by the conference committee report.

It seems to me that on November 16 or 17, we will, insofar as Congress can act, have a farm bill, and one which is a vast improvement over the 1958 act, though it does not come up to the level of the Senate bill passed recently.

Some days ago, the distinguished majority leader urged the Senate conferees to stick by the Senate bill, and I took the floor and made the same request. Though our pleas were unsuccessful, we do have a farm bill that is on the very threshold of being enacted. It will not be enacted today, but in all likelihood on the 16th or 17th of November it will be enacted. So the country can feel sure that action will be taken by the Senate; and certainly it would be the wish of the junior Senator from Alabama that at that time

we have speedy action on the conference report.

I thank the distinguished majority leader for yielding to me.

Mr. MANSFIELD. I thank the distinguished Senator from Alabama, and I assure him that this conference report will have speedy action.

I yield to the distinguished Senator from Texas.

Mr. YARBOROUGH. Mr. President, I commend the distinguished majority leader for clarifying this matter.

While I am not a member of the Agriculture Committee and do not speak with the knowledge that is presented to them, I represent the State that has more family farmers than any other State in the Union, the leading State in the Union in the production of cotton and grain sorghums. They are the two crops that are affected most by the conference bill. The conference had a good bill on cotton and a good bill on grain sorghums. There has been great dismay that the conference report brings out a bill that is somewhat less favorable to cotton and grain sorghums, the feed grains, than the Senate bill. The Senate bill was far superior for agriculture to the House bill.

I commend the Senate Agriculture Committee for the bill they wrote, for the bill that was passed by the Senate. We know how obdurate the House conferees were. On behalf of the wheat farmers of my State, yes, it is a good bill. But it affects the two greatest crops in the Southwest, and they are much worse off under the conference bill. Naturally, that has caused quite a bit of dismay and has caused some delay and some division of opinion among the farmers of the country.

I think the majority leader is faced with a difficult problem in the Senate, when we consider these two great field crops which are grown in many States—cotton, from the Atlantic to the Pacific Ocean, a major export crop in this country in the past; also, under the cotton program of the State of Illinois, often not recognized, and southern Illinois, the Little Egypt part, and the boot-heel, so-called, of Missouri; also, outside the South, the great producing States of California, New Mexico, and Arizona.

All across the southern part of the country, from the Atlantic Ocean to the Pacific Ocean, there was great disappointment that the conference bill was so much poorer than the Senate bill.

The same is true of feed grains which are grown in great quantities mainly west of the Mississippi River.

I thank the majority leader. He has been put in a difficult position because of two great groups of farmers in America who are disappointed that the House has cut down on two of our greatest feed crops.

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

Mr. MANSFIELD. I yield.

Mr. HARRIS. Mr. President, I certainly understand the position of the distinguished majority leader. I wish we could get this bill up before we go home for the recess. I believe that farmers and others are going to be rightly critical of us for taking off a month and leaving this bill still here. I have done everything I know of to try to get this bill up so that we can act on it one way or another.

The bill which comes back to us from conference is not nearly as good a bill as the farmers are entitled to, nor as good a bill as the Senate passed. The Senate conferees have done the best they could. The statement has repeatedly been made that there is no chance of passing a farm bill in the other body except with the strong support of the President of the United States. If that is true, the President of the United States will have to take responsibility for this bill. The Senate bill is not before us, because it appears that it cannot be agreed to in conference.

We are now presented with a bill which is going to cost the corn and barley and sorghum and feed grain growers of my State millions of dollars in the years to come, a bill which is not as good for the wheat farmers of my State, not nearly as fair a bill in regard to them or to cotton farmers as is the Senate bill.

The National Farmers Union has asked that this conference bill be defeated because of the very unsatisfactory provisions in it as compared with the Senate bill. The wheatgrowers of my State, through the Oklahoma Wheat Growers Association, have asked that it be passed.

One wheat farmer said to me on the telephone today, "At least we will know how much we are going to lose. At least we will know what the program is going to be."

Many Members of the Senate may not understand that Oklahoma is a winter wheat producing State and that most of our wheat is already in the ground. Yet, farmers, to this good hour, do not know what the farm program is going to be.

Whether this bill is to be defeated or accepted, whether the conference report is to be agreed to or not, I think that the Senate ought to act now, so that at least farmers will know what the law is going to be; and that has been the object of my efforts in that regard.

I certainly am sorry that the President did not see fit to join with the Senate and others for the coalition farm bill or for the Senate bill, which is a far better bill than the one which was eventually agreed to because of his opposition to the other.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AUTHORIZATION OF THE LOAN OF THE JOHN C. KING BUST OF JOHN QUINCY ADAMS TO THE NATIONAL PORTRAIT GALLERY OF THE SMITHSONIAN INSTITUTION

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 779.

The PRESIDING OFFICER. The clerk will read the resolution by title.

The assistant legislative clerk read the resolution by title, as follows:

A resolution (H. Con. Res. 779) to authorize the loan of the John C. King bust of John Quincy Adams to the National Portrait Gallery of the Smithsonian Institution.

The concurrent resolution (H. Con. Res. 779), with its preamble, reads as follows:

H. CON. RES. 779

Whereas, the National Portrait Gallery of the Smithsonian Institution was established as a free public museum for the exhibition and study of portraiture and statuary depicting men and women who have made significant contributions to the history, development, and culture of the people of the United States and of the artists who created such portraiture and statuary, and

Whereas, from November 6, 1970, to January 3, 1971, the National Portrait Gallery will exhibit "Life Portraits of John Quincy Adams," which will be the first time that all the life portraits of the sixth President of the United States will be assembled in one exhibit, and

Whereas, the United States Capitol has in its collections a 20¾-inch, white marble bust of President Adams by John C. King, and the National Portrait Gallery has expressed a desire to include such bust as part of its tribute to the sixth President of the United States, and

Whereas, the Smithsonian Institution, in carrying out the purposes of the National Portrait Gallery, is empowered to borrow portraiture, statuary, and other items for exhibition in such Gallery: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Architect of the Capitol is authorized and directed, on behalf of the United States Congress, to lend the John C. King marble bust of President John Quincy Adams to the Smithsonian Institution for the National Portrait Gallery exhibit "Life Portrait of John Quincy Adams," under procedures that will assure its proper preservation, display, and return: *Provided,* that such loan is to be effected no later than October 15, 1970, and terminated on or before February 1, 1971.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, before I put in a quorum call again, I am awaiting the arrival of the distinguished minority leader, who will have a letter from the President of the United States covering the farm bill conference report. After we are through with our colloquy, I think I should tell the distinguished Senator from Colorado and the distinguished Senator from Ohio that at that time it is my intention to once again, first, ask unanimous consent to take up S. 2193, the Occupational Safety and Health Act of 1970, and then, if that is declined, to move its consideration; and if we have the same situation as yesterday, to have a colloquy.

Mr. ALLOTT. Mr. President, it is my understanding that, somehow or other, the messenger from the House with the farm bill has gotten lost somewhere between the House of Representatives and the Senate.

Mr. MANSFIELD. He will be over some time this afternoon, I want to assure the Senator.

Mr. ALLOTT. I am advised that the House has passed on the omnibus crime bill. Is that correct?

Mr. MANSFIELD. Not that I know of. The Senate agreed yesterday to the amendments to the organized crime bill. The other one is a combination. I think the Senator is referring to the combination of five, the so-called omnibus crime bill, on which I do not think they have even gone to conference, nor do they anticipate doing so until after we return.

Mr. ALLOTT. Does the Senator know the present status of the drug bill?

Mr. MANSFIELD. I think that will be taken up. We are awaiting passage by the House now, so that the distinguished Senator from Arkansas (Mr. McCLELLAN) can take it up, and hopefully we will do that this afternoon. But we are waiting for it to come over.

Mr. ALLOTT. I do not like to suggest such a thing, but in order that we can take care of these things, we could provide a guide for this messenger from the House, to assure that he arrives here in good shape. We do not want him to get lost for another 24 hours because I do not think any of us will be here.

Mr. MANSFIELD. No, we are still operating—we have not reached the stage of the no-knock—let me put it another way—enough said. [Laughter.]

Mr. ALLOTT. Mr. President, may I say this to the distinguished Senator: I do hope that we can take up these measures. I understand, even though I am not in sympathy with the situation surrounding the farm bill. I spoke very briefly about that yesterday as it affects the wheat farmers. The Senator from Montana is in about the same situation as I am on that. But may I suggest that it might be helpful to the Senate as a whole, if we do get some assurance of getting a report of approval on some of the House bills, that we take them up.

I can understand the feelings of the majority leader in wanting to call up the occupational health and safety bill. We were on that yesterday afternoon. It is now the last few hours of the session before adjournment. The distinguished majority leader knows as well as this Senator that there is a substitute bill on the desk to be offered, and that if that is not adopted there will be some 18 or 19 separate amendments to be considered.

Being a practical man, as he is, I wonder whether there is any really substantial reason why we should, at this late hour, waste time trying to do that, instead of just taking care of such bills as the House finally sends over here, so that we can adjourn, go home, and get about our business.

Mr. MANSFIELD. If I had some idea as to what Senators most interested in the bill had in mind, I would be in a better position to proceed. If it is a case of objecting to a unanimous consent request, as I am sure it will be, that is understandable. If it is a case of debating the occupational health and safety bill with the idea that it would not be taken up this afternoon, then I would not want to go through the rigamarole of that sort of charade. I do feel a little bit perturbed because, as I said yesterday, when I was approached by the Republican leadership last Tuesday or Wednesday not to take up the occupational health and safety bill on Thursday or Friday of last week because two Senators very much interested in the matter would not be in town.

I did so, assuming there would be no difficulty in bringing it up on the following Monday.

Well, I went out home over the weekend, and when I got back on Tuesday morning and read the RECORD, I found that there had been objection to taking it up on Monday.

We tried yesterday, but the unanimous-consent request was denied.

I thought that, after a certain amount of debate, a motion should be made to take it up, that it would be laid before the Senate and made the pending business, but we did not get quite that far. I am wondering what the situation would be today, because just as I intend to see to it that the conference report on the farm bill is taken up and passed, so do I intend to see to it that the occupational health and safety bill will be taken up and considered, because it is in an entirely different category from a conference report.

Mr. ALLOTT. My colleague, Senator DOMINICK, is one of those Senators who are very much interested in this particular bill——

Mr. MANSFIELD. Yes, indeed.

Mr. ALLOTT. He is one of many Senators who are. He wants to ask the Senator to yield to him, but I think many colleagues who are interested in some amendments and, in fact, the substitute for the entire bill, are in the same category today as we were yesterday and on Monday that I used to be in with a certain man against whom I tried many cases. He had the most deft facility to prolong cases and infinitum with cross-examinations that went on sometimes for days until he finally was able to crowd me into a time corner.

These people are getting into a time corner here for proper consideration of the bill, and considering its significance, I really can not see, from my point of view, as an outsider to the committee, that there is any point now, because too many Senators are absent and we cannot get real consideration by the Senate at this time; so that I just respectfully suggest we take care of the business that is coming over from the House, rather than go through what the Senator from Montana has just called a charade or a formalized proceeding in taking up the occupational health and safety bill.

Mr. MANSFIELD. The Senator has a point. I am seeking advice, counsel and information——

Mr. ALLOTT. I must yield to other Senators now.

Mr. DOMINICK. Mr. President, I was the one who objected yesterday to the unanimous-consent request. But I was not the one who objected on prior occasions.

Mr. MANSFIELD. That is correct.

Mr. DOMINICK. I will be forced to do it again today on the unanimous-consent request. I have talked with the Senator from Ohio, and I have talked with others who believe the same way I do, they would like to see debate on the motion to take up, as we did yesterday, at some length.

I say that for this reason. I think we would want to be advised as to what the plans are. They would be that way. Speaking briefly on the reasons for it, the reason is that many Senators have left, even since yesterday. They have already left since this morning, to be truthful with the Senator. In addition, the House will not take this up until November. In addition to that, after the bill is finally enacted on one form or another, then the rules will have to be promulgated, so that it is not a matter of urgent necessity to have this bill passed immediately. I do however say to the majority leader, as I have said to the manager of the bill, the Senator from New Jersey (Mr. WILLIAMS), that we would have no objection to having it taken up immediately upon return after the adjournment.

Mr. MANSFIELD. I appreciate the candor of the Senator from Colorado. The air has been cleared. On the basis of what the distinguished Senator has said, I will not call up the health and safety bill this afternoon because I can see no definite results emanating therefrom. But it, along with the conference report on the farm bill, will be among the first orders of business and, of course, in comparison between the two, the farm bill has the preference, because of its status, and I would hope that both measures which seem to have become involved with one another, unfortunately, would be disposed of as rapidly as possible after our return.

Mr. DOMINICK. So far as I am concerned, I cannot speak for everyone, but when we come back, I would be willing to have a limitation of time on debate.

Mr. MANSFIELD. I understand. If the substitute fails, then there will be a number of amendments.

Mr. DOMINICK. One way or another. We might do the amendments first.

Mr. JAVITS. I have a suggestion. The farm bill is a conference report which can be called up even while another bill is pending. Could we not agree that it will become—not be laid before the Senate now—but will become the pending business on November 16?

Mr. MANSFIELD. Oh, yes, it will be, because it is my intention to continue the equal rights for women as the pending business when we come back, and operate on a two-shift basis so that the occupational health and safety bill will be on the second shift and, in the meantime, on the 16th of November, hopefully, the first day, we will take up the conference report on the farm bill.

Mr. JAVITS. Mr. President, could we have a unanimous-consent agreement that, on the two-shift operation, one shift will be equal rights and the other shift will be occupational health and safety? That would not intrude on the farm bill.

Mr. MANSFIELD. Mr. President, I do not think that we need a unanimous-consent agreement, because we have enough faith in one another.

Mr. SCOTT. Mr. President, we had better make legislative history here. I have no objection to that, regardless of

how the amendments come out. I would be prepared to support, if I possibly could, and would expect to support the occupational health and safety bill.

I recall that the majority leader on one occasion said that the social security bill would probably be the pending business when we return.

Mr. MANSFIELD. It is not out of the committee. It has to be out of the committee first. Otherwise it would receive priority.

Mr. SCOTT. Mr. President, at this point it is likely that the farm bill will be considered on the second-shift basis.

Mr. MANSFIELD. No. The occupational health and safety bill will be.

UNANIMOUS-CONSENT AGREEMENT ON THE PENDING BUSINESS WHEN THE SENATE RECONVENES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate returns in November the pending business be the equal rights amendments on the first shift, to be followed at or about 5 p.m. on the second shift by the occupational health and safety bill.

Mr. SCOTT. Mr. President, I have no objection. I gladly join in that request.

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

Mr. MANSFIELD. Mr. President, if at all possible, the Senate may consider the conference report on the farm bill on the first day of our return, Monday, November 16.

Mr. MILLER. Mr. President, with respect to the farm bill, I believe I heard the distinguished majority leader state earlier that the Senate had not yet adopted a no-knock provision. May I inquire whether the Senate has adopted a preventive detention provision.

Mr. MANSFIELD. Well put. I would not disagree.

Mr. President, I think that we should let the distinguished minority leader proceed. He has a very important message.

The PRESIDING OFFICER. The Senate will receive a message from the President of the United States.

MESSAGES FROM THE PRESIDENT—APPROVAL OF A JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on October 8, 1970 the President had approved and signed the joint resolution (S.J. Res. 110) to amend the joint resolution entitled "Joint Resolution to establish the first week in October of each year as National Employ the Physically Handicapped Week," approved August 11, 1945 (59 Stat. 530), so as to broaden the applicability of such resolution to all handicapped workers.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. JORDAN of North Carolina) laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing the nomination of William J. Curtin, of Maryland, to be a Member of the Board of Governors of the United States Postal Service, which nominating messages were referred to the appropriating committees.

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

THE FARM BILL

Mr. SCOTT. Mr. President, I understand first of all that a messenger from the House of Representatives will be here before long and that he will bring with him—and I understand this from the distinguished majority leader—the report of the House action on the farm bill which the House has passed.

I further understand that action on the farm bill is not contemplated by the majority at this session of the Congress before we return after election day. That is an action which I deeply deplore.

Mr. President, I have received a letter from the President of the United States which I will now read. It is dated October 14, 1970.

The letter reads:

DEAR SENATOR SCOTT: I am gravely concerned by the latest developments reported to me in respect to the critically important farm legislation which has been cleared for transmission to me by the House of Representatives.

I understand the intention of the Senate Leadership is to prevent action on the Conference Report until after November 16.

This is a very grave disservice to the American farmer. I must emphasize that. I urge as strongly as I can that before the Senate recesses today, this legislation be sent to me for approval.

The need for action now is far more important to the farmers of America than some in the Senate apparently realize. Here are consequences of delay:

1. The preparation and planting for 1971 harvests must be carried out by the farmers in the weeks immediately ahead. Land must be prepared this fall; fertilizers and other chemicals must be applied; arrangements must be made for credit and other production needs. *Delay will cause farmer hardships.*

2. Blight-afflicted corn fields may have to be planted to other forage producing crops. *Delay will cause farmer hardships.*

3. Landlord-tenant contracts must be completed by November 1 in many areas. *Delay will cause farmer hardships.*

4. Cotton farmers must arrange for allotment leasing, credit and other needs. *Delay will cause farmer hardships.*

5. Trading in cotton is likely to come to a virtual halt as buyers and sellers await development on basic cotton pricing. *The farmers' cotton market is jeopardized by delay.*

6. Food for Peace—Public Law 480—negotiations will be slowed, impairing the export flow of rice, cotton, wheat and soybean oil. *Delay jeopardizes the farmers' markets.*

So it is not simply a question of doing tomorrow what can as well be done today. The Senate should act responsibly in this situation. I am told that the legislation will definitely be approved later. That can be done just as well today as four or six weeks from now.

Proper concern for the needs of American agriculture—a decent regard for the welfare of the American farmer—dictate action *now.*

Sincerely,

RICHARD NIXON.

Mr. President, that is the letter. The reference to fertilizers and other chemicals being applied would not, of course, have any reference whatever to the rhetoric or to the excuses or the explanations which have been offered for the failure to act upon the farm bill.

The farmers of America will be deeply disappointed with the action of the majority party in refusing to give the farmers of America a farm bill before election.

I think that this issue should be met before election. The President of the United States has cited some very firm evidence as to how and why the farmers will suffer various hardships.

I regret very much that the organization of this body permits a minority of Senators to tie the hands of the majority leader or the minority leader at times, as the case may be.

This is the way we are set up. This is a situation which is often criticized in the press because it tends to glorify an individual Senator sometimes—or, let me say, to rectify an individual Senator—beyond the collective desires of the Senate or the collective needs of the Nation. We have been often criticized for this. I think that this failure to act will increase that criticism.

I think it most unfortunate that we cannot have a farm bill. It is most unfortunate that the representative of the House of Representatives was denied recognition at the door. I must say, that I recognized him. I know him, and I knew his father.

Mr. MANSFIELD. His father still serves in Congress, I believe; does he not?

Mr. SCOTT. Yes, he still serves in Congress.

I had no difficulty in recognizing him. I wish that myopia had not prevented his entrance into this body. But I am glad that he will be admitted today.

I hope that following his admission, the majority would reconsider its action and decide to let the farmers of this country have the much-needed farm legislation.

Mr. MANSFIELD. Mr. President, will the Senator yield so that I may reply?

Mr. SCOTT. I would be glad to yield.

Mr. MANSFIELD. Mr. President, the distinguished minority leader has read a letter which he has received from the President of the United States, and it is a good letter; it is not an intemperate letter and in this area, of course, he is expressing the views of the President.

In a colloquy with the distinguished Senator from Kansas earlier, I referred to the highest source on the Committee on Agriculture and Forestry in refuting allegations which have appeared in the press that certain Senators who are running for reelection supposedly had approached me and asked me to delay consideration of the conference report. I denied that allegation unequivocally; there is nothing to it. I have not seen those Senators who are mentioned in the press for well over a week, but the "highest source" I was referring to was the chairman of the Committee on Agriculture and Forestry, the distinguished senior Senator from Louisiana, who is highly regarded by Members of this body, whose knowledge of things agricultural is unexcelled, whose probity and integrity are not questioned, and who I think was treated very shabbily during the course of the conference. So that is the "source" of the majority leader's predicament at this time, and he would be the man who would handle the conference report.

With that explanation let me say, Mr. President, because of the element of time and not because of a lack of im-

portance, final action on the conference report on H.R. 18546, the Agricultural Act of 1970, will be impossible prior to the ordered recess this evening. It is not an action by the leadership that prevents the completion of this report today. It was the hope of the Senate leadership to consider and dispose of this measure today but we were unable to do so. The scheduling of conference reports—unlike bills reported from committees—is not within the exclusive jurisdiction of the leadership. We work with the conferees on these matters but the conferees maintain the right to call up a conference report at any time they wish. Although the leadership has been unsuccessful in obtaining agreement for final action prior to the recess tonight, I want to assure farmers and others that this legislation will be the first order of business after recess and that it is my firm belief and expectation that this measure will pass in its present form when considered by the Senate.

Although I am not fully satisfied with every provision of this bill, I believe the farm community needs assurances of the structure of the farm program for planning purposes. I give to the farm community my strong conviction that the bill reported by the conferees will be enacted into law and that the farm community may rely upon its provisions as the basic farm program for the remaining 3 years. However dissatisfied any of the farmers may be with the provisions, or any part of them, it is only realistic to state that these provisions will be the law and actions should be taken by the farmers based upon these provisions.

We have heard references to wheat, feed grains, and cotton in connection with the farm program, but we should keep in mind that other provisions are, and will continue to be, of utmost importance to the farm community and the Nation as a whole. I refer to payment limitations, dairying, extension of Public Law 480, extension of the Wool Act, rural development, including cropland conversion, as well as the so-called greenspan program, and other provisions which would be of special importance to the small farmers.

I want to assure the Senate that it is only the time factor that prevents action prior to recess. The rules of the Senate permit delay very readily. When an adjournment or recess has been ordered, it is very easy for any Senator to prevent action prior to a deadline. Measures of great controversy can be delayed very easily.

The occupational health and safety measure is another recent casualty of this predicament, along with the farm bill. With respect to the public safety bill, it would be most appropriate to say, and I quote the President's words because I, too, received a copy of his letter:

So it is not simply a question of doing tomorrow what can as well be done today.

And quoting further:

Proper concern for the needs—

Of American labor and a decent regard for the welfare of the American working men—

dictate action now.

Mr. President, that is a paraphrase. Needless to say, those are the words chosen by the President when he referred to the farm bill. They are just as appropriate in the case of the job safety bill.

Although as the majority leader I had wished that both measures could be completely disposed of prior to the recess this evening, I have learned to realize that any Senator or group of Senators has the capacity under Senate rules to prevent action.

As I said before, the farm bill will be the first order of business when we return; it shall pass the Senate—like the Occupational Health and Safety bill, another controversial measure delayed just this week from consideration during the postelection session. I hope after the election there will be a greater spirit of cooperation so that all important measures can be considered and disposed of one way or the other by the Senate.

Mr. President, I honor the President for the interest he has taken in this most important program, this most significant conference report. I have tried to set the record straight as far as I could, and I want to assure the President that I will do everything I possibly can to see that this matter is the first order of business on our return on the 16th of November.

Mr. SCOTT. Mr. President, I thank the distinguished majority leader. Before I yield to someone else, I wish to mention my regret that the chairman of the committee feels he was shabbily treated in the conference. I was not there and I do not know the details. Indeed, he may well have taken umbrage at some of these things.

Mr. MANSFIELD. It was not personal. It was a matter of interest, a personal interest he had in the matter of the cotton commodity, which means a great deal to his State and his region.

Mr. SCOTT. I can understand that kind of concern, but I regret that concern of a Senator has prevented our being able to take action at this time.

Mr. MANSFIELD. The distinguished Senator from North Dakota (Mr. YOUNG), the best wheat man in the Senate, and one of the best in the country also, was one of those who did not sign the report, and the distinguished Senator from Georgia (Mr. TALMADGE), one of the best cotton men in the country, did not sign the report, so there were some differences of opinion which we should understand, and we must recognize the fact that the bill which the House passed was not a very good measure, that the bill which the Senate passed was far superior, and that many Senators had hoped the Senate would stand firm so that the Senate bill would come out on top rather than the House bill. But that is a thing of the past.

Mr. SCOTT. The distinguished majority leader is not stating that the Senator from North Dakota and the Senator from Georgia are holding the bill up, is he?

Mr. MANSFIELD. Not at all.

Mr. SCOTT. I now yield to the distinguished Senator from Iowa (Mr. MILLER).

Mr. MILLER. I thank my colleague from Pennsylvania.

Mr. President, as a member of the conference committee, let me say that the conference was an extremely arduous one, and one which one of the senior members said was one of the toughest and most traumatic conferences he had ever served on. So it is understandable how the distinguished chairman of the Senate Agriculture and Forestry Committee might have felt that he was shabbily treated.

Mr. MANSFIELD. That was my word.

Mr. MILLER. Well, the Senator from Montana referred to the fact that he had been shabbily treated. Let me say that I would guess probably every member of that conference committee at one time or another was, indeed, shabbily treated. It was a very difficult conference. But I do not think shabby treatment, whether it is directed at one person or to every member of the conference committee, would be any excuse for holding up action on such an important matter as this.

The Senator from Montana has stated that this legislation will pass the Senate around November 16. If it will pass on November 16, it will pass this afternoon. There is no good reason given for not taking action this afternoon.

I think it is unfortunate to try to draw an analogy with the health and safety bill, because the health and safety bill, even if we passed it right now——

Mr. MANSFIELD. Does the Senator have the papers?

Mr. MILLER. Would not pass and be sent to the President until after November 16, because the House has to act on it. All we have to do is to take 2 or 3 minutes, or perhaps 2 or 3 hours at most, and we would have a farm bill, because that has already passed the House.

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

Mr. MILLER. I yield.

Mr. MANSFIELD. Does the Senator have the papers in his pocket to call it up?

Mr. MILLER. To call what up?

Mr. MANSFIELD. The conference report on the farm bill.

Mr. MILLER. That is exactly what the colloquy was all about last evening. We had the preventive detention rule apply last evening, because the people with the bill could not get through the door with the reports. Now I understand the Senate majority leader is going, to use his words, at an appropriate time to allow the conference report to come into the Chamber; that there still is the rule that the papers of the Senate conferees must be present at the desk at the time the conference report is considered by the Senate.

Mr. MANSFIELD. If the Senator will yield, I could not find neither hide nor hair of the papers yesterday, and I had to look long and hard this afternoon to find where they were, or at least to get wind of where they were. I am not referring to the House papers which the House messenger will bring into the Senate but those papers that are in the control of the Senate conferees.

Mr. MILLER. The Senator from Montana has been around here a lot longer

than the Senator from Iowa, and he knows he could find the papers if he wanted to.

Mr. MANSFIELD. I tried hard enough, but I could not.

Mr. MILLER. It is common knowledge that the papers are under the control of the chairman of the committee concerned with the legislation. Even if they should be mislaid or they should be destroyed by fire, there is no reason why we could not ask unanimous consent to take up the conference report because of an emergency situation. So that problem could be handled if there was the will to do it.

The only point I want to finally make on this is that when I go back to my State, or go to another State, and I am asked why we did not get the farm bill passed when the House took action on it promptly Tuesday and sought to get it over to the Senate and the messenger was refused admission to the door of the Senate, and now something is said about no papers being found, and why that would happen when we are assured that on November 16 we will agree to the conference report, I am going to say that the leadership on the other side, for reasons best known to themselves, prevented that from happening.

I am going to add, further, that while I have absolutely no reason to question what the Senator from Montana said about being importuned, by Senators who are running for reelection, to do nothing about the farm bill, I find it is common knowledge around the cloakrooms that certain Senators seeking reelection did make certain overtures, if not to the majority leader, then to the chairman of the Senate Agriculture Committee, to hold up the measure here.

Mr. MANSFIELD. Mr. President, I must call the Senator to order. I think he is impugning the conduct of certain of our colleagues and what I said. I call for the regular order. I do not care how he blames me, but I do care about his impugning some of our colleagues.

Mr. MILLER. Mr. President, I am going to ask the Chair to rule on that, because I just got through saying I did not impugn the integrity of the Senator.

Mr. MANSFIELD. The Senator impugned the integrity of certain Senators not present.

Mr. MILLER. I did not impugn the integrity of anybody.

Mr. MANSFIELD. Yes, the Senator did. He is spreading rumors, rumors without factual foundation, and the press will pick it up. That is what he did.

Mr. MILLER. There have been many rumors passing around on the floor of the Senate. But I will be happy to retract everything I said and strike it from the RECORD if the majority leader can give us some reason, other than the nebulous rule regarding lost papers, why we could not find them.

Mr. MANSFIELD. I gave my reason. The Senator from Iowa should have been in the Chamber longer than he was; then he would have been aware of what was said.

Mr. MILLER. I was here.

Mr. MANSFIELD. Mr. President, I understand that there is a messenger at the door now——

Mr. GRIFFIN. Mr. President——

Mr. MANSFIELD. Will the Senator yield briefly?

Mr. GRIFFIN. I yield.

Mr. MANSFIELD. That he has with him a conference report on a farm bill, a conference report on a drug bill, a conference report on health bills; and before we open the door, I will yield to the distinguished Senator who is acting minority leader.

Mr. GRIFFIN. Mr. President, I thank the majority leader for yielding. My respect and affection for the distinguished majority leader are known to him and to everyone in this Chamber, and I wish to reiterate the high regard I have for him.

But I must say for the record that, whatever may have been his problems with respect to the chairman of the committee, the distinguished Senator from Louisiana (Mr. ELLENDER), I do not find in the explanation of the majority leader any good excuse for blocking an official of the House of Representatives at the door of the Senate, as occurred last evening. This was an unprecedented action so far as the junior Senator from Michigan can determine, after talking to many other Senators. I understand that there is no precedent for it.

Let me say that what occurred is a very bad precedent. I would suggest that it was not only an affront to the House of Representatives, but it does not reflect well upon what is supposed to be the greatest deliberative body in the world, the U.S. Senate.

I can imagine what would be the reaction in and out of the Senate if Republicans were in control of this body and acted similarly.

I hope that it will never happen again.

Whether or not action could have been taken in the Senate on the conference report, the messenger from the House should have been admitted to deliver the report of the House action. Whether the conference report could or would have been called up by the chairman, the distinguished Senator from Louisiana, is a separate and different question from the treatment which the Senate should accord a representative from the other House. There is no excuse for the affront which was paid to the House of Representatives.

I regret that it has become necessary to deliver such remarks but I consider that there is no choice under the circumstances.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The PRESIDING OFFICER. Will the Senator yield for the Senate to receive a message from the House of Representatives?

Mr. MANSFIELD. Mr. President, I yield without losing my right to the floor.

The messenger from the House of Representatives, Mr. Berry, stated that he had been instructed by the House to inform the Senate that the House has agreed to the conference report on H.R. 18546, the Agricultural Act of 1970, in which concurrence of the Senate is requested.

Mr. MANSFIELD. Mr. President, is that the only message which the messenger brought over? Read the others.

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

The PRESIDING OFFICER. Does the Senator from Montana yield for a parliamentary inquiry?

Mr. MANSFIELD. I do.

Mr. HANSEN. Is this a delayed message?

Mr. MANSFIELD. It might be.

Mr. SCOTT. This is the preventive-detention message.

Mr. MANSFIELD. This is the no-knock message.

The messenger, Mr. Berry, continued the reading of the message, as follows:

That the House agree to the amendments of the Senate to the resolution (H. Con. Res. 775) entitled "Concurrent Resolution Authorizing the Speaker of the House and the President of the Senate to sign enrolled bills and joint resolutions notwithstanding the adjournment of Congress from October 14 to November 16, 1970."

That the House agree to the report of the conferees on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18583) to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse.

That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15073) "An act to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in United States currency be reported to the Department of the Treasury, and for other purposes."

That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11833) "An act to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such Act, and for other purposes."

That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to S. 2846, an act to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood.

That the House agree to the report of the committee on conference on the disagreeing votes of the two Houses on H.R. 17570, an act to amend Title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other related diseases.

That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to S. 3586, a bill to amend Title VII of the Public Health Service Act.

Mr. MANSFIELD. Mr. President, I do not care to have them all read. I just wonder if there is a conference report there dealing with drugs. I understand there is.

The PRESIDING OFFICER. Without objection, further reading of the message will be suspended.

The full message from the House of Representatives is as follows:

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 amendment of the Senate to the bill (H.R. 11833) to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act, and for other purposes.

The message also 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 House to the bill (S. 2846) to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes.

The message further 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 House to the bill (S. 3586) to amend title VII of the Public Health Service Act to establish eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for institutional grants under section 771 thereof, to extend and improve the program relating to training of personnel in the allied health professions, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on 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.

The message further 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. 17570) to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other related diseases, and for other purposes.

The message also announced that the House had passed a bill (H.R. 17849) to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13a of the Interstate Commerce Act, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 18546) to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes.

The message also 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. 18583) to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse.

The message further announced that the House had agreed to the amendments of the Senate to the concurrent resolution (H. Con. Res. 775) authorizing the Speaker of the House and the President of the Senate to sign enrolled bills and joint resolutions notwithstanding the adjournment of Congress from October 14, to November 16, 1970.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Acting President pro tempore (Mr. METCALF):

S. 30. An act relating to the control of organized crime in the United States;

S. 2695. An act to provide for the retirement of officers and members of the Metropolitan Police force, the Fire Department of the District of Columbia, the U.S. Park Police force, the Executive Protective Service, and of certain officers and members of the U.S. Secret Service, and for other purposes;

H.R. 693. An act to amend title 38 of the United States Code to provide that veterans who are 72 years of age or older shall be deemed to be unable to defray the expenses of necessary hospital or domiciliary care, and for other purposes;

H.R. 10335. An act to revise certain provisions of the criminal laws of the District of Columbia relating to offenses against hotels, motels, and other commercial lodgings, and for other purposes;

H.R. 11833. An act to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act, and for other purposes;

H.R. 14982. An act to provide for the immunity from taxation in the District of Columbia in the case of the International Telecommunications Satellite Consortium, and any successor organization thereto;

H.R. 15073. An act 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;

H.R. 18731. An act to revise the per diem allowance authorized for members of the American Battle Monuments Commission when in a travel status;

S.J. Res. 165. Joint resolution granting the consent of the Congress to an agreement between the State of Florida and the State of Georgia establishing a boundary between such States;

S.J. Res. 223. Joint resolution to authorize and request the President to issue a proclamation designating January 1971 as "National Blood Donor Month"; and

S.J. Res. 242. Joint resolution to provide for the temporary extension of the Federal Housing Administration's insurance authority.

The message informed the Senate that, pursuant to the provisions of section 1, Public Law 689, 84th Congress, as amended, the Speaker had appointed Mr. THOMSON of Wisconsin as a member of the U.S. Group of the North Atlantic Assembly, vice Mr. ARENDS.

Mr. SCOTT. Thoughts too deep for tears subdue the minority leader, who has waited with unbated breath, I regret to say, for the arrival of our beloved messenger from the other body.

Mr. MANSFIELD. Does the Senator not think he got sufficient exposure this time to make up for what happened yesterday?

Mr. SCOTT. I would say that his exposure today could hardly compare with the exposure which this body suffered yesterday in its unwillingness to consider the highly important farm bill.

But be that as it may, I am delighted to see the messenger from the House of Representatives, whom I recognize because, as I say, I knew his father, and I am pleased that he finally made this long and perilous trip from the House of Representatives, surmounting as he did one peril after another—perils consisting of individual Members of the majority, emissaries from the majority, mercenaries, janissaries, shock troops, and——

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

Mr. SCOTT. In a moment; I am going too well to yield now.

And throughout all of this, he had to suffer through a negotiated settlement, a fast withdrawal, and finally a return to the scene of the original conflict, where all he has to report to the other body, and to his father, is that he was finally accorded more exposure than a Member of the House of Representatives usually gets in his own person; and I am very glad that the messenger now has received the kind of exposure so often denied to individual Members of the other body. If we could now have the farm bill, my cup would indeed overflow, happiness would pervade the Chamber, and the farmers could merrily return to the tilling of the soil, and take over from the Senate of the United States the distribution of the fertilizer of the Nation. [Laughter.]

I now yield to the Senator from Montana.

Mr. MANSFIELD. The distinguished minority leader should not make haste to make waste, referring to his overbrimming cup but when he was speaking of the mercenaries and the others who were making the path of the messenger from the House tortuous, it seems to me that I heard—I was not there, so I cannot verify this—that there was at least one Republican, and maybe more, prowling the corridors, taking out binoculars, standing along the length and breadth search-

ing for the sight of a messenger; and I think they saw the messenger, but for some reason or other the barricades just were not weak enough to let them break through.

We thought that when he did come in, he ought to come in in a blaze of glory, and weighed down with documents.

He did, he was well received, the Senate was courteous in its consideration of him, and we now have the farm conference report at the desk. The Senator's cup will not overfill, but at least he has part of the nectar inside it, I hope.

Mr. SCOTT. I may say to the distinguished majority leader that the House messenger has now enjoyed his own personal St. Crispin's Day, and, as he grows old and bearded, he will be able to tell his grandchildren of the noble occasion when he was denied the privilege of this Chamber, and then was subsequently admitted, not bearing with him clouds of glory by any means, but bearing with him such effluents from the other body as do not conflict with the very pollution laws which we have from time to time enacted; but, on the contrary, carry with them so many benefits and, indeed, so much of the Federal Treasury, that it seems a great pity to deny those who would be expending this money by the delay which unfortunately occurs, but nevertheless funds which, indeed, both bodies have decided are very much in the interest of the Nation.

I think I had better quit while I am ahead.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. YARBOROUGH. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. McCLELLAN. I yield, without relinquishing my right to the floor.

PRIVILEGE OF THE FLOOR

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that Leroy Goldman, the associate counsel for the Committee on Labor and Public Welfare, be permitted to be present on the floor of the Senate, since his advice will be needed on three of the conference reports the consideration of which is imminent.

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

COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL, ACT OF 1970—CONFERENCE REPORT

Mr. McCLELLAN. Mr. President, in behalf of the Senator from Connecticut (Mr. DODD) I submit a 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. 18583) to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. BELLMON). 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 October 13, 1970, pp. 36585–36587, CONGRESSIONAL RECORD.)

Mr. McCLELLAN. Mr. President, this bill amends the Public Health Service Act and other laws to provide increased research into the prevention of drug abuse and drug dependence. It provides for treatment and rehabilitation of drug abusers and drug dependent persons, and seeks to strengthen existing law enforcement authority in the field of drug abuse.

Mr. President, I regret that the managers of the bill on both sides of the Senate are unable to be present today, and particularly the Senator from Connecticut (Mr. DODD), who would have made this presentation.

Speaking on their behalf, and as a member of the conference committee which considered this bill on Monday last, I would like to say that I am sure the measure we now have before us is worthy of the approval of the Senate and should be sent to the President as quickly as possible. When this body considered and passed the bill last week by unanimous vote, everyone recognized the urgency of legislative reforms which would improve efforts to reduce the demand for drugs through rehabilitation, and to reduce the supply of drugs through improved law enforcement. The measure now before us does both in a form that I am sure is acceptable to Congress and to the American people.

Senators may recall that in passing this measure, the Senate agreed to amend it in several respects. Key among these were amendments to alter title I, the rehabilitation portion of the bill, and to impose stricter controls on the amphetamines. Compromises on both of these amendments were worked out by the conferees. Title I once again resembles the House version in format but contains valuable additions from the Senate amendment such as an increase from $164 million in new appropriations to $189 million. Also included was a requirement that programs to deal with drug abuse and drug dependence be included in State public health comprehensive plans, and an increase in the authorization for and scope of project grants for narcotic addicts and drug dependent persons. As far as the amphetamines are concerned, a compromise was reached so that liquid injectable methamphetamine would be transferred to schedule II and immediately subject to quotas, with the Attorney General to take such administrative action on other amphetamines in the future as he deems advisable.

The Senate amendment that any person who distributes a small amount of marihuana for no remuneration should be subject to penalties for simple possession of marihuana has been retained, and the amendment to add in schedule IV the drugs librium and valium was deleted—the latter with the understanding that administrative action to control these drugs is nearing completion, and that they will likely be brought within schedule IV by administrative action. Finally, the Senate amendment that the Secretary of Health, Education, and Welfare report on the activities of various advisory counsels was also retained.

Mr. President, we are, indeed, fortunate that the conference committee was able to so rapidly reach agreement and provide us with a measure that we could send to the President before the recess. I, therefore, urge the adoption of the conference report.

Mr. McCLELLAN. I stated a few moments ago that the Senator from Connecticut, the chairman of the conference, was not able to be here today and that I was merely acting for him.

Mr. President, I ask unanimous consent that a statement on the Comprehensive Drug Abuse and Prevention Control Act of 1970 prepared by the Senator from Connecticut (Mr. DODD), the floor manager of the bill, be inserted in the RECORD.

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

STATEMENT OF SENATOR THOMAS J. DODD

Mr. DODD. Mr. President, the Comprehensive Drug Abuse Prevention and Control Act of 1970 is truly a comprehensive measure and one that I am certain will be effective in curbing this nation's mounting drug abuse problem.

Title I of the Act is devoted to drug abuse education, prevention, treatment and rehabilitation, and the authorization of additional enforcement personnel.

Over the next 3 years the bill provides:

180 million dollars for the expansion of drug addict treatment programs under the Community Mental Health Centers Act;

29 million dollars for drug abuse education as a means of preventing the misuse of drugs;

85 million dollars for the funding of special projects for drug dependent persons and for narcotic addicts to partially cover the costs of programs of treatment and rehabilitation within the states.

Finally, title I would broaden the treatment authority of the Public Health Service Hospitals to include certain drug dependent persons and drug abusers.

All of these provisions are essential to our fight to curb drug abuse in the United States and such provisions coupled with the law enforcement provisions of the Act should provide the means whereby this effort can meet with success.

Mr. President, I would like to take this opportunity to comment on Section 3(a) of title 1 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 which amends Section 303(a) of the Public Health Service Act. This amendment recognizes the particular delicacy of certain types of research undertakings and the need which may arise for maintaining a confidential relationship between the researcher and his subjects. Under this provision, the Secretary of Health, Education, and Welfare may authorize persons engaged in research on the use and effect of drugs to withhold the identity of participating subjects when it may seem necessary to avoid their embarrassment. The purpose of this provision is solely to protect the privacy of individual subjects and is not to be used by the researcher to shield evidence of his own unlawful conduct or that of other persons. Because of the serious legal consequences of granting such a privilege, the Secretary should first consult with the Attorney General before exercising this power.

Moreover, the section is in no way intended to derogate from the authority of the Attorney General under the other Titles of this Act to require the maintenance of records involving controlled drug transactions which must be made available for inspection. In many cases, such records are required to in-

clude designation of the nature and quantity of drugs involved as well as the identity of the parties. Clearly, any circumstance which involves research with a controlled drug on a scale sufficient to offer opportunities for significant diversion could not be exempted from regular recordkeeping requirements under the law. The provision is not designed to exempt large-scale programs with undisputed social impact, such as experimental methadone maintenance programs from normal recordkeeping requirements. Indeed, under Section 307(e) of Title II, where an investigational use of drugs is involved under the Food, Drug, and Cosmetic Act, the Secretary may require additional security and accountability procedures after consultation with the Attorney General. Subject to these qualifications, Section 3 will, nevertheless, enable the Secretary to facilitate research involving limited scale use of the controlled drugs under circumstances more conducive to the participation of research subjects.

Titles II and III of this measure are the regulatory and enforcement provisions of the Act.

Provision is made for standards to control drugs and for their scheduling under these standards by the Attorney General with the advice of the Secretary of the Department of Health, Education and Welfare.

The bill provides for the registration of manufacturers, distributors and dispensers of controlled drugs and for adequate record keeping at all levels of distribution.

However, I would like to comment here on the Controlled Dangerous Substances Act of 1969 which passed the Senate on January 28, 1970, and included in its schedule of drugs to be controlled, Librium and Valium, two highly addictive substances that have caused severe social and medical problems.

The House, after more than six months of deliberation, passed its version of the Senate passed bill on September 24, 1970 rejecting the inclusion of Librium and Valium under the controlled substances.

This was done despite the fact that Dr. Roger O. Egeberg, representing the Secretary of the Department of Health, Education and Welfare testified before my Committee that in his judgment and in the judgment of the professional men in his department, these two drugs should be included in this bill with other dangerous drugs.

As Chairman of the House-Senate Conference, I brought up my amendment to include these drugs as controlled dangerous substances. After I brought up my amendment, after extensive debate, and after having been assured by the Senate Conferees that we had the votes to include these drugs, I was shocked and distressed, to find that the House Conferees bludgeoned the Senate Conferees into eliminating these "killer" drugs by threatening to hold up the reporting of this bill from Conference. I was stunned to hear that the inclusion of these drugs with a proven history of criminal diversion, illegal use and multiple fatalities could stop cold the movement of a bill that represents the most far-reaching and comprehensive drug legislation to come before us in fifty-six years.

I am using the word "killer" drugs advisedly and knowing full well what the term implies.

Addictive drugs have two unmistakable hallmarks: significant abuse by addicts and illegal diversion. On both counts, Librium and Valium must be condemned. Both drugs possess virtually all the properties which led us to control amphetamines, barbiturates, and other controlled substances.

A recent brief and as yet incomplete survey of the Bureau of Narcotics and Dangerous Drugs uncovered 97 suicides and over 2,000 suicide attempts by means of Librium and Valium.

Perhaps Hoffman-LaRoche, the manufacturer of these dangerous substances, will suggest that these suicides and near suicides were accidental deaths for which the drugs themselves are not responsible. After all, people can die from an overdose of aspirin.

Very well. Aspirin, however, is not diverted from wholesale and retail pharmacists. Only addictive drugs are, because they become quite valuable to the drug addict who cannot immediately lay his hands on heroin or other chemical depressants.

Diversion, as I said earlier, is the hallmark of the addictive drug. The statistics speak for themselves.

Adults by the Bureau of Narcotics and Dangerous drugs have revealed that in *just 56 pharmacies* there were inventory shortages of 753,434 doses of Librium and Valium.

Three pharmacies in Massachusetts showed an inventory shortage of 105,458 units of Librium and Valium.

Twenty-two New York pharmacists showed a 38.4 percent inventory shortge of Librium and Valium. This involved 186,646 units of these drugs out of a total of 489,-250.

In my own state of Connecticut, reported cases of Librium or Valium abuse rose 480 percent in 1968 over 1967.

Hoffman-LaRoche annually earn a reputed $200 million from these two drugs alone. It is said in the pharmaceutical industry that once a drug is controlled, its marketing decreases by 25%. With $50 million at stake, one can well imagine the pressure that was put to bear on the House conferees. One cannot, however, understand why they have put the economic interests of Hoffman-LaRoche before that of their constituents, indeed that of the entire country.

I am giving notice, consequently, that I shall retintroduce in the Senate an Amendment to the Drug Bill just passed, with the specific aim of including the "killer" drugs Librium and Valium, in the substances controlled under the Act.

Mr. President, I am in complete agreement with the concept of sub-section 307(c)(1)(B) which requires that any practitioner who dispenses nonnarcotic controlled substances in schedules II, III, IV or V for which he regularly charges his patients is subject to the recordkeeping requirements for all drugs dispensed *including* drugs prescribed or administered. This is in accord with existing language of the Food, Drug, and Cosmetic Act which also defines a dispensing practitioner as one who "regularly engages in dispensing any such drug or drugs to his patients for which they are charged, either separately or together with charges for other professional services" and which requires the dispensing practitioner to prepare and keep "a complete and accurate record of the kind and quantity of each such drug received, sold, delivered, or otherwise disposed of, the name and address of the person, and the registration number, if any, assigned to such persons . . . from whom it was received and to whom it was sold, delivered, or otherwise disposed of and the date of such transaction."

The language of sub-section 307c(1)(B) will continue the existing recordkeeping required of dispensing practitioners handling nonnarcotic controlled substances. Continuance of full recordkeeping by dispensing practitioners as well as by all other legitimate handlers is essential to prevent the diversion of these substances. I fully support this sub-section.

Finally, Mr. President, I am pleased to add my concurrence to the intent expressed by the Honorable Mr. Jarman in his remarks appearing in the Congressional Record on September 23, 1970, page 33298 concerning the education and research activities of BNDD. I and the members of the Senate Committee are fully aware of the Memorandum of Understanding reached by the Department of Justice and the Department of Health, Education, and Welfare defining the research role between NIMH and BNDD. I would like to have a copy of this Memorandum dated August 11, 1970 included in the record. It is our intent that this Memorandum becomes a working document to be continued in intent and scope under the bill before us by permitting the NIMH wide latitude in its research endeavors and the BNDD to carry out its regulatory role in the identification and characterization of substances having a potential for abuse and the necessary evaluation for early identification and scheduling purposes.

I ask unanimous consent that the document entitled "Memorandum of Understanding Between the Bureau of Narcotics and Dangerous Drugs, Dept. of Justice, and the National Institute of Mental Health, Dept. of Health, Education, and Welfare concerning Scientific Research" be printed at this point in the Record.

MEMORANDUM OF UNDERSTANDING BETWEEN THE BUREAU OF NARCOTICS AND DANGEROUS DRUGS AND THE NATIONAL INSTITUTE OF MENTAL HEALTH

The subject agencies share the national concern about the growing problem of drug abuse and the need to acquire and to disseminate new knowledge and broader understanding of every aspect of the problem. It is axiomatic that only through complete cooperation and a mutual exchange of information gathered in the course of each agency's individual activities can this common goal be achieved.

This Memorandum of Understanding is established to delineate areas of responsibility, areas of collaboration, and increased cooperation between the agencies with respect to research activities in the field of drug use and abuse. It does not replace or change any of the currently delegated duties or responsibilities of the signatory agencies.

The National Institute of Mental Health has responsibility for conducting or supporting biological, pharmaceutical, sociological, behavioral and other scientific research on the abuse of existing and new drugs, the nature of addiction or drug dependency, the social patterns of abuse, the causes, prevention, treatment and rehabilitation of drug addicted or drug dependent persons, and other facets of the drug-taking phenomena, with the exception of studies directly related to law enforcement problems, techniques and such responsibilities as the Bureau of Narcotics and Dangerous Drugs has to support its mission. It also supports training programs to improve the effectiveness of health personnel to work in this area, and it assists States and communities in the application of research findings.

Because of its broader mission, the National Institute of Mental Health, whenever possible will be responsive to the requests of the Bureau of Narcotics and Dangerous Drugs in specific areas of research needs. The National Institute of Mental Health will not be restricted from engaging in research in areas of Bureau of Narcotics and Dangerous Drugs' responsibilities, but will insure that there is no undesirable duplication of efforts, and that there is prior agreement on the need for the research.

Because of the limited nature of the Bureau of Narcotics and Dangerous Drug's research effort, its primary programs will be directed to those areas which will support its mission, such as:

1. Identifictaion and characterization for regulatory purposes of substances with a potential for abuse.

2. Development of new methodologies to assess the abuse liability of drugs, including screening capabilities in order to assure proper control of the drugs under laws enforced by the Bureau. (Screening programs are not to be duplicative of those now functioning at the University of Michigan.)

3. Studies designed to assess and detect the presence of narcotics and dangerous drugs in the human body, including the development of rapid field identification methods.

4. Development and maintenance of a reli-

able early warning reporting system on the abuse of controlled and non-controlled drugs.

5. Development of an accurate statistical reporting system on abuse data associated with crime and criminal activity, including an improved addict reporting system.

6. Studes to show the relationship between crime and drug dependent persons, studies to identify predisposing factors to illicit drug activity and development of tests to be used by enforcement personnel to better perform their functions.

7. Detection of abuse substances by remote sensing devices.

8. Studies to evaluate the nature and sources of the supply and flow patterns of legal and illegal drugs throughout the country.

9. Studies to compare and evaluate the deterrent effects of various strategies on drug use and abuse.

10. Studies to evaluate the direct and indirect costs of drug abuse to society.

11. Development of eradication techniques for the destruction of plant species from which controlled drugs may be derived.

To effect the foregoing and to implement the intents of this memorandum, it is agreed that within 10 working days following the signing of the document, a joint committee be established as a working subcommittee of the now existing Departmental Liaison Committee. The subcommittee will be composed of two representatives (one alternate) from each of the signatory agencies. The functions of this committee will be to effectuate the goals of this memorandum and to discuss and resolve problems and issues of concern to signatory agencies which arise in the course of carrying out their repective functions.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

JAMES D. ISBISTER,
Acting Director, National Institue of Mental Health.

Mr. DODD. Mr. President, I am delighted with the tremendous change in direction this bill signifies for the Congress and the nation.

The government has finally eliminated mandatory minimum sentences for drug violations and further, has reduced first offender possession violations to misdemeanors, punishable by up to one year's imprisonment.

The bill gives judges much greater latitude in handling the increasing numbers of drug abusers, thousands of whom are not youths with delinquent or criminal records.

However, penalties for drug pushers remain strong, as a necessary deterrent to this practice.

The bill authorizes additional enforcement personnel for the Bureau of Narcotics and Dangerous Drugs and provides the Attorney General and the Bureau with new and necessary enforcement tools including the right to obtain and execute no-knock search warrants in certain, specified instances.

Title III of the bill regulates the import and export of controlled drugs and provides for limits on the amount of crude opium that may be imported into the United States. The controls embodied in this title should be sufficient to stem the diversion of drugs from legitimate channels into the illicit markets, a practice which has been ongoing utilizing the method of export and re-entry as a means of diversion.

On balance this is a good bill.

While the Senate did not prevail on all issues, I believe that the Conference Report should be accepted.

I urge Senators to do so.

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

Mr. McCLELLAN. I yield.

Mr. HUGHES. Mr. President, I think that the members of the committees in both Houses, who have labored for many hours over this particular piece of legislation are to be congratulated. As we all know, their work was difficult, there were many complex problems to be resolved, and there were many jurisdictional overlaps which, with a good deal of cooperation, had to be worked out. There was much give and take on the part of all interested parties, and the final legislation, I am convinced, was the better for it.

To my mind, this legislation constitutes an extremely important step forward in dealing with the drug epidemic in this country—in the fields of prevention and rehabilitation as well as in the field of law enforcement. It is beyond contention that in dealing with the illicit distribution of narcotics and dangerous drugs, stern laws and strict enforcement are essential. It is just as true, however, that the most efficient possible system of enforcement and punishment cannot do the job alone. This bill makes major advances in both of these areas.

The present bill constitutes a great improvement over the original legislation in this area which was first considered by the Senate. At the time that legislation was being considered by the Senate, I offered amendments which would have: limited the Attorney General's authority for conducting educational and research programs to those directly related to enforcement of the control provisions of the legislation; given greater authority to the Secretary of Health, Education, and Welfare in the classification of controlled substances; and provided for the confidentiality of information about patients or research subjects who have been promised anonymity by a Government agency in exchange for highly personal information.

At the time those amendments were originally proposed, they were not successful. I am pleased to be able to say today that the amendments or the concepts behind them are a part of the legislation which we have before us today. I am also pleased that the conference committee saw fit to retain my amendment making those persons who are guilty of distributing marihuana for no remuneration subject to the same penalties as those persons who are charged with possession, rather than subject to the severe penalties for trafficking and distribution.

These were dramatic steps toward giving the legislation the proper balance between law enforcement and prevention, rehabilitation, and research.

If there are many reasons to be pleased about the legislation, there are also several reasons to be concerned. I feel that the no-knock provisions, which give law enforcement officers the authority to break and enter without announcing their identity or purpose constitute an unnecessary intrusion into the private lives and rights of our citizens. I am not convinced that we have yet given our law enforcement officers the kinds of determined and complete backing they need to obtain and use legitimate tools of unquestioned constitutionality at the present time. Until that has been done, I do not believe that we can be justified in moving into this questionable area.

One other brief point along this line. H.R. 18583 fails to distinguish between the relative harmfulness of the various drugs for purposes of criminal sanctions. For example, in the distribution area, the same penalty attaches for distribution of LSD as for the distribution of marihuana; in the possession area the same penalty attaches for possession of all drugs, whether heroin, LSD, amphetamines, or marihuana.

This difficulty is caused by the type of classification structure which is used in the proposed legislation. Classification in the bill depends primarily upon whether there is an accepted medical use for the drug. Because heroin and marihuana have no recognized medical use, they are classified in the same category. Such a classification is valid for purposes of manufacturing controls and reporting requirements. If there is no valid use for a drug, there is a sound reason to impose the strictest manufacturing and record-keeping controls. But criminal sanctions for illegal distribution and use should be based upon the danger to society and the individual, not upon whether there is any valid medical use.

I am hopeful that this situation will be remedied and compensated for somewhat by the Departments of Health, Education, and Welfare and Justice, working together to develop a classification of substances based upon the harm of controlled substances to the individual and to society. Such information could be used to provide relevant information to the judiciary for their discretionary consideration and use in determining appropriate sanctions in cases involving violations of sections 401 and 404 of title II of the act—that is, the possession and distribution sections.

If this is not done administratively certainly it will then have to be done later legislatively, so that our courts can have available to them the scientific, medical, and law enforcement data upon which they can base an intelligent and compassionate decision with respect to sanctions.

Finally, I would like to comment on title I of the bill. That title deals with prevention and rehabilitation programs. The substitute amendment to this title which I proposed, which was cosponsored by all of the members of the Labor and Public Welfare Committee, and which passed the Senate 44 to 23, would have established a National Institute for the Prevention, and Treatment of Drug Abuse and Drug Dependence with responsibilities which were spelled out in the law; would give greater emphasis to grants for programs which were developed at the State and local community levels; would have established prevention and rehabilitation programs for Federal employees; and would have increased authorizations reasonably for the prevention and rehabilitation area. The House was unwilling to accept these changes in emphasis for Federal programs at this late date, but indicated their willingness to hold hearings on the policy questions involved in the near future.

Several important changes were made in the legislation because of the amend-

ment, however; greater emphasis has been given to smaller, local initiative programs which have been so effective in reaching the drug abuser and drug dependent persons; statutes covering State health planning were amended to require planning in the areas of drug abuse and drug dependence; increased emphasis was given by the committee to so-called peer-group assistance programs for such things as crisis intervention centers, telephone counseling and information services, informal open admission facilities for support, guidance, referral, and temporary residence, and therapeutic self-help and group therapy programs; and authorizations were increased by 25 million from the bill as proposed by the House.

The provisions of title I of the bill as presently drafted are extremely important and helpful ones. The legislation is too important to hold up on the basis of enlarging their scope and effectiveness, desirable as that would be. I am hopeful that the provisions can be further revised next year after the House has had the opportunity to consider the basic concepts behind the Senate amendment. I can assure you, Mr. President, that we of the Labor and Public Welfare Committee who have worked so long on this urgently needed legislation have every intention to stay with it.

The Committee on Labor and Public Welfare, as an indication of their intent to keep working for these objectives has today reported the substitute amendment as a separate piece of legislation, and I am hopeful that it can perhaps be acted on when we return from the recess.

In conclusion, Mr. President, let me express my conviction that we have enacted a highly significant and constructive piece of legislation, and I am deeply grateful to all who have had a part in it.

If we were to take a poll of citizens anywhere in the country, I am certain that they would place the need for more effective control of drug abuse and narcotic addiction at the top of their list of priorities for congressional action.

We need to do more, a great deal more, in getting at the drug problem at its source through coordinated health programs and preventive education on a nationwide basis.

But in enacting H.R. 18583, we have taken a highly significant step in the right direction.

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

Mr. McCLELLAN. I yield.

Mr. YARBOROUGH. Mr. President, the Comprehensive Drug Abuse Prevention and Control Act of 1970 is a great step forward toward the control of dangerous drugs. We all have recognized that drug abuse in the United States is a problem of great and ever-increasing concern and appears to be approaching epidemic proportions. Now, for the first time, we are attempting through this legislation to take a multidisciplined approach toward solving the problem. It represents a most important change in the attitude of the country toward drug abuse.

No longer can it be said that we believe that harsh penalties are the sole way to stop the widespread illegal use of drugs in the United States. Rather, we have opted for educational and rehabilitative activities as well as revised penalties which differentiate between the narcotics pusher and the experimenter who may be apprehended with a small amount of marihuana in his possession without ever having smoked it.

A total of $115 million has been allocated for these educational programs and special projects for drug-dependent persons over a 3-year period. These funds may not only be utilized for traditional medical services, but also include intermediate care services, outpatient services, and prevention, treatment, and rehabilitation services for drug-dependent persons primarily organized and operated by persons from similar social, cultural, and age backgrounds as the person served, in community-based and easily accessible facilities.

Mr. President, I am proud of the contribution to a better bill made possible by the work of the Alcoholism and Narcotics Subcommittee under the able chairmanship of the Senator from Iowa (Mr. HUGHES). As chairman of the Labor and Public Welfare Committee, with jurisdiction over all health matters, I appointed, in 1969, the first Subcommittee on Alcoholism, Narcotics, and Dangerous Drugs ever appointed in the Senate. The able Senator from Iowa (Mr. HUGHES) had made an enviable record as Governor of Iowa in the matter of alcoholism and dangerous drugs, so I requested that he head this important subcommittee. He agreed to do so, and has given the subcommittee the drive, the dedication, and the will to make it succeed. Senator HUGHES has his own bill on narcotics and dangerous drugs which will come before the Senate later; it is better than the present bills, though the present bill makes a contribution on this dread affliction.

Mr. McCLELLAN. I thank the distinguished Senator from Texas but I believe that those complimentary remarks should be given to the Senator from Connecticut (Mr. DODD) who handled the bill. As a member of the Judiciary Committee, I was glad to serve with him and work with him and support him, but actually he deserves the credit and praise which the Senator from Texas graciously bestows upon me. I accept it for him.

Mr. President, I should like to state for the RECORD that it is my understanding the Senator from Connecticut (Mr. DODD), chairman of the conference, to whom great credit is due for this measure, supports the measure as offered and discussed by the distinguished Senator from Iowa (Mr. HUGHES), and the RECORD should so reflect it.

Mr. HUGHES. Mr. President, I should like to comment on that. The Senator from Connecticut did indicate he supports the amendment and hopes to support it in the future. That was his wish in the conference committee and he did make a struggle to see that the amendment was included.

Mr. JAVITS. Mr. President, first, I would like to join my colleagues in expressing the appreciation of the members of the conference from the Committee on Labor and Public Welfare to the Senator from Arkansas (Mr. McCLELLAN), the Senator from Connecticut (Mr. DODD), who is not here today, and to other Senators who, insofar as our work was concerned, which was title I, were very helpful in giving us a clear field to work things out the best way we could.

I join also in the regret expressed that the entire Hughes substitute amendment to title I of H.R. 18583 which I cosponsored as did every member of the Committee on Labor and Public Welfare——

Mr. McCLELLAN. If the Senator will allow me to interject there, I think he means the Judiciary Committee.

Mr. JAVITS. Yes, but I meant insofar as you were concerned.

My reason for speaking is that I do not want it to go down in history that we just, as it were, yielded on the Hughes amendment without recognition of the great advances accomplished by the legislation with respect to the drug abuse and narcotics addiction problem. I believe we will pass the substitute amendment to title I of H.R. 18583 in the Senate. It is a counterpart to the House bill, and ultimately we will have a national institute to deal with the drug abuse problem, which we should have, which for the moment was eliminated by the conference report. However, the conference has improved upon the provisions contained in title I of H.R. 18583 relating to rebilitation, prevention, and treatment for drug abuse and drug dependence. It has enormously beefed up with money—an additional $25 million in authorizations for special project grants—and authority the whole of the U.S. prevention, treatment, and rehabilitation program concerning narcotics addiction and drug abuse.

The original man who gave us the original push was the Senator from Arkansas (Mr. McCLELLAN) himself, who included in a bill which came out of the Judiciary Committee for the first time such an approach to the narcotics addiction problem, with an authorization of $15 million. Now this concept, matured and developed in the Committee on Labor and Public Welfare, and also in the conference which I had the honor to be an active participant, with the idea of having the community mental health centers accommodate those who needed to be treated for drug abuse and narcotic addiction. Now we are going through a broader program with major changes which are of critical importance to every big city.

First is the right of the Secretary to make special project grants specifically for the treatment and rehabilitation of narcotics addiction or drug dependent persons. That is now broadened so that he may give money not for a combination of purposes only—to wit, detoxification services, or institutional services (including medical, psychological or counseling services) or community-based aftercare services, but for any one of those individual programs or services. When we join that new authority with the established structure by which such care is afforded, we see the advances made.

Another big expansion is in the community health centers—where we now

have 350 when we need 2,000. The big expansion is in public but often sometimes private, often mixed projects, right in New York such as Phoenix House, Odyssey House, Daytop, Exodus, Harlem ARC, and many other therapeutic communities, youth centers, detoxification facilities, clinics, and so forth, which will render one of the services, not all—only one or perhaps two. Now we have expanded the opportunity when we join both, often nongovernmental activities, which are nonprofit, and governmental activities, with this expansion of authority to the Secretary, we have opened up for drug abusers and narcotic addicts who will be treated, with no means now available for treating them, a program, institution or facility for treating them which can be helped under this section of the legislation.

Not content with increased scope of program, we also, as I previously indicated, beefed up the money considerably. The aggregate Senate authorizations had exceeded those of the House by $26 million. With tremendous support of the members of the conference committee, Senators YARBOROUGH, RANDOLPH, DOMINICK and HUGHES, who led the fight, we added $25 million of the $26 million to this very program for special project grants, a very significant advance which will have tremendous effect and influence in the days ahead.

Also, we provided that State health plans, where there is also much more money available for State comprehensive health plans, should include provisions for services for the prevention and treatment of drug abuse and drug dependent persons commensurate with the extent of the problem in a given State.

So there again, we opened up a totally new field which will be helpful in this regard.

We also made clear that where a program of services under special project grants provisions included funds for alteration, expansion, remodeling, and so forth, of an existing facility—rather than new construction of a new facility—that such program need not be consolidated with another program. However, where a program established and also funds are provided for construcion of a new facility, thereafter programs established under the special project grants provision—where feasible—will be consolidated with the program or programs of the newly constructed facility.

Aside from the adoption of title I as passed by the Senate, which I consider to be essential and a marked change, we must be sure to make in due course, but which the House begged off on, on the grounds that they had no hearings to consider the subject, although it promised, as will be seen from reading the conference report, that next year there will be real consideration of the subject.

Aside from that really historic move in the drug abuse and narcotic addiction situation in the Federal Establishment which would come with the establishment of a new institute in the National Institutes of Health, what we have done is a first step forward toward a new plateau for Federal determination in the drug abuse field.

I hope very much that the Senate will approve the conference report. I feel that this problem is the worst problem we have. It certainly is the worst where I come from, New York City. We have an opportunity—fully safeguarded and in the hands of the Secretary—with this piece of legislation to really make every dollar appropriated in the Federal Establishment count the most in this drug problem.

I repeat what I have said before. We estimate that as much as 50 percent of the crime in New York City is attributable in one way or another to narcotics addiction. That is a staggering figure, in terms of human and economic loss. However the estimate, it is justified by the facts.

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

Mr. JAVITS. I yield.

Mr. DOMINICK. Mr. President, I want to say for the RECORD what I think most of us would have already surmised, and that is that the Senator from New York did a very fine job in this conference. It was he who finally worked out the compromise that let us move forward in the method of treatment of drug abusers and drug addicts by enlarging the House language and taking the money which would have otherwise gone to communit; mental health centers and using it in this manner.

I want to be the first to congratulate the Senator. He has worked very hard on this measure, as have the Senator from Iowa (Mr. HUGHES) and the junior Senator from Colorado. This is a very fine example of working out a difficult problem in conference.

Mr. JAVITS. Mr. President, I thank the Senator for his very generous statement. I am very grateful.

Mr. DOMINICK. Mr. President, the second point is that the Senate has by no means given up on the bill. We had inserted title I, as it passed the Senate and we have every intention of bringing this bill out. We are going to bring it out as separate legislation, if need be. The scope of the problem—although we have enlarged the remedies for it to some degree here—is so big in the United States that we must move forward in this field if we are to get some legitimate rehabilitation and curative system properly implemented through local, State, and Federal partnership programs.

Mr. JAVITS. Mr. President, I thoroughly agree with the Senator from Colorado concerning the original concept of the Hughes bill in which we all joined, which is the same concept we have applied to alcoholism. It will be a tremendous source of enlightenment in this country. There is a chance that the bill will be reported out as early as tomorrow.

I join thoroughly with the Senator from Colorado in that matter. We must press forward to get the bill enacted. We have accomplished a great deal in the conference report before the Senate in a very substantive way. We will yet obtain our goal which is a major program to have its own institute as incorporated in the substitute amendment to title I of H.R. 18583 originally passed by the Senate.

Mr. EAGLETON. Mr. President, in a short time, we will approve a measure—no doubt by an overwhelming vote—which will be heralded through this year's election as Washington's answer to the drug-abuse crisis in this country.

Let me emphasize my awareness that it is no small task to respond to a drug-abuse problem of such scope as the one we are facing. I do not minimize the undertaking. Nor do I say that, on the whole, this bill is a bad response.

In many ways, it is a good bill. The penalty structure it sets up reflects current needs and realities far better than the existing structure of penalties. It recognizes that the real problem for enforcement is the "pusher." It recognizes that no drug-abuse control effort will work without a program for treatment and rehabilitation of addicts.

But I cannot let this conference report pass without making clear my strong feeling that we have fallen short of what should have been done.

For months now each of us has received letters from constituents who are worried about drugs. They are afraid of heroin addiction and the street crime it breeds. They are afraid that one day they will find their kids shooting heroin or popping pills. And we know perfectly well that they have every reason to be afraid.

For months we have been responding to these constituents with letters and speeches saying that we care, that we will respond effectively and soon to the obvious needs in this area.

And we have responded—more or less.

Last week the Senate adopted an amendment I introduced moving amphetamines up from schedule III to schedule II, the net effect of this amendment being tighter control over the manufacture and distribution of so-called "ups" and "speed." There were only 16 votes against it.

Yesterday, in the conference committee, the drug manufacturers got their way. All amphetamines will remain in schedule III, except for the liquid injectable methamphetamines, which will be moved to schedule II.

Let me make clear to my colleagues that moving liquid injectable methamphetamines up to schedule II accomplishes next to nothing. By no stretch of the imagination does it eliminate the "shooting" of speed by kids in the street.

First, these liquid injectable methamphetamines have not been a principal source of speed for our young people. They constitute only a miniscule proportion of the methamphetamines produced in this country, according to the Bureau of Narcotics and Dangerous Drugs. And they are used, for convenience sake, by doctors in their offices and in hospitals. Liquid injectable methamphetamines are not available over the counter.

Second—and I call my colleagues' attention to this point in particular—nearly all amphetamine and methamphetamine pills and powder can be easily diluted and injected. Tightening control over liquid injectable methamphetamines, while leaving pills and powders relatively uncontrolled, sidesteps the problem almost entirely. The kids can still get the pills and powders, and they can still dilute them and inject them.

How do we explain that to constitu-

ents who write to say they worry about their kids shooting speed?

Let us not kid ourselves. The drug abuse problem is not confined to heroin addiction, although I do not mean to suggest that heroin addiction is less than a critical problem.

The drug-abuse problem in this country includes the housewife popping diet pills, pep pills, and tranquilizers.

The drug-abuse problem in this country includes the longhaul truckdriver popping stay-awake pills on the road.

And the drug-abuse problem includes the young student popping "bennies" to make it through exams.

Ours is indeed a drug culture. And it is not just the kids who make it so. How can we adults in good faith tell our kids to keep away from drugs when every day they see medicine chests full of "ups" and "downs" and television ads offering a medicinal solution for every kind of emotional upset?

Yet the response of the Congress—and, I hasten to add, at the behest of the administration—is to drop controls over tranquilizers and to reject tighter controls over speed.

Surely the drug producers are the only winners.

In July 1969, President Nixon delivered his drug-abuse message to Congress. He said:

> Within the last decade, the abuse of drugs has grown from essentially a local police problem into a serious national threat to the personal health and safety of millions of Americans.
>
> A national awareness of the gravity of the situation is needed; a new urgency and concerted national policy are needed at the Federal level to begin to cope with this growing menace to the general welfare of the United States.

But somehow, when the chips were down, the power of the drug companies was more compelling than "this growing menace to the general welfare" of the Nation.

Mr. President, I wish to add one further thought. The able senior Senator from New York (Mr. JAVITS) previously mentioned that perhaps in the not-too-distant future another drug bill will emerge from the Committee on Labor and Public Welfare, the so-called Hughes bill. I do not know what the next vehicle for a drug bill will be. I do not know whether it will come before the Senate in the few days left in this session or whether it will be in future Congresses. Nor do I know how long I shall be here but it will be at least 4 more years, God willing. I hope during that time there will be some appropriate vehicle upon which I can again attempt to tack on the amphetamine amendment which was accepted by the Senate. Perhaps in the future, commonsense, common decency, and the overall public welfare will prevail upon the House conferees to accept this amendment. It is in the interest of the public, albeit to the detriment of the drug industry, especially the four drug manufacturers on Long Island mentioned in my speech at the time I offered the amendment.

I think it is a small price, indeed, to cause some inconvenience, and, indeed, financial inconvenience to the four Long Island drug manufacturers if the overall benefits are for a healthier, happier, and safer America. I think it would be a price well paid.

I yield the floor.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that there be printed in the RECORD two paragraphs from the statement of the managers on the part of the House which appear on page 9. I refer to the paragraph beginning with the words "Amendments Nos. 4 and 5," and the following paragraph.

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

> Amendments Nos. 4 and 5: These amendments proposed to transfer all amphetamines, phenmetrazine, and methylphenidate from schedule III to schedule II, thereby imposing stricter requirements for licensing of manufacturers, quota requirements, order forms, and other tighter controls, together with restrictions on the refilling of prescriptions, on these drugs.
>
> The conference substitute limits this transfer to schedule II to liquid injectible methamphetamine, widely referred to as "speed." The legislation contains authority for the Attorney General to transfer drugs between schedules, upon making the appropriate findings and following the procedures prescribed in the legislation. It is the understanding of the managers that proceedings will be initiated involving a number of drugs containing amphetamines after the legislation has become law, but exceptions will be made for a number of amphetamine-containing drugs.

Mr. McCLELLAN. Mr. President, I move that the conference report be agreed to.

The conference report was agreed to.

HEALTH TRAINING IMPROVEMENT ACT OF 1970—CONFERENCE REPORT

Mr. YARBOROUGH. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3586) to amend title VII of the Public Health Service Act to establish eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for institutional grants under section 771 thereof, to extend and improve the program relating to training of personnel in the allied health professions, and for other purposes.

I ask unanimous consent for the present consideration of the report.

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

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

(For conference report, see House proceedings of October 8, 1970, pp. 35851–35855, CONGRESSIONAL RECORD.)

Mr. ALLOTT. Mr. President, would the Senator yield in order that I might suggest the absence of a quorum so that the Senator from New York (Mr. JAVITS), who is the ranking minority member of the subcommittee, may come to the Chamber.

Mr. YARBOROUGH. Yes.

Mr. ALLOTT. Mr. President, I thank the Senator. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. YARBOROUGH. 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. YARBOROUGH. Mr. President, this 3-year bill to train medical technicians will be of immense help to our health system in providing more allied health professionals, such as dental hygienists, dieticians, medical technologists, medical record librarians, occupational therapists, optometric technologists, X-ray technicians, dental assistants, and dental laboratory technicians. Every doctor and every dentist is overworked today. He needs expert assistance from nurses, technicians, and other professionals and paraprofessionals if he is to utilize his abilities to the fullest efficiencies. Too many times a doctor has to perform tasks that others could do who have not had his extensive training. With a shortage of 50,000 doctors the doctor should do those things that others cannot do. This could be done if we eliminated the shortage of 500,000 allied health workers which this bill is aimed at.

Mr. President, if we train allied health workers we would free doctors and dentists from keeping technical records and office work that should be done by technicians. The thrust of the bill is to free doctors and dentists to do solely medical and dental work. Now they cannot do solely medical and dental work because there are not enough trained technicians in the country. There is a shortage of health technicians greater than the shortage of doctors and dentists.

The thrust of the bill is that it will provide money for training for 3 years and also provide scholarships. This is breakthrough legislation. Many people who would like to qualify as technicians have limited financial resources and their families have limited financial resources. In this bill we have provided for the first time for scholarships for these people to seek medical and dental technician training.

I am glad the occupant of the chair (Mr. SCHWEIKER) is a member of the Committee on Labor and Public Welfare. He is conversant with this matter.

We have scholarship grants for those who are seeking this aid. We have other methods whereby they can go to school. We have work-study programs, student loans, in addition to scholarships. As I have said, this is breakthrough legislation and it will end the bottleneck in the shortage of technicians.

I could describe the bill in detail. I think that rather I might add here pages 15 to 18 of the House conference report, which is the full statement of the managers on the part of the House, and a description of the bill.

Mr. President, I ask unanimous consent that the statement of the managers be printed in the RECORD.

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

STATEMENT OF THE MANAGERS OF THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3586) to amend title VII of the Public Health Service Act to establish eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for institutional grants under section 771 thereof, to extend and improve the program relating to training of personnel in the allied health professions, and for other purposes, submit the following statement, in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment to the text of the bill struck out all of the Senate bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the Senate bill and the House amendment to the text of the bill. Except for technical, clarifying, and conforming changes, the following statement explains the differences between the House amendment to the text of the bill and the substitute agreed to in conference.

START-UP ASSISTANCE FOR NEW HEALTH PROFESSIONS SCHOOLS

The Senate bill contained a provision not in the House amendment which would make new health professions schools eligible for grants in fiscal year 1971 under section 771 of the Public Health Service Act (relating to institutional grants). Under the Senate provision a grant of $25,000 plus such amounts as the Secretary prescribes would be available for the new schools. There was no increase in the authorization for appropriations for grants under such section 771.

The conference substitute provides that in determining the amount of an institutional grant to a new school, the Secretary shall determine the number of students to be considered as the enrollment of the school for the fiscal year prior to the year in which the school will admit its first class on the basis of assurances provided by the school.

The special aid authorized by this provision will be available (only) until such time as the recipient school becomes eligible for (regular) formula grant assistance under the provision of subparagraph (A) of paragraph (1) of subsection (a) of this section. Such special assistance shall be available no earlier than the year before in which students are actually admitted. Finally, the Secretary may, for the purpose of making grants to such new schools, impute enrollments for such schools under the provision of subparagraph (A) of paragraph (1) of subsection (a) of this section.

EMERGENCY ASSISTANCE FOR DENTAL AND MEDICAL SCHOOLS IN EXTREME FINANCIAL DISTRESS

The Senate amendment contained language authorizing the appropriation of up to $100 million for fiscal year 1971 to establish a fund to provide emergency assistance to medical and dental schools in serious financial distress. The House amendment contained no corresponding provision.

Existing law authorizes appropriations up to $168 million for formula grants and project grants to health professions schools covering a wide variety of purposes. The budget submitted by the administration calls for the appropriation of $113 million of these authorized amounts, leaving approximately $55 million in authorization for appropriations for fiscal year 1971. Among the purposes for which funds may be appropriated pursuant to this remaining $55 million authorization, as described in section 772 of the Public Health Service Act, are appropriations for providing assistance to "any such schools which are in serious financial straits to meet their costs of operation or which have special need for financial assistance to meet the accreditation requirements."

The conference substitute would provide authority to meet the purposes of the Senate amendment by providing that funds appropriated for fiscal year 1971 to meet the needs set out in the previously quoted language are authorized to remain available until expended, or until June 30, 1972, whichever first occurs. To the extent that funds are requested by the administration for this purpose, this authority will permit added flexibility in the use of these funds. The managers on the part of the House also wish to print out that section 601 of the Hospital Construction and Modernization Amendments of 1970 will apply to funds appropriated pursuant to this authorization, and therefore are not subject to administrative cutbacks or withholding from expenditure, so that if appropriated, these funds will be used for aid to these schools. It is the intention of the conferees that these funds be limited to medical schools and dental schools which are in serious financial distress.

The conferees feel that the situation facing many privately owned medical and dental schools is critical and therefore urge the administration to give serious consideration to the needs of these institutions, with a view to requesting such sums as may be necessary to provide the emergency assistance which these schools require.

In addition, the conference substitute provides a congressional finding relating to the effect on the Nation of the acute financial crisis threatening the survival of medical and dental schools and directs the Secretary of Health, Education, and Welfare to determine the need for emergency financial assistance to medical and dental schools in financial distress and to report to the Congress on or before June 30, 1971, his determinations of such need and his recommendations for such administrative and legislative action as he determines is necessary to meet such needs.

ALLIED HEALTH PROFESSIONS

Grants and contracts to encourage full utilization of educational talent for allied health professions

The Senate bill contained a provision not in the House amendment which would amend part G of title VII of the Public Health Service Act to provide a 5-year program (through fiscal year 1975) of grants and contracts to (1) identify individuals of financial, educational, or cultural need who have potential for education or training in the allied health professions, and (2) encourage and assist them, where appropriate to (A) complete secondary school, and (B) undertake necessary postsecondary training.

The following amounts would be authorized for such program: $0.75 million for fiscal year 1971, $1 million for fiscal year 1972, $1.25 million for fiscal year 1973, $1.5 million for fiscal year 1974, and $1.75 million for fiscal year 1975.

The conference substitute is the same as the Senate bill except that the program is limited to fiscal years 1971 through 1973.

Scholarship grants

The Senate bill contained a provision not in the House amendment which would also amend such part G to provide a 5-year program (through fiscal year 1975) of grants for public or nonprofit private entities with established training programs in the allied health professions to enable them to award scholarships (not to exceed $2,000 for an individual and $600 for each dependent) with exceptional financial need.

The following amounts would be authorized for such program: $6 million for fiscal year 1971, $7 million for fiscal year 1972, $8 million for fiscal year 1973, $9 million for fiscal year 1974, and $10 million for fiscal year 1975.

The conference substitute is the same as the Senate bill except that (1) the program is limited to the 3 fiscal years, 1971 through 1973, and (2) the appropriation authorizations for each of those 3 years is reduced by $2 million so that $4, $5, and $6 million are respectively authorized for those 3 years.

Grants for work-study programs

The Senate bill contained a provision not in the House amendment which would also amend such part G to provide a 5-year program (through fiscal year 1975) of grants to institutions having established programs for the training or retraining of allied health professions personnel to assist them in the operation of work-study programs for individuals undergoing training or retraining in the allied health professions.

The following amounts would be authorized for such program: $2 million for fiscal year 1971, $4 million for fiscal year 1972, $6 million for fiscal year 1973, $8 million for fiscal year 1974, and $10 million for fiscal year 1975.

The conference substitute is the same as the Senate bill except that the program is limited to fiscal years 1971 through 1973.

Student loans

The Senate bill contained a provision not in the House amendment which would also amend such part G to provide a 5-year student loan program (fiscal years 1971 through 1975). Under such program allied health professions training institutions would receive grants or loans to establish student loan funds. Loans would be made to students from such student loan funds. Such loan would be repayable with interest at the rate of 3 percent per year. The maximum loan per year would be $1,500 with an aggregate ceiling to any individual of $6,000.

The following amounts would be authorized to be appropriated for the grants and loans to establish student loan funds: $1.5 million for fiscal year 1971, $3 million for fiscal year 1972, $8 million for fiscal year 1973, $12 million for fiscal year 1974, and $16 million for fiscal year 1975.

The conference substitute is the same as the Senate bill except that (1) the program is limited to the 3 fiscal years, 1971 through 1973, and (2) the authorization for each of those 3 fiscal years is $3.5, $5, and $10 million respectively. The amount of the increase provided herein equals the amount by which scholarship authorizations were decreased.

STUDY OF ALLIED HEALTH PROGRAMS

The Senate bill contained a provision not in the House amendment which would direct the Secretary to conduct a study of allied health programs, under the Public Health Service Act and under laws administered by the Commissioner of Education, to determine their adequacy and effectiveness.

The conference substitute contains the provision of the Senate bill.

ADVANCE FUNDING

The Senate bill contained a provision not in the House amendment which would provide that any appropriation act appropriating funds for any fiscal year for payments under grants or contracts under part G of title VII of the Public Health Service Act could also appropriate for the succeeding fiscal year funds authorized to be appropriated for such payments for such succeeding fiscal year.

The conference substitute is the same as the Senate bill except that it is made clear that funds so appropriated cannot be made available for obligation for payments before the fiscal year for which such funds are authorized to be appropriated.

LICENSURE REPORT

The Senate bill contained a provision not in the House amendment which would direct the Secretary of Health, Education, and Welfare to prepare and submit to Congress before July 1, 1971, a report identifying major problems associated with licensure, certification, and other qualifications for practice or employment of health personnel, together with summaries of the activities (if any) of Fed-

eral agencies, professional organizations, or other instrumentalities directed toward the alleviation of such problems.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
W. L. SPRINGER,
ANCHER NELSEN,
Managers on the Part of the House.

Mr. YARBOROUGH. Mr. President, there will be an explanation of what happened to the amendment of the Senator from New York (Mr. JAVITS), which I cosponsored with him and strongly supported in committee, for emergency aid to medical and dental schools. The Senate agreed to the amendment but we could not get the House to agree.

I regret that. I think the amendment offered by the distinguished Senator from New York was a good amendment. I shall not describe it in detail, as he doubtless will.

The new student assistance programs total $45 million. In the future they will need to be greatly expanded. This is a token. It is a start. But it is a breakthrough in that we have begun to end the bottleneck in health care.

We have to improve that situation, but we also have to have the 500,000 technicians that we lack, and there is very little provision in current Federal law to provide for them. We have not given much thrust on the part of the Congress to see that that shortage is ended. This bill is a recognition of that fact.

This bill authorizes $335 million for manpower programs to train these allied health professionals, including the brand-new student assistance program in the bill. They will be the technical assistants to aid doctors and dentists, and thereby increase their effectiveness. For the first time there will be scholarships, loans, or work-study programs available to train these allied health technicians. Altogether these new student assistance programs total $45 million. In the future they will need to be greatly expanded.

Mr. President, I recently sent letters of inquiry to every medical school in the United States, asking them to increase their enrollments this year by 10 percent. I further asked that, if they could not meet this figure, what increases they could meet. The responses to this letter were shocking and disheartening. Only five schools of the more than 100 agreed to increase their enrollment. Such a response shows we are not meeting our present medical manpower needs. I hope through the use of the student assistance programs, some help will be given to our present health professionals. It is only the first faltering step toward progress. Our country must do more.

This bill allows us to do more. It provides assistance to those studying for allied health careers, and it provides assistance to institutions which train these people. This bill wisely provides for the utilization of our many veterans who have had medical training while in the service. The bill encourages these veterans to use this training in civilian life and it provides a means for the health profession to have the benefits of this training the men received while in the military services.

This bill, therefore, is designed to combat the shortage of health personnel from several angles. This approach is vitally needed, for halfway measures will not do the job. Unless we act promptly, the shortage of health professionals will grow worse. The quality of health care for decades to come can be affected by this bill.

If we are to improve health care, we must have the trained, professional personnel to do it; and we can get those people through programs contained in this bill.

While the Senate bill would have run for 5 years, and was a better bill than this 3-year bill which is the conference bill, the House of Representatives would not agree to a longer period of years, but if the administration diligently administers the present bill, great efficiency in the delivery of health care to the people can be achieved in the next 3 years under this bill.

I urge the Senate to agree to the conference report.

Mr. JAVITS. Mr. President, I support the conference report on the Health Training Improvement Act of 1970 (S. 3586). While my amendment to provide $100 million emergency assistance to medical and dental schools was not accepted by the House conferees, some relief has been afforded.

My original bill, which passed the Senate as an amendment to S. 3586, contained language authorizing up to $100 million for fiscal year 1971 to establish a fund to provide emergency assistance to medical and dental schools in serious financial distress. The House bill contained no corresponding provision.

The conference substitute would provide some authority to meet the purposes of the amendment. It provides that the $55 million authorization not included in the administration's budget request for formula and project grants to medical, dental, and health professions schools could now be appropriated for grants under the existing provision of law to assist medical and dental schools in serious financial straits to meet their costs of operation. I would direct my colleagues' attention to the fact that the conference substitute further provides that the appropriations to meet the emergency assistance needs are authorized to remain available for an additional year to June 30, 1972. This authority is most important for it will permit added flexibility in utilizing the additional funds appropriated for emergency aid to medical and dental schools.

It just does not make sense to have the sources of the best, the newest, and the safest in health care and treatment—the medical and dental schools and their teaching hospitals and dental clinics—institutions traditionally committed to standards of excellence in the care of the sick, in the training of new physicians, dentists and other health professionals, and in the expansion of medical knowledge—on the brink of financial disaster. The statement of managers urges "the administration to give serious consideration to the needs of these institutions, with a view to requesting such sums as may be necessary to provide the emergency assistance which the schools require."

The extent of the crisis was described in a newspaper report by Frederick P. McGehan and a UPI news feature by Louis Cassels and I ask unanimous consent that the articles entitled "Some Medical Schools Facing Closure" and "Crisis in Medical Schools May Worsen Doctor Shortage" be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1).

Mr. JAVITS. Mr. President, other important provisions which were in my Veterans in Allied Health Professions and Occupations Act of 1970 (S. 2753) and in the Senate-passed bill and for which the House had no corresponding provision were student assistance programs, authorizations to encourage a talent search for allied health professions personnel, and the requirement for a licensure report by the Secretary of Health, Education, and Welfare. All of these were accepted by the House with only minor reductions in authorizations.

The provision for student aid and a talent search were essential. They permit us to take an important first step forward and utilize in our civilian-health industry the more than 30,000 medical corpsmen who leave the military service each year. The bill is designed to bring veterans and others with background and interest into the civilian medical service where they are desperately needed and to explore the possibility of finding new sources of manpower capable of performing many of the functions now carried out by highly skilled and scarce professional personnel. What better way to help many of the thousands of returning Vietnam veterans find meaningful employment? Surely, a medical corpsman who is qualified to treat the wounded on the battlefield should be soon qualified to assist in the treatment of patients in our hospital's wards and emergency rooms.

The requirement for a licensure report will be invaluable in helping overcome critical manpower shortages. By conducting a comprehensive study of existing laws, regulations, customs, and practices governing the licensing, certification, or other means by which individuals are determined to be qualified to practice in the allied health professions, we can seek to prevent artificial and unnecessary restrictions on the entry and advancement of skilled personnel. This Nation needs to make the best use of every available person in the health field.

I urge my colleagues to adopt the conference report.

EXHIBIT 1

[From the Baltimore Sun, June 22, 1970]

SOME MEDICAL SCHOOLS FACING CLOSURE

(By Frederick P. McGehan)

St. Louis University School of Medicine is a respectable, 140-year-old institution that may have to close its doors.

The Jesuit-affiliated school has a student enrollment of 540, including about 70 post-doctoral students, and is the hub of a medical center that includes a 300-bed hospital, a mental health center, and schools of nursing and allied health professions.

Like many other medical schools it is straining to increase its enrollment (140 freshmen next year versus 130 this year) and to offer opportunities for minority groups (10 black students will be admitted this fall).

It is also attempting to replace its outdated classrooms and laboratories with more modern facilities.

According to Dr. Robert H. Felix, the school's dean, the school was "carrying on fairly well" until it applied for a $10 million federal construction grant.

In the vicious competition for the dwindling federal dollar, the school was denied the grant, Dr. Felix said.

About the same time, Dr. Felix related in a telephone interview, the university's board of trustees changed from a religious to a lay board.

Faced with severe economic problems throughout the university, the new board decided to close the schools of dentistry, engineering and aviation technology in order to conserve resources for the remaining schools. The medical school will soon begin to occupy space in the former dental school.

ANNUAL DEFICIT

Despite this juggling, Dr. Felix said his school continues to run a $750,000 annual deficit. "It comes right out of the guts of the treasury of the university," he said.

Dr. Felix said his school has been "hit badly" by reductions in federal research and training grants.

Thirty per cent of some faculty salaries is paid out of these funds, he said. With this source reduced it becomes necessary to take salary money from the school's operating expenses. "If you shift money to salaries, you have to let equipment and supplies go," he noted.

"NO ALTERNATIVE"

"If they want to cut back on research, give us the funds to keep teaching," the dean lamented. "When you cut funds off on one side and don't replace them, then we're dead," he said.

At this point, Dr. Felix stated, he sees "no alternative" but to recommend to the board of trustees that no freshman class be admitted in the fall of 1971.

"If the medical school closes, then the medical center will close too," Dr. Felix warned.

St. Louis University is perhaps the extreme case. Concerned observers, however, list between 10 and 12 other medical schools that are in serious difficulties.

These include Albert Einstein College of Medicine in New York, New York Medical College, Georgetown and George Washington universities, both in Washington, Loyola University of Chicago, Tulane University in New Orleans, Bowman-Gray Medical College in Winston-Salem, N.C., Cornell University Medical School, and Tufts University Medical School in Boston.

The Johns Hopkins School of Medicine has also appeared on several lists of ailing schools.

New York Medical College, one of the country's largest medical schools with 511 students, has placed a freeze on new hiring and has placed controls on overtime and wage increases.

It has used up its unrestricted endowment to meet deficits which currently amount to $2.5 million a year. The school's bank credit has also been limited.

CURTAILMENT CONSIDERED

A spokesman for the school said last week that it is considering curtailing some of its community medical programs to meet the financial crisis.

"It's taking everything we can get . . . and we've got just so much baling wire and gum," said the spokesman.

Dr. John Parks, dean of the George Washington University Medical School, said last week that his school's deficit has grown from $291,000 in 1963–1964 to almost $2 million for the current fiscal year.

A $2 million reserve fund the school had built up was spent by the 1967–1968 fiscal year and the school has begun to dip into its endownment. "We haven't gotten to the stage of borrowing against the endowment, but we may," said Dr. Parks.

TREMENDOUS HANDICAP

The dean said that government funds only fill about one-fourth of student scholarship requests. In the past school year, he said, the school was able to provide only $200,000 out of $450,000 in aid requested by students.

Dr. Parks said that, because of cutbacks in federal training grants, the school will have to eliminate six postdoctoral fellowships in pharmacology. He termed it a "tremendous handicap" because some of the students had been working for as many as three years.

Most observers agree that private medical schools are in worse shape than state-supported ones. State schools, they argue, are assured of a certain amount of stable support through their state legislatures.

SEEK STATE AID

With their backs to the wall, the private schools have also been calling upon state legislatures for aid.

Legislatures in at least six states—Florida, North Carolina, Pennsylvania, New York, Ohio and Wisconsin—have responded by voting aid to private medical schools. Often it takes the form of per capita grants for each medical student.

Case-Western Reserve Medical School in Cleveland was in bad financial shape earlier this year before the Ohio Legislature came through with a two-year, $3 million direct-support grant.

To keep construction projects going the school had to divert $12 million from its endowment. It was taking 10 to 15 per cent cuts in federal research and training grants and student scholarship funds were dwindling.

HAD TO LOBBY

Seeing no hope of federal aid, the school went to the state legislature. "We had to lobby the state legislature, which was not the easiest thing to do," said Sam Whitman, the school's associate dean for administration.

Mr. Whitman, in a telephone interview, had some tart comments on the lack of federal assistance.

"Medical schools can't sustain a steady erosion year after year in general support, someone in Washington has to sit up and take notice," he said.

"So far I haven't seen any indication that the government is taking this matter seriously," he said in bitter tones.

[From the Bulletin of the Association of American Medical Colleges, Oct. 12, 1970]

CRISIS IN MEDICAL SCHOOLS MAY WORSEN DOCTOR SHORTAGE

(By Louis Cassels)

WASHINGTON, Oct. 6, (UPI)—The doctor shortage, already acute, will get far worse unless something is done soon to relieve the financial plight of medical schools.

That warning comes from high officials of the National Institutes of Health (NIH) and the Association of American Medical Colleges.

In separate interviews with UPI, they said many medical schools are in such a serious financial bind they may have to close down—at the very time that strenuous efforts are being made to increase the number of physicians in training.

The head of the American Medical Association agreed that medical schools are having money troubles but suggested that it's partly their own fault for overemphasizing research at the expense of teaching.

Dr. Robert H. Felix, dean of St. Louis University Medical School, said about 60 of the country's 107 medical schools are in "real trouble" and at least 25, including his own, are in "immediate jeopardy."

"We've been covering current deficits by eating up our endowments," Felix said. "If we don't get help within two or three years, we'll have to close down."

"We face a crisis," said Dr. Robert Q. Marston, director of the NIH. "No one who has watched these problems get worse in recent years could fail to be alarmed."

Dr. John Cooper, President of the Association of American Medical Colleges, said physician-training institutions are caught between sharply rising costs on one hand and declining income on the other.

Paradoxically, one reason costs are going up is that medical schools have been trying to expand their enrollments to overcome the national shortage of physicians, now estimated at 50,000.

Ten years ago, U.S. medical schools graduated a total of 7,336 doctors. This year, they graduated 10,350, and next year they will graduate about 11,250.

The increase has been made possible in part by expansion of existing medical schools and in part by starting new schools. Fifteen new medical schools have been opened since 1963.

Since the tuition paid by medical students usually covers only 20 to 25 percent of the actual cost of their training, each additional student puts a further strain on a school's resources.

Because of general inflationary pressures, faculty salaries, building maintenance and other overhead costs have been rising in recent years at a rate of 6 percent a year or more. The Marquette University Medical School said its costs have risen 50 percent since 1965.

Meanwhile, on the income side of the ledger, medical schools have been hit by a decline in private support and a cut back in federal research grants.

Dr. Kenneth M. Endicott, director of the Medical Education Bureau of the NIH, said research grants to medical schools declined from $492 million in the fiscal year 1968 to $488 million in fiscal 1969 and $487 million in fiscal 1970.

Although the drop is not great in absolute terms, he pointed out that the money is being spread among more institutions, and inflation has made a 1970 dollar worth less than a 1968 dollar.

Medical school officials, who have relied on federal research grants to cover a large part of their faculty expenses, said the actual impact of the cuts has been far greater than the figures would suggest.

"We've had to close two laboratories and abandon all of our work on heart and liver transplants," said Felix. "And I know dozens of other medical schools that are in the same boat."

Felix, who was director of the National Institute of Mental Health before taking the St. Louis deanship, said the money pinch is having a "disastrous effect on the quest for new knowledge" about major diseases.

"In may cases, basic research projects which have been underway for years have been seriously impaired or destroyed," he said. He cited, as one "particularly tragic" example, the abandonment of a study in which doctors followed the life histories of thousands of individuals in Framingham, Mass., over a long period of years to determine what effects such things as obesity, smoking, and cholesterol have on the heart.

"That study was just about at the point of paying off," Felix said. "Now we'll never know the results. We'll have to start all over again some day with the same research."

NIH officials said cuts in research grants have been offset to some extent by direct federal subsidies of medical education, which were begun in 1965. The total federal outlay on training grants (including research training) was $187 million in fiscal 1968. It rose to $279 million the following year and was cut back to $255 million in the current year.

Medical school officials contend these funds are inadequate to cover the costs of the expanding enrollments urged by the govern-

ment. They are particularly concerned about the amount and kind of aid available to medical students. Federal loan and scholarship funds were reduced from $21 million last year to $17 million this year, and the loans carry interest rates of 7 percent to 8 percent, which scare off many medical students.

Responding to the anguished cries of medical school officials, the House has voted to increase the fiscal 1971 appropriation for subsidies in medical education to $261 million. That is $19 million more than the Administration asked but still $18 million less than was available in 1969.

The House also approved an increase of $71 million in the Administration's request for medical research funds. However, only about half of this money would go to medical schools.

The appropriation bill is now awaiting action by a Senate committee.

The American Medical Association is supporting medical schools in their plea for more federal aid. But the AMA's new President, Dr. Walter C. Bornemeier, thinks medical schools have themselves to blame for part of their troubles.

"It is possible that the chief cause of the shortage of funds for teaching in medical schools is that many schools are overspending their financial resources in a maladjusted effort which emphasizes research at the expense of teaching," he said. "It might be better if those schools would re-emphasize teaching."

He pointed out that the number of medical students increased by 3,135 between 1961 and 1967, while the number of full-time faculty members rose by 8,185. Many of these new faculty members are engaged almost full time in research, he said.

Bornemeier said the cost of medical education could be reduced substantially by overhauling the curriculum and putting schools on a year-round instead of a nine-month academic year. If basic science courses now taught in medical school were moved back to the final year of premedical college work, he said, it would be feasible to reduce the total time between high school graduation and the awarding of an M.D. degree from eight years to six years.

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

Mr. JAVITS. I yield.

Mr. COOPER. I recall, when the bill was before the Senate, I believe I raised the question whether, before the personnel would be used, there would be consultation with the States—not to give the States a veto, but to consult with the States and also the appropriate medical bodies.

Mr. JAVITS. Of course.

Mr. COOPER. Is that provision retained?

Mr. JAVITS. It is. The whole system of advisory councils and the requirement to respect the participation of States, and so forth, has not in any way been changed.

Mr. COOPER. I thank the Senator.

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

The conference report was agreed to.

REGIONAL MEDICAL PROGRAMS AND COMPREHENSIVE HEALTH PLANNING AND SERVICES ACT OF 1970—CONFERENCE REPORT

Mr. YARBOROUGH. Mr. President, I submit a 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. 17570) to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other related diseases, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. 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 Oct. 8, 1970, pp. 35860–35865, CONGRESSIONAL RECORD.)

Mr. YARBOROUGH. Mr. President, this regional medical program is a 3-year extension, enlargement, and improvement of the regional medical program to combat the large death rate from heart disease, cancer, and stroke. Heart disease, cancer, and stroke kill 72 percent of all Americans who die each year. Kidney disease claims additional thousands each year. The regional medical programs are designed to combat this huge problem. Since 1965, 55 regional medical programs have been formed, and 54 of these are now in full operation. Their job is to improve patient care for these major killer diseases. This program has been a tremendous success. It is unique in that it depends upon voluntary cooperation among doctors, hospitals, medical schools, and laymen. The extension of the program in the bill before us now is essential. I want to point out that it will not be possible to make order out of the chaos that is our health system today without the cooperation of health professionals and institutions. The RMP is the best program we have to encourage and maintain that cooperation. If we are to make high quality health care for all Americans, we must have a program like the RMP. This bill authorizes the expenditure of one and one-half billion dollars over the next 3 years to aid in the fight on these major killers, heart disease, cancer, stroke, and kidney disease.

The bill before us adds kidney disease to the RMP for the first time. It offers great hope for the future for the millions who suffer from kidney disease and for the 10,000 who die from it each year.

Mr. President, this comprehensive bill also includes legislative extensions for two other health programs. The partnership-for-health program is a joint Federal-State-local health planning effort. It is obvious that competent health planners can make a great contribution to the solution of the health crisis. Specifically, Mr. President, the comprehensive health planning programs have been instrumental in improving licensing requirements for health programs. They have also developed multipurpose regional centers for persons suffering from alcoholism. Another example of the results of this planning and services program is the development of comprehensive health care centers which emphasize less costly outpatient services.

The health services R. & D. program is also included in this bill. Its main job is to do research into ways of improving the delivery of health care. Obviously, we will have to find better ways to organize and deliver health care. And this program is our major effort. Let me cite just two examples of specific activities which are carried out under the R. & D. program, Mr. President. The first is the development of a simple yet effective way of organizing health professionals. This team approach includes a physician, public health nurse, office nurse, social worker, and community health aid. The second example is a research program intended to develop a completely new type of health professional—the pediatric associate. This new professional will be used to bring increased health services to children.

This is a comprehensive bill, Mr. President. It authorizes more than $1.5 billion over 3 years. It is with great pride that I call upon all Senators to vote to adopt the conference report.

Mr. President, I ask unanimous consent that certain statements of the House conferees at pages 17 to 23 of the conference report be printed in the RECORD.

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

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17570) to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other related diseases, and for other purposes, submit the following statement in expansion of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck out all of the House bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the House bill and the Senate amendment to the text of the bill. Except for technical, clarifying, and conforming changes, the following statement explains the differences between the House bill and the substitute agreed to in conference.

The House has passed two separate bills dealing with the subjects embraced in the Senate amendment; H.R. 17570, and H.R. 18110, a bill extending and expanding the program of comprehensive health planning and research and demonstrations relating to the delivery of health services. The Senate amendment deals with the programs contained in both House bills.

REGIONAL MEDICAL PROGRAMS

Scope of program

Both the House bill and the Senate amendment expanded the scope of the program to include kidney disease as well as heart disease, cancer, and stroke. However, the Senate amendment changed coverage of *other related diseases to other major diseases and conditions.*

The conference substitute is the same as the House bill. The Managers for both Houses were in doubt as to whether the scope of the program should be limited (as in the House bill) to diseases related to heart disease, kidney disease, cancer, and stroke or whether it should be limited (as in the Senate amendment) to major diseases and conditions other than heart disease, kidney disease, cancer, and stroke and expect the Secretary of Health, Education, and Welfare to conduct a study of the scope of the regional medical program and to report to the appropriate

committees of Congress his recommendations.

Construction

The Senate amendment contained a provision not in the House bill which expanded assistance for construction to include assistance for new construction of facilities for demonstrations, research, and training when necessary to carry out regional medical programs.

The conference substitute is identical with the Senate amendment except that it is provided that not more than $5 million may be made available in any fiscal year for grants for such new construction.

Participation of Veterans' Administration personnel

The Senate amendment contained a provision not in the House bill which would (1) make the Chief Medical Director of the Veterans' Administration an ex officio member of the National Advisory Council for the regional medical program and (2) require local advisory groups to include as an ex officio member the person designated from the local Veterans' Administration health facility.

JOINT ADMINISTRATION OF PROJECTS

The House bill[1] would amend the Public Health Service Act to provide that in the case of projects funded under more than one Federal law, one agency could be designated to administer financial assistance for such projects, single non-Federal share requirements for such projects could be established, and conflicting grant or contract requirement could be deleted.

The Senate amendment contained a similar provision. The authority in the Senate amendment would be limited to projects funded under title III or IX of the Public Health Service Act and no authority for a single non-Federal share requirement or for waiver of conflicting requirements required by law or by regulations required by law would be provided.

The conference substitute is identical with the provision of the Senate amendment.

RESEARCH AND DEMONSTRATIONS RELATING TO HEALTH FACILITIES AND SERVICES

Authorization of appropriations

The House bill would extend for three fiscal years (through fiscal year 1973) the authorization of appropriations for the programs of Federal financial assistance under section 304 of the Public Health Service Act (relating to research and demonstrations). The following amounts would be authorized: $58 million for fiscal year 1971, $79 million for fiscal year 1972, and $94 million for fiscal year 1973.

The Senate amendment would extend such program for five years (through fiscal year 1975) and would authorize the following amounts: $80 million for fiscal year 1971, $85 million for fiscal year 1972, $94 million for fiscal year 1973, $110 million for fiscal year 1974, and $130 million for fiscal year 1975.

The conference substitute would extend such programs for three years (through fiscal year 1973) and would authorize the following amounts to be appropriated for such program: $69 million for fiscal year 1971, $82 million for fiscal year 1972, and $94 million for fiscal year 1973.

Research, etc., on delivery of health services

The Senate amendment contained a provision not in the House bill which would authorize grants and contracts under such section 304 for research, experiments, and demonstrations, relating to the effective combination or coordination of methods or systems for the delivery of health services.

[1] The reference to the House bill in the discussion of this and the succeeding provisions is to H.R. 18110, as passed the House.

The conference substitute contains the provision of the Senate amendment.

Home health services

The Senate amendment contained a provision not in the House bill which would authorize grants and contracts under such section 304 for projects for research and demonstrations in the provision of home health services.

The conference substitute contains the provision of the Senate amendment.

Analysis of national health care plans

The Senate amendment contained a provision not in the House bill which would amend such section 304 to direct the Secretary of Health, Education, and Welfare to develop, through utilization of systems analysis method alternative plans for health care systems designed adequately to meet the health needs of the American people and to report to Congress not later than June 30, 1971, on such plans. Under the amendment, the Secretary would also study bills introduced in the 71st Congress which propose a national health insurance plan or similar plan to determine the costs of such plans and their adequacy. The Secretary would report to Congress not later than December 31, 1970, the results of such study. $4 million would be authorized for fiscal year 1971 for the development of such plans and for the conduct of such study.

The conference substitute is the same as the Senate amendment except that (1) it is made clear that the Secretary is to develop more than one plan for health care systems, (2) the Secretary's report with respect to plans for health care systems is to be made not later than September 30, 1971, (3) the Secretary's report on bills introduced in the 91st Congress is to be made not later than March 31, 1971, and (4) $2 million is authorized for fiscal year 1971.

THE NATIONAL HEALTH SURVEYS AND STUDIES

The House bill would amend section 305 of the Public Health Service Act to extend for three years (through fiscal year 1973) the program of national health surveys and studies and would authorize for such program the following amounts: $10 million for fiscal year 1971, $21 million for fiscal year 1972, and $22 million for fiscal year 1973.

The Senate amendment would continue the open-ended authorization for such program.

The conference substitute extends such program for three fiscal years and authorizes the following amounts: $15 million for fiscal year 1971, $20 million for fiscal year 1972, and $25 million for fiscal year 1973.

REPORT ON ACTIVITIES UNDER TITLES III AND IX OF THE PUBLIC HEALTH SERVICE ACT

The Senate amendment contained a provision not in the House bill which would amend the Public Health Service Act to direct that on or before January 1 of each year the Secretary of Health, Education, and Welfare report to Congress on activities under titles III and IX of the Public Health Service Act with (1) an evaluation of the effectiveness of such activities in improving the efficiency and effectiveness in research in, planning for, and delivery of, health services, (2) an analysis of the relationship between Federal and local financing, and (3) such recommendations as the Secretary deems appropriate.

The conference substitute is identical with the Senate amendment.

COMPREHENSIVE HEALTH PLANNING

STATE HEALTH PLAN

Authorization of appropriations

The House bill would amend section 314 (a) of the Public Health Service Act to extend for three years (through fiscal year 1973) the program of grants to States for comprehensive State health planning and would authorize the following amounts: $10 million for fiscal year 1971, $15 million for fiscal year 1972, and $20 million for fiscal year 1973.

The Senate amendment would extend such program through fiscal year 1975 and would authorize the following amounts: $15 million for fiscal year 1971, $17 million for fiscal year 1972, $20 million for fiscal year 1973, $30 million for fiscal year 1974, and $35 million for fiscal year 1975.

The conference substitute extends such program through fiscal year 1973 and authorizes the following amounts: $15 million for fiscal year 1971, $17 million for fiscal year 1972, and $20 million for fiscal year 1973.

Veterans' Administration representation on State health planning council

The Senate amendment contained a provision not in the House bill which would provide that the State plan under such section 314(a) would include State planning for home health care.

The conference substitute contains the provision of the Senate amendment.

PROJECT GRANTS FOR AREAWIDE HEALTH PLANNING

Authorization of appropriations

The House bill would amend section 314 (b) of the Public Health Service Act to extend through fiscal year 1973 the program of project grants for areawide health planning and would authorize the following amounts: $15 million for fiscal year 1971, $25 million for fiscal year 1972, and $40 million for fiscal year 1973.

The Senate amendment would extend such program through fiscal year 1975 and would authorize the following amounts: $20 million for fiscal year 1971, $30 million for fiscal year 1972, $40 million for fiscal year 1973, $50 million for fiscal year 1974, and $60 million for fiscal year 1975.

The conference substitute extends such program through fiscal year 1973 and authorizes the following amounts: $20 million for fiscal year 1971, $30 million for fiscal year 1972, and $40 million for fiscal year 1973.

Home health care

The Senate amendment contained a provision not in the House bill which would provide that area plans under such section 314(b) would include home health care services.

The conference substitute is identical with the Senate amendment.

Grants to State agency

The Senate amendment contained a provision not in the House bill which would provide that under certain circumstances the State planning agency could receive a grant under such section 314(b).

The conference substitute is identical with the Senate amendment.

Areawide health planning council

The House bill would amend such section 314(b) to provide that the areawide health planning council would include representatives of consumers of health services.

The Senate amendment would require that a majority of the membership of such council be representatives of consumers of health services.

The conference substitute is identical with the Senate amendment.

GRANTS FOR COMPREHENSIVE PUBLIC HEALTH SERVICES

Authorization of appropriations

The House bill would extend through fiscal year 1973 the program under section 314(d) of the Public Health Service Act for grants for comprehensive public health services and would authorize the following amounts: $125 million for fiscal year 1971, $140 million for fiscal year 1972, and $160 million for fiscal year 1973.

The Senate amendment would extend such program through fiscal year 1975 and would authorize the following amounts: $130 million for fiscal year 1971, $145 million for

fiscal year 1972, $165 million for fiscal year 1973, $180 million for fiscal year 1974, and $200 million for fiscal year 1975.

The conference substitute extends such program through fiscal year 1973 and authorizes the following amounts: $130 million for fiscal year 1971, $145 million for fiscal year 1972, and $165 million for fiscal year 1973.

PROJECT GRANTS FOR HEALTH SERVICES DEVELOPMENT

Both the Senate and House bills, and the conference substitute, provide a continuation of the existing program of project grants for health services development under section 314(e) of the Public Health Service Act, with authorizations for fiscal year 1971 of $109,500,000, $135 million for fiscal year 1972, and $157 million for fiscal year 1973. The conference substitute does not contain the further authorization of appropriations for fiscal years 1974 and 1975 contained in the Senate version.

The conference substitute also authorizes the use of funds appropriated for section 314(e) for meeting obligations heretofore incurred with respect to certain facilities of the Office of Economic Opportunity which have been, or are in the process of being, transferred to the jurisdiction of the Department of Health, Education, and Welfare.

REGULATION OF CERTAIN BIOLOGICAL PRODUCTS

The Senate amendment contained an amendment to section 35 of the Public Health Service Act making clear that the authority of that section includes authority to license vaccines, blood, blood components or derivatives, and allergenic products. This amendment is identical to the provision of H.R. 15961, already passed by the House.

With respect to this amendment, the conference substitute is the same as the Senate version.

AUTHORITY FOR GROUP PRACTICE

The Senate amendment contained a provision not in the House bill which would authorize the Secretary of Health, Education, and Welfare to authorize insurance carriers, which are parties to, or which participate in the carrying out of, contracts relating to health benefits for active or retired Federal employees, to issue in any State contracts entitling beneficiaries to receive comprehensive medical services from a group practice unit with which the carrier has arranged for the provision of such services.

The conference substitute contains the provision of the Senate amendment.

RECEIPT OF INCREASED STAFFING GRANTS FOR CURRENTLY FUNDED COMMUNITY MENTAL HEALTH CENTERS

The Senate amendment contained a provision not in the House bill to change the application of the maintenance of effort requirements under the Community Mental Health Centers Act to facilitate receipt by currently funded community mental health centers of the increased Federal share of staffing costs provided under the Community Mental Health Centers Amendments of 1970 (Public Law 91-211).

The conference substitute contains the provision of the Senate amendment.

COMPENSATION OF ADVISORY COUNCIL MEMBERS, ETC.

The Senate amendment contained a provision not in the House bill which would amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to provide uniform rules on compensation of advisory council members and to authorize committees to be established where there is authority to establish advisory councils. The conference substitute contains the provision of the Senate amendment.

RESEARCH CONTRACTING AUTHORITY

The Senate amendment contained a provision not in the House bill which would amend section 301(h) of the Public Health Service Act to eliminate the fiscal year limitation (fiscal year 1971) on the research contracting authority of the Secretary of Health, Education, and Welfare. The conference substitute extends such authority through fiscal year 1973.

TRAINING AUTHORITY OF NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

The Senate amendment contained a provision not in the House bill which would amend section 442 of the Public Health Service Act to provide that the National Institute of General Medical Sciences could conduct and support clinical as well as research training. The conference substitute is identical to the Senate amendment.

STUDY RELATING TO ENVIRONMENTAL POLLUTION

The Senate amendment contained a provision not in the House bill which directed the Secretary to study (1) the health and safety hazards presented by environmental pollution, (2) medical and other assistance available to persons affected by such pollution, and (3) measures, other than abatement, that can be taken to avoid effect of such pollution on human health.

The conference substitute is the same as the Senate amendment except that the study is to be conducted by the President.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
W. L. SPRINGER,
ANCHER NELSEN,
Managers on the Part of the House.

Mr. YARBOROUGH. Furthermore, Mr. President, the Senator from Massachusetts (Mr. KENNEDY), who is a member of the Health Subcommittee and worked diligently on this matter, could not be present today. He has prepared a comprehensive statement on it, and I ask unanimous consent that his statement be printed in the RECORD.

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

STATEMENT OF SENATOR KENNEDY

Mr. KENNEDY. Mr. President, I am pleased to support the Conference Report on H.R. 17570. I believe that the Senate and House Conferees have dealt effectively with some of the most important Federal health programs, especially the Regional Medical Programs and the Comprehensive Health Services Planning Legislation. As the Conference Report and the House and Senate reports make clear, these programs and the other major programs extended and expanded by H.R. 17570 are vital to our effort to improve equality of health care for our people.

I am especially pleased that Title IV of the bill recorded by the Conference Committee accepts without change the provisions in Title IV of the Senate bill (S. 3355), which I sponsored in the Senate Health Subcommittee in an effort to eliminate existing legal restrictions and other obstacles against the group practice of medicine. The purpose and effect of Title IV is explained in detail in the Senate Committee Report, which provides as follows:

"TITLE IV

"Title IV of the bill would facilitate the group practice of medicine. It provides that the Secretary of Health, Education and Welfare may authorize carriers participating in Federal health benefit programs for Federal employees to issue contracts for prepaid group practice health services to any persons, whether or not such persons are Federal employees.

"The purpose of Title IV is to promote the development and use of prepaid group practice, and thereby to make this innovative type of health care delivery system available to both consumers and physicians who desire to take advantage of it. The committee believes that prepaid group practice has become one of the most promising developments for improving the delivery of high quality medical care in the United States. Many health experts regard prepaid group practice as the health care of the future in America. They believe it is the best available method to achieve more effective and more economical use of our scarce professional and expensive health facilities.

"Although the principles of group practice have been carefully evolved and tested in many parts of the country during the past three decades, it is only recently that national interest has been generated in the idea. The primary reason for this new interest is the realization that the nation's current health crisis is growing more serious, and that better methods for the organization and delivery of health care must be developed if we are to meet the crisis.

"One of the keys to the success of prepaid group practice is alleviating the need for hospital care and emphasizing the need for preventive care. Prepaid coverage of physical examinations, immunizations and virtually all appropriate out-patient diagnostic and therapeutic procedures enhances the prospects for prevention or early detection of illness.

"The Kaiser-Permanente Medical Care Program in California, for example, has recently reported substantial savings in the costs of health care for persons enrolled in its plan, in terms of number of hospital admissions and lower patient costs. Overall, the various Kaiser plans now have two million subscribers in six states, served by 52 outpatient centers and 21 hospitals. The comprehensive care provided by the Kaiser plans is made available at a cost as low as $140 per capita, or about 20–30% less than the cost of comparable health care in most other parts of the country. Income from the Kaiser plans has provided nearly $250 million worth of physical facilities and equipment. In addition, the income provides funds for teaching, training and research, and pays competitive incomes to about 2,000 physicians and 15,000 non-physician employees.

"The fact is, however, that in about twenty states today, prepaid group practice is inhibited by substantial obstacles, created by local laws and regulations. Among these obstacles, as identified by the Report of the National Conference on Group Practice sponsored by the Department of Health, Education and Welfare in 1967, are the following:

" 'Limitations on the right of consumers or physicians to organize group practice programs.

" 'Limitations on the right to establish prepayment or other organizations to offer comprehensive health benefits.

" 'Limitations on the right to combine group practice with prepayment to provide comprehensive health benefit programs.

" 'Limitations on the geographical scope of group practice programs.'

"The approach adopted by the committee in Title IV is designed to overcome some of the existing restrictions on prepaid group practice. Under the provision of section 401, the Secretary of Health, Education, and Welfare may authorize any carrier participating in the Federal employees health benefits program under Title 5 of the United States Code to issue group practice contracts that meet the requirements of the section.

"Thus, for example, any carrier participating, either directly or through reinsurance, in the service benefit plan, the indemnity plan, employee organization plans, or comprehensive medical plans under 5 U.S.C. 8903 for Federal employees could be authorized by the Secretary of HEW to issue group practice prepayment plans for other persons, whether or not such persons are Federal employees. Similarly, carriers participating in health benefit programs under Public Law 86-724 for retired Federal employees could also be authorized to issue group practice prepayment plans.

"Subsections (b) and (c) of section 401

provide a definition of group practice and are based on the definitions in Title V of the Model Cities Act of 1966 (P.L. 89–754), which established a program of Federal mortgage insurance for group practice facilities.

"In general, group practice programs under the Committee bill must meet three basic criteria:

"(1) The physicians in the group must be 'full time' practitioners—that is, the principal professional activity of the members of the group as a whole must be as participants in the group arrangement and the group must practice primarily in a group practice facility or facilities.

"(2) The group must offer comprehensive medical care in a diversification of medical specialties. Each group must contain an appropriate balance of family physicians and specialists. In general, the committee intends that a group should have at least a general practitioner and representatives of each of the five principal medical specialties: surgery, obstetrics, internal medicine, pediatrics, and ear-nose-throat. Comprehensive medical services would include preventive, diagnostic and therapeutic medical services on a prepaid basis. However, comprehensive medical services need not necessarily include dental, mental health, hospital, optometric or nursing home services, or equipment and other supplies, except as such services and supplies may be provided at the option of the carrier, with or without copayment as permitted by regulations of the Secretary.

"(3) The members of the group must pool the income from their medical practice as members of the group, and must redistribute it among themselves according to a prearranged plan. Or, the members of the group may enter into an employment arrangement with a group practice unit or organization for the provision of their services.

"The authorization given to the Secretary in Title IV of the committee bill is intended to encourage those group practice programs that have the greatest potential for improving the delivery of health care. One of the most significant aspects of the committee bill is that it will encourage greater participation by the private, or 'voluntary', health sector in developing innovative approaches to health care. Such encouragement is especially needed at this time, when appropriations for Federal health programs are being substantially curtailed.

"An example of the type of innovation envisaged by the Committee under Title IV is the program now being developed in Columbia, Maryland, where Johns Hopkins University Medical School and the Connecticut General Life Insurance Company have joined together to form a prepaid group practice plan for Columbia residents. The company has already provided $3,750,000 in mortgage financing for the construction of permanent medical facilities in Columbia, including a 60-bed hospital scheduled to open next year. In addition, the company is underwriting all the initial development deficits for the plan, which are expected to total at least $500,000.

"There are many states today where this and other types of innovation by the private health sector could not be undertaken, even though physicians, medical schools, consumers, non-profit organizations, cooperatives, and private insurers would be ready and willing to develop them, given the opportunity. Title IV of the committee bill is intended to make the opportunity available."

Thus, Title IV of the bill gives the Secretary of HEW broad authority to permit prepaid group organizations to be established, in spite of existing legal or other restrictions against group practice in the various states.

As the Senate Committee Report makes clear, there are numerous existing obstacles, both legal and non legal, to the organization and expansion of group practice. Since group practice is widely accepted as one of the most innovative approaches to improving our system of health care delivery, it is essential that we take whatever steps are available to eliminate those obstacles.

Only last month, for example, Dr. Walter C. Bornemeier, President of the American Medical Association, recommended that doctors should receive subsidies to enable them to set up group practice clinics.

Today, there are at least 20 states that have substantial restrictions against group practice in their laws—Alabama, Colorado, Georgia, Idaho, Iowa, Kansas, Kentucky, Maine, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Mexico, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, and West Virginia. Title IV is narrowly drafted to accomplish the goal of expanding group practice with minimal disruption of existing state law. It does not *require* the Secretary of HEW to use the authority given to him. It simply allows him to do so in appropriate cases, where group practice organizations, meet the requirements of the provisions of Title IV. The Title avoids any possible Constitutional objection by applying only in the case of group practice organizations meet the reriers otherwise participating in federal health benefit programs for federal employees. Clearly, Congress has adequate jurisdiction under the Constitution to legislate in this area of state law, since there is a direct federal interest—a federal "jurisdictional handle"—based on the participation of the carriers in the federal health benefit programs.

Of course, as Title IV and the Senate Committee Report make clear, the federal jurisdictional test is met so long as the carrier participates in the federal health benefit program. A specific group practice program authorized by the Secretary under the provisions of Title IV need not be in itself for the benefit of federal employees. All that is required is that the carrier be otherwise involved in a federal health benefit program.

I am hopeful that Title IV will provide the sort of useful additional stimulus that is needed to encourage the development of group practice in the United States, and I am pleased that the Conference Committee has accepted this provision.

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

Mr. YARBOROUGH. I yield to the Senator from Rhode Island, who is very much interested in this matter, and has worked diligently in behalf of this legislation for years.

Mr. PELL. I rise to congratulate the Senator from Texas on this excellent bill, to say how glad I am that the conferees have adjusted so equitably the differences between the two bodies, and to thank him personally for the way he fought in the conference to retain title II of the Health Improvement Act, which was my amendment calling for comparative studies of the various national health care proposals that have been put forward to date. I express again my admiration for the way in which the Senator from Texas has handled the matter.

Mr. YARBOROUGH. Mr. President, I move the adoption of the conference report.

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

The report was agreed to.

DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES CONSTRUCTION AMENDMENTS OF 1970—CONFERENCE REPORT

Mr. YARBOROUGH. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2846) to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes.

I ask unanimous consent for the present consideration of the report.

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

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

(For conference report, see House proceedings of Oct. 8, 1970, pp. 35855–35859, CONGRESSIONAL RECORD.)

Mr. YARBOROUGH. Mr. President, the conference report on S. 2846, the Mental Retardation and Developmental Disabilities Act, which we are now considering, represents a major advance in this Nation's campaign to help our people who are mentally retarded and to find means of preventing this dread disease from ruining the lives of countless other Americans. This bill attacks the problems of mental retardation by authorizing $295 million to be spent over a 3-year period: First, to aid the States in developing programs to help the mentally retarded; second, to aid public and private nonprofit agencies in building hospitals, clinics, and other facilities to treat the mentally retarded; third, to train personnel to treat and care for the mentally retarded; and fourth, to develop new programs of treatment and care for our mentally retarded citizens.

To achieve these goals, the Senate conferees were successful in convincing the House to accept the Senate's program of flexible grants which will give the States a freer hand in finding and developing new and creative approaches to the problems of mental retardation. This type program is much superior to the House version of the bill which would have limited the use of funds for the compensation of personnel only and phased out Federal participation over an 8-year period.

Another important aspect of this bill is the expansion of the program to the persons who suffer from cerebral palsy and epilepsy. The importance of expanding this program cannot be overemphasized. By authorizing the expenditure of funds for the prevention, care and treatment of these two diseases, Congress is directing its attention to two of the major causes of serious mental handicaps that impair the lives of many Americans.

Mr. President, in 1963 President Kennedy issued the challenge to Congress to enact a comprehensive program to deal with the problems of mental retardation and mental illness. I am proud that I had the opportunity to serve on the committee which accepted this challenge and provided the Nation with the first major mental health program. Today, we are continuing this effort and I am proud that as chairman of the Health Subcommittee, I had the opportunity to play a

major role in passing this bill which is before us today.

Mr. President, the first of these bills, which was signed by President Kennedy in October of 1963, provided for mental health centers throughout the country. We envisioned 2,000 mental health clinics, one for each 100,000 of the population. Unfortunately, due to the drain of money overseas and other places, only about 350 of those 2,000 centers have been opened, but the results, where they have opened mental health facilities, have represented some of the greatest advances in medical care in the history of this Nation. The city of Philadelphia, for example, has had for a number of years a system of regional mental health clinics all over that city. The result is that in the course of 20 years, they have caused the number of people sent to mental institutions, to be confined in mental institutions, to be reduced by 80 percent, and they now have only 20 percent as many people going to mental institutions as they had some 15 or 20 years ago, because in Philadelphia there are regional mental health centers where people can go and receive proper treatment.

In conclusion, I think it is only proper that we reconsider these words of President Kennedy:

We as a Nation have long neglected the mentally ill and the mentally retarded. This neglect must end, if our nation is to live up to its own standards of compassion and dignity and achieve the maximum use of its manpower.

With the passage of this conference report and this bill, we as a nation will be living up to our responsibility to the mentally retarded.

I ask unanimous consent to have printed in the RECORD statements on behalf of the House managers from pages 14, 15, and 16 of the conference report.

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

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the Conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2846) to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment to the text of the bill struck out all of the Senate bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the Senate bill and the House amendment to the text of the bill. Except for technical, clarifying, and conforming changes, the following statement explains the differences between the House amendment to the text of the bill and the substitute agreed to in conference.

AUTHORIZATION OF APPROPRIATIONS FOR GRANTS FOR CONSTRUCTION AND SERVICES

The Senate bill would amend part C of the Mental Retardation Facilities Construction Act to authorize appropriations (through fiscal year 1973) for grants for services and facilities for persons with developmental disabilities. The following amounts are authorized to be appropriated: $100 million for fiscal year 1971, $125 million for fiscal year 1972, and $150 million for fiscal year 1973.

The House amendment authorized the following amounts to be appropriated under such part C: $60 million for fiscal year 1971, $85 million for fiscal year 1972, and $105 million for fiscal year 1973.

The conference substitute authorizes $60 million for fiscal year 1971, $105 million for fiscal year 1972, and $130 million for fiscal year 1973.

PROJECT GRANTS

The Senate bill contained a provision not in the House amendment which would authorize the Secretary of Health, Education, and Welfare to use up to 20 percent of appropriations under such part C to make grants for projects of special national significance to assist the developmentally disabled.

The conference substitutes authorizes the Secretary to use up to 10 percent of such appropriations for such grants.

FORMULA GRANTS

Scope of program

The Senate bill would provide under such part C grants for State and local planning, administration, and technical assistance; for construction, maintenance, and operation of facilities; for provision of services; for training of specialized personnel; and for developing and demonstrating new or improved techniques of service.

Under the House amendment grants under such part C would be authorized by State planning, for construction of facilities, and for provision of services.

The conference substitute contains the provisions of the Senate bill.

State allotments

The Senate bill would provide that the minimum State allotment under the formula grants under such part C for any fiscal year would be $100,000. However, it is provided that if for any year after fiscal year 1971 the appropriation under section 131 of such part C exceeds the authorization for fiscal year 1971, the minimum allotment would be increased by an amount derived from the difference between the appropriation and the fiscal 1971 authorization. The House amendment would not provide for an increase in the minimum allotment. The conference substitute contains the provision of the Senate bill.

Combination of allotments

The Senate bill contained a provision not in the House amendment which would provide that when a State plan under such part C provides for cooperative or joint effort between States or between or among agencies, public or private, in more than one State, portions of funds allotted to one or more such cooperating States may be combined. The conference substitute contains the provision of the Senate bill.

National Advisory Council

The Senate bill would provide that members of the National Advisory Council under such part C would be selected from leaders in State or local government, in institutions of higher education, and in organizations representing consumers of services. The House amendment is the same except that it does not provide for the inclusion of leaders from institutions of higher education. The conference substitute contains the provision of the Senate bill.

Federal share

The Senate bill would provide that from a State's allotment under such part C the State would be paid the Federal share of its expenditures for planning, administration, and services. The Federal share would be 80 percent.

The House amendment would provide that a grant for a State for any fiscal year for meeting the costs of developing and administering its State plan could not exceed 5 percent of the State's allotment or $75,000, whichever is less. It would also provide that from a State's allotment grants to assist a State in meeting the costs of compensation of personnel to provide services could not exceed—75 percent—first 2 years, 60 percent—third year, 45 percent—fourth year, and 30 percent—next 4 years, except that in urban and rural poverty areas grants for compensation of personnel shall not exceed—90 percent—first 2 years, 80 percent—third year, 75 percent—fourth and fifth years, and 70 percent—next 3 years.

The conference substitute provides the following:

(1) In the case of construction projects, the Federal share may not exceed 66⅔ percent of the costs of construction or 90 percent of such costs in the case of projects providing services for persons in urban or rural poverty areas.

(2) In the case of other projects, the Federal share shall be 75 percent of the costs of the expenditures incurred by the State during fiscal years 1971 and 1972, and 70 percent of such expenditures during fiscal year 1973, except that in the case of projects located in urban and rural poverty areas the Federal share may not exceed 90 and 80 percent, respectively.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
W. L. SPRINGER,
ANCHER NELSEN,
Managers on the Part of the House.

Mr. YARBOROUGH. I also ask unanimous consent to have printed in the RECORD a statement of the Senator from Massachusetts (Mr. KENNEDY), who was the principal author of this Senate bill. He could not be here today. He points out in the statement that people with a developmental disability will be eligible for treatment. The bill, therefore, goes beyond mental retardation, to include cerebral palsy, epilepsy, or any other neurological condition found by the Secretary of Health, Education, and Welfare to be closely related to mental retardation.

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

STATEMENT OF SENATOR KENNEDY

I would like to commend my colleagues in both Houses for their attention to S. 2846, the Developmental Disabilities Services and Facilities Construction Act of 1970. This bill represents better than a full year of intensive study and work on the part of the House and Senate Committee involved, with commendable cooperation from the private agencies whose primary concern is the disabled.

The Conference Report clearly recognized the tremendous need of the developmentally disabled for services and facilities and provides what we feel to be an improved mechanism for the delivery of these services.

The term "developmental disability" means a disability attributable to mental retardation, cerebral palsy, epilepsy, or another neurological condition of an individual found by the Secretary to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual.

The version of the legislation as agreed upon in Conference provides for both proj-

ect grants and formula grants to the States for construction, planning, administration and services. Ten percent of the monies appropriated would be reserved for the Secretary of HEW to provide project grants to the public and non-profit agencies for certain innovative programs for the developmentally disabled.

The remainder of the money (with total authorizations of $60 million for fiscal 1971, $105 million for fiscal 1972 and $130 million for fiscal 1973) will be allotted to the States on a formula grant basis. In the case of construction projects, the Federal share may not exceed 66⅔ percent of the costs of construction or 90 percent of such costs in the case of projects providing services for persons in areas of urban or rural poverty.

In the case of planning, administration and other services, the federal share will be 75% for fiscal years 1971, 72 and 70 percent of such expenditures for fiscal year 1973, on a formula grant basis, with the exception that where the state uses federal funds to fund projects in areas of urban and rural poverty the federal share may go as high as 90% in fiscal 1971 and 72 and 80% in fiscal '73.

The provision of 75% federal matching for planning, administration and services indicates our faith in the States ability to plan according to their needs and to utilize funds by any combination of mechanisms most suitable to their form of organization and statutes.

The bill requires the states to submit a cordinated single plan for the provision of planning, administration, construction and services, which will complement but not duplicate other state-federal programs such as those in vocational education, special education, health and mental health.

The term "services" for persons with development disabilities is defined as:

"(m) The term 'services for persons with developmental disabilities' means specialized services or special adaptations of generic services directed toward the alleviation of a developmental disability or toward the social, personal, physical or economic habilitation or rehabilitation of an individual with such a disability, and such term includes diagnosis, evaluation, treatment, personal care, daycare, domiciliary care, special living arrangements, training, education, sheltered employment, recreation, counseling of the individual with such disability and of his family, protective and other social and sociolegal services, information and referral services, follow-along services, and transportation services necessary to assure delivery of services to persons with developmental disabilities.

Title II of the bill, which was unanimously endorsed by both Houses in substantially the same form in original passage, provides for the extension and expansion of the program for University Affiliated Facilities. This is a unique and successful program for the purposes of assisting institutions of higher education to train, in an interdisciplinary setting, personnel for the treatment of the developmentally disabled. The new bill also adds a provision for costs of administering and operating such facilities.

The House version added a provision giving priority to those institutions of higher education cooperating with junior or community colleges, with which the Senate concurred.

Mr. President, this legislation offers great promise to the developmentally disabled children and young adults of this country. To those people who, for reasons of childhood disability cannot become fully functioning members of this society but might, through the aegis of such legislation, be helped to attain their own potential. I am pleased to have been associated with this landmark bill and trust that both Houses will continue to give it the unanimous support by which the bills were first passed.

Mr. YARBOROUGH. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to.

Mr. YARBOROUGH. Mr. President, I want to express my thanks and appreciation and congratulations to the distinguished acting majority leader, the Senator from West Virginia (Mr. BYRD), who helped so diligently today in getting these three conference reports over from the House, and to pass them, in the field of health. That includes the mental retardation bill for 3 years; allied health professionals, to train 500,000 more allied health professionals; and the regional medical programs bill. Each represents important health legislation. They have been worked on since January of 1969.

I see in the Chamber the distinguished senior Senator from New York (Mr. JAVITS), who is a member of that committee. It has only been through the cooperation of the minority party that the Committee on Labor and Public Welfare and the Health Subcommittee have been able to push this many bills through and get them passed and through the conferences with the House. The Senate was waiting for those conferences since August 6, but we could not get the House to meet with us until October 5. It has taken a great deal of patience and work. I want to thank our colleagues on the other side of the aisle.

We feel that this type of health legislation, in saving the resources of the wage earner and of the family, is going to make life much better in the future for hundreds of thousands of American families. These bills offer hope for the future.

Once more I want to thank the leadership for having this bill passed, especially before adjournment today.

I thank my colleagues from across the aisle for their uniform aid and assistance in getting these bills passed and enacted into law.

Mr. JAVITS. I thank the Senator from Texas very much for his gracious remarks. This kind of cooperation has been very useful to all of us, especially for the Nation.

I join the Senator from Texas in thanking the leadership for enabling us to consummate this legislation so far as the congressional stages are concerned. The people of this country will be well served as a result.

NATIONAL RAIL PASSENGER SYSTEM

Mr. BYRD of West Virginia. Mr. President, on behalf of the able Senator from Washington (Mr. MAGNUSON), I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 17849.

The PRESIDING OFFICER (Mr. SCHWEIKER) laid before the Senate H.R. 17849, to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize prescribing of minimum standards for railroad passenger service, to amend section 13(a) of the Interstate Commerce Act, and for other purposes, which was read twice by its title.

Mr. BYRD of West Virginia. I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement by the Senator from Washington (Mr. MAGNUSON) and an explanation of the bill.

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

STATEMENT BY SENATOR MAGNUSON

Mr. President, the House of Representatives has approved the Rail Passenger Service Act of 1970, H.R. 17849. Except for some relatively minor amendments, this bill is essentially the same as legislation, S. 3706, approved by the Senate on May 6 of this year. The most significant amendments are as follows:

1. Both the House and Senate bill require the railroads to pay to the National Rail Passenger Corporation established by the Act a certain amount based on their passenger service losses in 1969. In return for such payment the railroads are relieved of their responsibility for providing rail passenger service in the future. As a part of the exchange, the Senate bill would have provided the railroad with stock in the Corporation of a total par value equivalent to the amount paid into the Corporation by the railroad. The House bill adds a provision which would give the railroads the option of either receiving stock or of treating their payment to the Corporation as a business expense deductible under the Internal Revenue Code.

2. The other major changes made in the Senate bill by the House relate to the extent of financial support by the Federal Government. In the Senate bill the rail passenger corporation would be eligible for loan guarantees in the amount of $60 million. The House bill increases that amount to $100 million. The Senate bill provided for loans or guarantees to railroads on an interim basis to allow those railroads with insufficient cash to make payments to the Corporation as required by the Act. The total amount of loan or loan guarantees allowed by the Senate is $75 million; the House has increased the amount to $200 million.

Mr. President, these two changes are the only significant differences between the House and Senate bills. The House, because it added a tax provision to the legislation, was required to adopt a House number. Because a conference with the House on the particular legislation would serve no useful purpose, I ask unanimous consent to proceed to immediate consideration of H.R. 17849.

Mr. ALLOTT. Mr. President, about 2 weeks ago the senior Senator from New Hampshire (Mr. COTTON) spoke on the Senate floor about an extraordinary legislative accomplishment of his good friend the junior Senator from Vermont (Mr. PROUTY). At that time he spoke of his effort and success in putting together the comprehensive Federal Railroad Safety Act of 1970.

Today, Mr. President, I am privileged to repeat much of what he said on October 1 but with respect to an entirely different piece of legislation.

You will recall that on October 1 the senior Senator from New Hampshire remarked that when this Congress began few of us expected that we would be able to enact a comprehensive Federal railroad safety law. However, by the perseverance and careful guidance of the Senator from Vermont we succeeded in doing the impossible.

The piece of legislation before us today is directed at saving the intercity rail passenger train. When this Congress began a year and a half ago few of us had any hope that Congress would be able to devise an effective means for reversing the rapid decline in the number of intercity rail passenger trains.

The number of passenger trains in operation had declined to less than 450 in the entire country and further declines in numbers and deterioration in the quality of service remaining appeared inevitable.

In short, we found ourselves in a position where intercity rail passenger service had deteriorated to the point that it could do little toward providing the means to achieve a balanced transportation system.

This was not a new problem. It is one that Congress first started grappling with in 1958. We all knew the magnitude and complexity of the problem, but the solution to that problem was not readily apparent.

By April 9 the Senate Commerce Committee, after lengthy discussion and debate, decided to report a bill to provide direct operating subsidies to railroads who were losing money operating intercity rail passenger service. The senior Senator from New Hampshire opposed that approach and filed minority views explaining his position. In a nutshell, that position was that operating subsidies in this case would not only create dependency but would further the deterioration of intercity rail passenger service. In those views he stated that more reasonable approaches for solving the problem existed. Specifically, the senior Senator from New Hampshire pointed to the highly innovative proposal which had been offered to the committee by Senator PROUTY.

That proposal is the one that we are passing today.

How did it come about? Quite frankly, it came about because the junior Senator from Vermont did not give up his fight on April 9 when the committee decided to report an operating subsidy bill.

My distinguished colleague from Vermont filed individual views and unveiled in detail his proposal for creating a semipublic corporation to take over all intercity rail passenger service. Within 1 month's time period Senator PROUTY had accomplished the impossible. He had convinced rail management, rail labor, his own administration, the Interstate Commerce Commission, the National Association of Railroad Passengers, the leadership of the Senate Commerce Committee, the majority leadership and the minority leadership that his proposal was a superior method for solving the crisis in rail passenger service.

When the rail passenger service bill was called up on the Senate floor on May 5 and 6, Senator PROUTY convinced the Senator from Washington (Mr. MAGNUSON), the Senator from Indiana (Mr. HARTKE), and the senior Senator from New Hampshire to join with him ing offering as an amendment to the rail passenger bill reported out of our Senate Committee on Commerce his imaginative and innovative substitute proposal.

On May 6, the Senate by a vote of 78 to 3 approved Senator PROUTY's proposal.

Mr. President, that vote stands as a glowing tribute to the distinguished junior Senator from Vermont.

Nevertheless, recognizing that the job was only half completed, the distinguished junior Senator from Vermont continued to work toward the enactment of his proposal. It is well known that he personally talked to many of his former colleagues in the other body to encourage their prompt consideration of the National Rail Passenger Corporation Act of 1970. Today the other body has passed his proposal in substantially the same form that it passed the Senate on May 6.

The distinguished junior Senator from Vermont (Mr. PROUTY) is to be congratulated for taking on the task and coming up with a workable solution to a problem that has plagued this country for a number of years. I hope the Senate will accept the House-passed version of this bill so that we can get on with the important business of restoring safe, convenient, and modern passenger service by rail to this Nation's inventory of transportation facilities. Only by doing so can we ever hope to achieve the sort of balanced national transportation system which it is the desire of all of us to create. I look forward to working with Senator PROUTY and the other distinguished members of our Committee on Commerce and this body toward that goal in future sessions.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

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

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, the final passage of the Rail Passenger Service Act of 1970 is a very significant occasion for Rhode Island. The House bill that has just been agreed to is based on a bill that bears the name of Representative TIERNAN of Rhode Island. It also contains two amendments of my own, one amendment giving permission to regional authorities to transport passengers in the basic rail passenger system established by the bill and the other permitting guarantees to be accorded for the improvement in roadbeds and for the use of regional transportation entities.

I congratulate Representative TIERNAN of Rhode Island for the work he has done in pushing ahead on this bill and making sure that these amendments and this measure finally passed the House of Representatives.

I would hope that regional authorities such as the GEO-Transport Foundation of our own New England area would take advantage of their provisions in this bill and that they would move into the vacuum that now exists and take over the hauling of passengers in our portion of the northeast megalopolis in New England.

BLACK BUTTE PROJECT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1353, H.R. 18298.

The PRESIDING OFFICER (Mr. SCHWEIKER). The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 18298) to amend the Central Valley reclamation project to include Black Butte project.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

DISPOSITION OF FUNDS APPROPRIATED TO PAY JUDGMENTS IN FAVOR OF THE MISSISSIPPI SIOUX INDIANS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1354, H.R. 14984.

The PRESIDING OFFICER (Mr. SCHWEIKER). The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 14984) to provide for the disposition of funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359–363, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to the consideration of the bill, which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert:

That the funds appropriated by the Act of June 19, 1968 (82 Stat. 239), to pay compromise judgments to the Sisseton and Wahpeton Tribes of Sioux Indians, and the Medawakanton and Wahpakoota Tribes of Sioux Indians in Indian Claims Commission dockets numbered 142, 359, 360, 361, 362, and 363, together with interest thereon, after payment of attorney fees and litigation expenses and the costs of carrying out the provisions of this Act, shall be distributed as provided in this Act.

SEC. 2. (a) The Flandreau Santee Sioux Tribe at Flandreau, South Dakota, the Santee Sioux Tribe of the Sioux Nation of the State of Nebraska, the Lower Sioux Indian Community at Morton, Minnesota, the Prairie Island Indian Community at Welch, Minnesota, and the Shakopee Medawakanton Sioux Community of Minnesota shall prepare rolls of their members who are lineal descendants of the Medawakanton and Wahpakkoota Tribes, and who were born on or prior to and are living on the date of this Act, using available records and rolls at the

local agency and area offices. Applications for enrollment must be filed with each group named in this section and such rolls shall be subject to approval of the Secretary of the Interior. The Secretary's determination on all applications shall be final.

(b) The Secretary of the Interior shall prepare a roll of the lineal descendants of the Medawakanton and Wahpakoota Tribes who were born on or prior to and are living on the date of this Act whose names or the names of a lineal ancestor appears on any available records and rolls acceptable to the Secretary, and who are not members of any of the organized groups listed in subsection (a). Applications for enrollment must be filed with the Area Director, Bureau of Indian Affairs, Aberdeen, South Dakota. The Secretary's determination on all applications for enrollment shall be final.

SEC. 3. (a) The Devils Lake Sioux Tribe of North Dakota, the Sisseton and Wahpeton Sioux Tribe of South Dakota, and the Assiniboine and Sioux Tribes of the Fort Peck Reservation, Montana, shall prepare rolls of their members who are lineal descendants of the Sisseton and Wahpeton Mississippi Sioux Tribe, who were born on or prior to and are living on the date of this Act, and who are entitled to enrollment on their respective membership rolls in accordance with the applicable rules and regulations of the tribe or group involved, using available records and rolls at the local agency and area offices. Applications for enrollment must be filed with each group named in this section and such rolls shall be subject to approval of the Secretary of the Interior. The Secretary's determination on all applications for enrollment shall be final.

(b) The Secretary of the Interior shall prepare a roll of the lineal descendants of the Sisseton and Wahpeton Mississippi Sioux Tribe who were born on or prior to and are living on the date of this Act whose names or the name of a lineal ancestor appears on any available records and rolls acceptable to the Secretary, and who are not members of any of the organized groups listed in subsection (a). Applications for enrollment must be filed with the Area Director, Bureau of Indian Affairs, Aberdeen, South Dakota. The Secretary's determination on all applications for enrollment shall be final.

SEC. 4. No person shall be eligible to be enrolled under section 2 or 3 who is not a citizen of the United States.

SEC. 5. Any person qualifying for enrollment with more than one of the named Indian groups shall elect the group with which he shall be enrolled for the purposes of this Act.

SEC. 6. After deducting the amounts authorized in section 1 of this Act, the funds derived from the judgment awarded in Indian Claims Commission dockets numbered 360, 361, 362, 363, and one-half of the amount awarded in docket numbered 359, plus accrued interest, shall be apportioned on the basis of the rolls prepared pursuant to section 2 of this Act. An amount equivalent to the proportionate shares of those persons who are members of the Flandreau Santee Sioux Tribe, The Santee Sioux Tribe of the Sioux Nation of the State of Nebraska, the Lower Sioux Indian Community, the Prairie Island Indian Community, and the Shakopee Medawakanton Sioux Community shall be placed on deposit in the United States Treasury to the credit of the respective groups. Sixty per centum of such funds shall be distributed per capita to such tribal members, and the remainder may be advanced, deposited, expended, invested, or reinvested for any purpose designated by the respective tribal governing bodies and approved by the Secretary of the Interior: Provided, That none of the funds may be paid per capita to any person whose name does not appear on the roll prepared pursuant to subsection 2(a) of this Act.

The shares of enrollees who are not members of such groups shall be paid per capita.

SEC. 7. After deducting the amounts authorized in section 1 of this Act, the funds derived from the judgment awarded in Indian Claims Commission docket numbered 142 and the one-half remaining from the amount awarded in docket numbered 359, plus accrued interest, shall be apportioned on the basis of tribal membership shown on the 1909 McLaughlin Annuity Roll, as follows:

Tribe or group	*Percentage*
Devils Lake Sioux of North Dakota	21.6892
Sisseton-Wahpeton Sioux of South Dakota	42.9730
Assiniboine and Sioux Tribes of the Fort Peck Reservation, Montana	10.3153
All other Sisseton and Wahpeton Sioux	25.0225

The shares of the Devils Lake Sioux Tribe of North Dakota, the Sisseton and Wahpeton Sioux Tribe of South Dakota, and the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana, as so apportioned, shall be placed on deposit in the United States Treasury to the credit of the respective groups. Seventy per centum of such funds shall be distributed per capita to their tribal members, and the remainder may be advanced, deposited, expended, invested, or reinvested for any purpose designated by the respective tribal governing bodies and approved by the Secretary of the Interior: *Provided*, That none of the funds may be paid per capita to any person whose name does not appear on the roll prepared pursuant to section 3(a) of this Act; and in the case of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana, the Fort Peck Sisseton-Wahpeton Sioux Council shall act as the governing body in determining the distribution of funds allotted for programing purposes. The shares of enrollees who are not members of such groups shall be paid to them per capita.

SEC. 8. Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interest of such persons after considering the recommendations of the governing bodies of the groups involved: *Provided, however*, That no restrictions shall be placed upon payments to persons eighteen years of age or over who are married and are not under a legal disability for any reason other than age.

SEC. 9. The funds distributed under the provisions of this Act shall not be subject to Federal or State income tax.

SEC. 10. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act, including the establishment of deadlines.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

UNIFORM APPLICATION OF THE LAWS IN THE PUBLIC SCHOOLS

Mr. STENNIS. Mr. President, the Supreme Court of the United States began considering on Monday four cases which might well determine the future of our public schools for generations to come. The Court will have its first real opportunity since 1954 to determine the extent to which local school districts are required to take affirmative steps to assure integrated public schools leaving aside all other considerations as opposed to the creation of school systems wherein racial identity of students has played no part in their assignment to particular schools or classes.

At the present time, there is in the United States a double standard. In the South, where dual school systems, or de jure segregation, formerly existed, lower Federal courts and the Department of Health, Education, and Welfare have required not only the elimination of the dual school system, but have required the gerrymandering of school district lines, the pairing of schools, and the transfer or busing of students so as to create a racial balance in the public schools or to move strongly in that direction. On the other hand, in the North, there has been no official drive in the courts and little or no effort by the agencies of the Federal Government to require any change whatever in the many segregated schools which exist in large metropolitan areas. The courts and the Federal Government agencies have refused to act in the North and East hiding behind the premise that there is no legal or constitutional requirement to deal with de facto segregation, that is, segregation resulting from other than State action.

There is no de jure segregation in Mississippi. All 149 school districts in Mississippi are under Federal court order or are operating under a plan which has been approved by the Secretary of Health, Education, and Welfare and under which the public schools have desegregated. There are no more dual school systems in Mississippi. This generally is true throughout the South. The dual school system which was condemned by the Supreme Court of the United States in its 1954 decision has been eliminated root and branch.

The public schools of Mississippi are in compliance with the requirements of the Civil Rights Act of 1964 and the Constitution, as interpreted by the decisions of the Supreme Court of the United States.

At this time the public schools of Mississippi and the South stand in the same legal category as the public schools of the North, East, and West.

Under the constitution and laws of the United States the public schools in Mississippi and the rest of the South, are now entitled to the same treatment as the public schools in the North, East, and West. Whatever rule is applied in one area of the country must also be applied in the remaining areas of the country. The public schools of Mississippi and the South should be the subject of the uniform application of the laws. There should be one policy—a national policy—and it must be applied uniformly in all areas of the country.

In spite of this, however, the public schools in the North, East, and West continue to operate, in many cases, on a segregated or virtually segregated basis, without challenge by the Federal courts, the Justice Department, the Department of Health, Education, and Welfare or anyone else. The Supreme Court of the United States has repeatedly refused to decide cases arising in areas outside the

South which deal with this legal question.

In a Senate speech which I made on May 5, 1970, as found in the CONGRESSIONAL RECORD of said date beginning at page 14098 thereof, I discussed this serious question and pointed out a number of cases wherein the Supreme Court had refused to pass on the question. These were cases arising in Cincinnati, Ohio; Gary, Ind.; and Kansas City, Kans. I will not discuss these cases again here except to say that the Circuit Court of Appeals in each case generally took the position that the segregation pattern which existed in the public schools in those metropolitan areas was racial imbalance resulting from housing patterns and that there was no requirement that the neighborhood schools so created be changed. In each case the Supreme Court would not consider the case on its merits and would render no decision, but merely stated, in effect, that the court would not consider the case on its merits. I have called on the Supreme Court time and time again to accept some school cases from areas of the country other than the South and to decide these questions. As late as August 5, 1970, in a Senate speech I urged that the Supreme Court take action before this school year started.

The Supreme Court finally agreed some 60 days ago to consider four cases which may result in further decisions as to the extent to which school districts must go in taking affirmative steps to bus and transfer students to overcome racial imbalance in the public schools of the South. Strangely enough each of the cases which the Supreme Court accepted for jurisdiction and began hearing this week, is from the South. These cases involve appeals from Charlotte, N.C.; Mobile, Ala.; and Clarke County, Ga. As to the public schools in the North, East, and West, the Supreme Court has remained as silent as a sphinx.

In a series of Senate speeches last fall, I pointed out the extent of segregation which exists in many States in the North, including New York, Ohio, Illinois, Indiana, Michigan, California, Pennsylvania, and many others. Thereafter, there was an extensive debate in the Senate and over the Nation about this shameful double standard of segregation which exists in the public schools in the United States. I remember so well the courageous stand taken by the Senator from Connecticut (Mr. RIBICOFF) when he said that the North was guilty of "monumental hypocrisy." I was pleased indeed when the Senate, to its everlasting credit, voted 56 to 36 in support of my amendment to require the uniform application of the law throughout the country. Unfortunately, later on when the House-Senate conference brought in their report, there had been a complete reversal—from one national policy to two national policies. As this legislation was finally enacted the Congress announced a nationwide uniform policy in dealing with segregation in the public schools. In the conference report to H.R. 514 adopted in the Senate on March 24, 1970, that uniformity is defined as follows:

Such uniformity refers to one policy applied uniformly to de jure segregation wherever found and such other policy as may be provided pursuant to law applied uniformly to de facto segregation wherever found.

Now that there is no de jure segregation in the South, the Supreme Court and the Nation have the golden opportunity to adopt and apply the same standard nationwide—to show that it will not discriminate against any one area of the country. Where there is no dual school system and where all vestiges of any such system have been eliminated, then whatever racial balance or imbalance may exist must be treated the same throughout the Nation. The Constitution and the law are the same—North and South. The Constitution does not require integration. The Constitution does not require racial balance. The Congress has recognized that the only thing that the Constitution prohibits is the assignment of students to public schools based on race or racial discrimination in the assignment of students. The administration has recognized this also. The Solicitor General as quoted in the press speaking for the administration has said that he cannot find in the Constitution that it is the duty of the Government to insure that every child get an education in an integrated school.

The Supreme Court now has the opportunity to recognize that the Constitution does not require either integration or the creation of a racial balance in the public schools and to establish a truly national policy to be uniformly applied throughout the Nation. The fate of quality education for all children regardless of race, hangs in the balance. I trust and believe that the Court will, in its ruling, take into account the critical need for all our children to obtain that education and shape its decision to insure that this need will be fulfilled thus preserving the true constitutional rights of all our citizens.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 17604) to authorize certain construction at military installations, and for other purposes, and it was signed by the President pro tempore.

OPERATION OF TOLL BRIDGE ACROSS RAINY RIVER, BAUDETTE, MINN.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 6240, as reported earlier today, and which is now at the desk.

The PRESIDING OFFICER (Mr. SCHWEIKER). The bill will be stated by title.

The assistant legislative clerk read as follows:

To amend the act entitled "An Act authorizing the village of Baudette, State of Minnesota, its public successors or public assigns, to construct, maintain, and operate a toll bridge across the Rainy River at or near Baudette, Minnesota", approved December 21, 1950.

The PRESIDING OFFICER. Is there objection to consideration of the bill?

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

Mr. JAVITS. Mr. President, this bill is one of two reported from the Committee on Foreign Relations. Unfortunately, the report could not actually be filed until today, but the distinguished Senator from West Virginia (Mr. BYRD) was kind enough to get the agreement of the two Senators from Minnesota that the bill was needed, which he has done, and I hope very much that the Senate will agree to it.

The bill was ordered to be read a third time, was read the third time, and passed.

OPERATION OF TOLL BRIDGE ACROSS ST. LAWRENCE RIVER, CAPE VINCENT, N.Y.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to consideration of H.R. 15069, as reported earlier today, which is now at the desk.

The PRESIDING OFFICER (Mr. SCHWEIKER). The bill will be stated by title.

The assistant legislative clerk read as follows:

To authorize the Thousand Islands Bridge Authority to construct, maintain, and operate an additional toll bridge across the Saint Lawrence River at or near Cape Vincent, New York.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, was read a third time and passed.

DISCHARGE OF COMMERCE COMMITTEE FROM CONSIDERATION OF H.R. 15720

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of H.R. 15770, the Water Bank Act, and that it be rereferred to the Committee on Agriculture and Forestry.

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

ADJUSTMENT OF RATES OF PAY FOR CERTAIN EMPLOYEES

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wyoming (Mr. MCGEE) I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 17809.

The PRESIDING OFFICER (Mr. SCHWEIKER) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 17809) to provide an equitable system for fixing and adjusting the rates of pay for prevailing rates of employees of the Government and for other purposes, and requesting a conference with the

Senate on the disagreeing votes of the two Houses thereon.

Mr. BYRD of West Virginia. 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 the Presiding Officer appointed Mr. McGEE, Mr. YARBOROUGH, Mr. RANDOLPH, Mr. FONG, and Mr. BOGGS conferees on the part of the Senate.

ADDITIONAL STATEMENTS OF SENATORS

DR. J. JEROME WILDGEN, OF MONTANA, ELECTED PRESIDENT OF AMERICAN ACADEMY OF FAMILY PHYSICIANS

Mr. MANSFIELD. Mr. President, I am delighted to report that a member of the medical profession of my State of Montana has been elected president of the American Academy of Family Physicians. This is indeed a great honor for Dr. J. Jerome Wildgen and the medical profession in the State. This is the first time that a man from Montana has been elected to such a high position in any of the organizations and associations that represent the doctors and physicians of our Nation. Dr. Wildgen comes from Kalispell, Mont., where he is a most successful and highly esteemed general practitioner.

The good citizens of Montana and other sparsely populated States finding themselves more and more without a physician or medical services should be delighted to know of Dr. Wildgen's concern for the need of family-oriented medicine with a realistic emphasis upon the demand for more general practitioners.

Mr. President, my wife Maureen joins me in extending our personal regards and congratulations to Dr. Wildgen in his new position. We are confident that he will lend to this organization the finest talents, both in the medical field and as a national representative. I ask unanimous consent that an editorial published in the Great Falls, Mont., Tribune of October 2, 1970, be printed in the RECORD.

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

ELECTION OF KALISPELL MAN—AN HONOR FOR MONTANA

Selection of a Kalispell man as president-elect of the American Academy of Family Physicians comes as a tremendous honor for Montana. It is the first time anyone from this state has been chosen for so high an office in any large national medical group.

Dr. J. Jerome Wildgen's views on the need for family-oriented medicine today are corollary to the plight of the large number of communities in Montana and other western states which now find themselves without a physician or medical service of any kind.

Dr. Wildgen makes the point that during the past 25 years the number of general practitioners has dwindled to the point where more than 80 per cent of graduating medical students now enter some area of specialization. The Academy of Family Physicians seeks to reverse this trend.

This state, without a medical school of its own, has undertaken to improve the situation through agreements with other states for the training of young Montanans interested in entering the medical profession. It seems particularly appropriate, therefore, that the second largest medical group in the country should have chosen a man from this state as its president for the 1971–72 term.

PROPOSED TRADE LEGISLATION—TESTIMONY OF SECRETARY OF STATE ROGERS

Mr. FULBRIGHT. Mr. President, on Monday the Secretary of State testified before the Committee on Finance on the subject of trade legislation, which is now pending before Congress. His remarks are most significant and deserve the close attention of every Senator.

I ask unanimous consent that the statement be printed in the RECORD.

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

TESTIMONY OF THE SECRETARY OF STATE BEFORE THE SENATE FINANCE COMMITTEE, OCTOBER 12, 1970

I welcome the opportunity to discuss with your Committee the pending Trade Act. My comments will be made against the background of our relations with friendly countries and in the light of our position in world affairs.

Last year the President sent to the Congress a proposed trade act which followed in the tradition of American trade legislation designed to increase trade and prosperity by reducing barriers and obstacles to peaceful commerce in the world. In major part because of vigorous American leadership, international trade since World War II has been substantially relieved of the restrictions and distortions that we had inherited from the 1930's. I would remind the Committee that in the 25 years since the end of the Second World War the world has had the longest period of sustained and rapid income growth in history, thanks in very important part to the unblocking of the channels of trade. The American people, along with peoples everywhere, have been the beneficiaries of this unprecedented period of prosperity.

The legislation before you incorporates many of the provisions that the President requested in his initial proposal to the Congress, including limited tariff cutting authority, liberalization of adjustment assistance provisions of the present Trade Expansion Act, and authority to eliminate the "American Selling Price" system of valuation. It includes also a provision for the establishment of Domestic International Sales Corporations, intended to assist our exports, which the Administration subsequently had requested. The President has also indicated his willingness to accept a provision for restrictions on certain textile imports because our efforts to find other solutions to problems in our textile trade have thus far been unsuccessful.

The Administration recognizes that the world environment is changing, that new economic, trade, and investment problems are appearing and that new approaches may be necessary. The President, therefore, has commissioned a group of distinguished Americans under the leadership of Albert Williams to study the emerging situation and to recommend a comprehensive set of foreign trade and investment policies for the 1970's.

In the meantime, a bill limited to the provisions I have just enumerated would be a positive factor in our relations with the rest of the world. It would be accepted by our trading partners as evidence of American intention to continue along the broad lines of the post-war commercial policy that has served us all so well. It would be taken as a signal that the United States will maintain its place of leadership in the development of the world economy. It would put us in a favorable position to achieve further reductions in barriers to our exports. It would permit us, I believe, to deal with the difficult problems in our textile trade in a manner calculated to minimize difficulties with supplying nations.

Unfortunately, the bill before you includes a number of additional provisions which the President did not request and which the Administration considers to be contrary to the national interest. Primary among these are first, provisions for quotas on individual items apart from textiles and, second, the potential extension of restrictions, including quotas, to many other products through an excessive loosening of the escape clause. Additionally, the proposed bill would depart from past escape clause procedure by setting an arbitrary arithmetic formula to be used in determining injury. I must tell you that if other countries were to apply this approach to our own exports, there would be grave damage to the sales of hundreds of American firms and to the jobs of hundreds of thousands of American workers. I urge this Committee to recommend to the Senate the elimination of these undesired and potentially damaging features of the legislation.

We have made a careful assessment of the impact of this bill, not only upon our economic interests, but also upon our international interests. We are convinced that it would cause serious harm to the United States.

Naturally, we have heard from other countries about their views of the legislation as it now stands. The President and I heard some of these views at firsthand during our recent journey to Europe. The reactions abroad to the pending bill are those of deep concern and even alarm at the apparent direction of American policy.

Our trading partners fear that the United States is about to make an historic turn in its foreign trade policy. Just as we have led the trading world on the way to a steady reduction of trade barriers, it is now feared that our example could drive the trading world back to the kind of bilateralism and restrictionism that crippled international commerce, including our own, in the 1930's, and contributed to the disastrous consequences that we all know.

It may be said that these fears are unjustified, that the proposed legislation merely seeks to deal with certain special and urgent problems of the United States, and that other nations too have restrictions on imports. The fact is, however, that the legislation before you could lead to restrictions on a very large volume of United States trade, as much as three billion dollars or more, and other nations are acutely aware of this. It is also a fact that the very size of the United States in the world economy lends special weight and emphasis to everything we do and that our actions do set an example, for good, or bad, for everyone else. Obviously, other nations have trade restrictions, as of course do we. But we and the rest of the world recognize that the way to a reduction of the remaining obstacles to trade in the world is through hard, reciprocal bargaining, not by adding new and unnecessary obstacles.

Considering the potential damage to trade and the amount of public attention that has been and will ge given to this matter, it must be expected that other governments would not be able to accept passively increased trade restrictions by the United States. There is widespread fear of an impending trade war that no one wishes, neither we nor our trading partners. But we must realize that the political pressures on other governments could be so great as to lead to retaliatory actions against our trade. We are a very large exporter and in some fields the volume

of our more dynamic export items already gives rise to foreign concern.

I hope that the Congress will give us a trade bill which will preclude any possibility of serious retaliation. I think it is my duty, nevertheless, to tell you what easily might happen. And it would be wrong for me to minimize the gravity of the situation that we might come to face.

Let me add that a liberal trade policy is essential if the developing countries are to achieve the self-reliance that the Nixon doctrine seeks to encourage. If we are going to foster self-reliance by the developing countries of the world, we must not deny to them the possibility of earning their own way. If we do that, we shall undermine the very processes that generate self-confidence and growth. The consequence will be that we will hurt them and ourselves as well.

The legislation before you appears in some respects to give the President a wide degree of flexibility in the application of the provisions of the legislation. Some may argue that this will enable the President to avoid the application of the worst features of the bill. But in many instances, this flexibility could not be used.

Specifically, it would be extremely costly to discriminate among countries in order to moderate the impact of the legislation. We are solemnly committed, in the General Agreement on Tariffs and Trade and in many bilateral treaties, to treat other countries on a non-discriminatory most-favored-nation basis. To do otherwise would be to dishonor our obligations.

We have economic and trading interests everywhere. We do not want to become a victim of a world fragmented into trading blocs and bilateral arrangements. It would ill serve our nation to take the lead in restricting trade and damaging or destroying the principle of most-favored-nation treatment that is now written in our own basic trade law.

Mr. Chairman, I have spoken out of deep concern for the potential damage to our industry and agriculture of certain features of the legislation that you are considering. It is possible for this committee to propose to the Senate a bill that will advance our economic interests, not retard them, that will uphold our status and position in world affairs, and that will still enable the Administration to deal effectively and constructively with the pressing problems of specific firms and industries in our domestic economy. A statute that is limited to the provisions recommended or supported by the Administration will do that. A statute with additional and restrictive features, such as are contained in H.R. 18970, on the other hand, would threaten our economic interests and would undermine our position in the world, without meeting the true nature of our particular problems at home. I earnestly invite you to look upon our trade legislation as part and parcel of our total national interests and in the framework of a coherent political and economic policy that takes into account our domestic needs and our world responsibilities. I urge the Committee and the Senate to remove from the bill these unneeded and dangerous features and to send to the President trade legislation consistent with our tradition of leadership and with our national interests.

AGNEW DEMEANS ADMINISTRATION

Mr. McGOVERN. Mr. President, the most willing and loudest mouthpiece of President Nixon, SPIRO AGNEW, continues to demonstrate that "the old Nixon" of the Joe McCarthy stripe is still very much alive.

In Mr. AGNEW's recent political venture into my State of South Dakota, he, of course, reserved some of his harshest epithets for me. I always consider it a small badge of honor to be attacked by this impossible demagog. If he ever said anything good about me, I would know I was off the track.

Mr. AGNEW also used my State to make a stinging indictment of the Scranton Commission report on campus unrest. I have not yet read the Scranton report, and I doubt whether Mr. AGNEW has; but in view of his strong indictment of the report, I am inclined to think it must be a very fine report. In any event, I intend to read the Scranton report carefully. I shall have more to say later about it and the administration's rejection of its own Commission study of campus unrest.

I ask unanimous consent that a thoughtful editorial entitled "AGNEW in South Dakota," published in my hometown newspaper, the Mitchell Daily Republic, of October 2, 1970, be printed in the RECORD.

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

AGNEW IN SOUTH DAKOTA

Spiro T. Agnew continues to demean the office of Vice President with his vitriolic attacks against anyone who happens not to bow to the mention of the Nixon Administration and kneel at the doorstep of the Pentagon. As Spiro views it, everyone has a right to dissent as long as the criticism is not against the Nixon Administration. His rhetoric is reminiscent of the late Sen. Joe McCarthy, who believed anyone not a right-winger was a Communist.

The Vice President came to Sioux Falls this week on a political fundraising tour for the GOP. He spoke at a $50-a-plate luncheon which was attended by a crowd numbering from less than 1,000 to more than 1,250, depending on which report one wishes to believe.

Instead of extolling the virtues of Gov. Frank Farrar, and urging his reelection, and stumping for the election of GOP congressional candidates, Dexter Gunderson and Fred Brady, Agnew lashed out against Sen. George McGovern, whose term runs until January 1973, and roundly criticized the report of a Nixon commission because it dared to tell it like it is.

The commission, headed by former Gov. William Scranton of Pennsylvania, had the audacity to issue what the *Des Moines Register* termed a "hardheaded, uncompromising, no-nonsense" report on campus unrest. What got stuck in Spiro's craw was the lack of bias in the commission's statement. After all, you would think a group appointed by President Nixon would not have the gall to put a monkey on the President's back. Nor would they have the temerity to suggest that some of our hallowed institutions of law enforcement must share the blame with students for incidents of violence and terrorism.

Spiro claimed the Scranton Commmission report would be taken "as more pablum for the permissiveness." He said it is "imprecise, contradictory and equivocal." What the report is is a thorough analysis of the components of campus unrest and the actions which spark violence. It is critical both of the student terrorists and of the control agencies which have needlessly inflicted injury on the demonstrators.

The commission called upon the President to do what he promised to do when he campaigned for office two years ago: "to bring us together." The report attributed the major responsibility for narrowing the gulf between the young people and the Establishment to the President of the United States. It said Mr. Nixon must "insist that no one play irresponsible politics with the issue."

And what really bugs the Vice President is the commissions references to the divisive rhetoric of one Spiro T. Angew, and suggestions that Mr. Nixon draw the reins on him. Should the President heed this suggestion, as well as the commission advice that "nothing is more important than an end to the war in Indochina," the country would be well on the way toward healing some serious wounds.

McNALLY HURLS AND BATS ORIOLES TO WORLD SERIES VICTORY

Mr. MANSFIELD. Mr. President, I again wish to commend a fellow Montanan, Dave McNally, from Billings, Mont. On yesterday, in Baltimore, Dave pitched the Orioles to a 9-to-3 victory over the Cincinnati Reds, thus giving the Baltimore club a 3-to-0 lead in the 1970 World Series.

Not only did Dave pitch a superb game, in scattering the total of nine hits by the Reds, but he became the first pitcher ever to hit a World Series grand slam.

Typical of pitchers, Dave concedes that he treasures home runs more than pitching, and, indeed, it was his bat that delivered the grand slam "coup de grace" in yesterday's defeat of Cincinnati's "Big Red Machine." Not only will this home run live long in Dave's memory, but as the Baltimore Sun expresses it:

McNally's grand slam was the moment which will live longest in the memories of the immense throng which sat in near-perfect weather to see the Orioles edge closer to another World Championship.

As a result of Dave's home run, the Orioles' lead was increased to 8 to 1 and Cincinnati's defeat was assured.

Dave, the author of 24 regular-season victories, plus another 10 days ago in Baltimore's three game playoff sweep of Minnesota, conceded he was not at his best in pitching yesterday. Even so, he defied the averages because Cincinnati had a 33-to-12 record this season against lefthanders—but, as Dave said:

I can't throw righthanded. The only thing I can do is battle 'em with what I've got.

With all his accomplishments Dave not only is a very modest person but, in the words of catcher Andy Etchebarren:

He's just a great, super person. He's got more guts than any person in the world. That's my feeling.

I know Dave and his family very well, and we Montanans are very proud of what Dave McNally has done since beginning long ago in American Legion baseball. We are hoping that his good pitching and hitting will continue because we know he has courage and stamina. We look upon Dave as an outstanding representation of Montanans, and I personally consider him a close friend.

Good luck, Dave, and may your success continue.

I ask unanimous consent that two articles about Dave McNally, published in the Baltimore Sun, be printed in the RECORD.

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

MCNALLY HURLS AND BATS ORIOLES TO 9–3 ROMP OVER REDS, 3–0 LEAD—DAVE BELTS GRAND SLAM, GOES ALL THE WAY ON THE MOUND

(By Jim Elliot)

Dave McNally became the first pitcher ever to hit a World Series grand slam yesterday

and went the distance as the Orioles continued their demolition of the Cincinnati Reds with a 9-to-3 triumph at the stadium to take a 3–0 lead in the best-of-7 baseball classic.

A crowd of 51,773 perhaps fidgeted a bit as McNally glided into the sixth inning on a 4-hitter with a 4–1 advantage over the vaunted Big Red Machine.

But then, with two out in the sixth, McNally smashed his bases-loaded homer and coasted to an easy victory on an allowance of nine hits—all singles.

It wasn't a one-man show by any means, Frank Robinson and Don Buford also slamming homers for the American League champions. In addition, Brooks Robinson crashed a two-run double and Paul Blair doubled a run across to further highlight the Orioles' 10-hit assault on three Cincinnati pitchers.

Meanwhile, the Oriole defense continued to amaze, Brooks Robinson and Dave Johnson making sensational diving stabs of line drives off the bats of Cincinnati stars Johnny Bench and Pete Rose to stifle the Reds' efforts to get something meaningful under way.

As things developed, it was Buford's homer off Cincinnati starter Tony Cloninger with one away in the fifth inning which supplied the fourth and what proved the decisive run.

M'NALLY HITS IT

But McNally's grand slam was the moment which will live longest in the memories of the immense throng which sat in near-perfect weather to see the Orioles edge closer to another World Championship.

With one out in the sixth, Blair lined his second of two singles through the box to center, and a great roar went up from the crowd as Sparky Anderson, manager of the Reds, went to the mound.

The standing ovation wasn't for Anderson, who was out to change his pitcher from Cloninger to Wayne Granger. It was for Brooks Robinson who in the top of the sixth had dived to his left for another unbelievable play—stealing a sure hit from Bench on a line shot.

BROOKS RESPONDS

Brooks responded with his second of two doubles, lacing the ball to the wall in left and chasing Blair to third base.

With first open, Anderson, who readily admits he has been outmanaged by the Orioles' Earl Weaver thus far in the Series, ordered an intentional walk to Johnson.

It appeared that the strategy would pay off handsomely when Andy Etchebarren struck out and the count went to 0–2 on McNally.

But then Granger tried to get McNally to go for something less than a strike, and quickly the count rose to 2–2.

It was here that the 26-year-old right-hander came in with a ripe pitch—a fast ball over the inside corner and about belt high.

McNally swung, and the crowd immediately roared, knowing that the ball was heading for the bleacher seats in left, up half a dozen rows and carrying 360 feet.

FRANK GOES 3-FOR-4

Hardly anticipating the grand slam from a pitcher, the crowd leaped to its feet as McNally rounded the bases, and the Orioles were romping, 8–1.

Buford then bounced back to Granger and if the Cincinnati reliefer unnecessarily fired the ball to first for the final out as it appeared he did, it was entirely understandable, Cincinnati's defeat was assured.

Frank Robinson breaking out of an 0-for-9 slump in the first two games, was 3-for-4 for the Orioles with two singles in addition to his homer.

Blair, now the Series player with the most hits, was 3-for-3 plus a walk and boasts 6-for-12 overall, good for a .500 average.

McNally wasn't at his best, just as weren't Jim Palmer and Mike Cuellar who started the earlier games, but he was better than needed as he became the first Series pitcher to go the distance.

Employing mostly fast balls and sliders, McNally struck out five and walked two. An occasional curve appeared including one he used to fan dangerous Tony Perez in the sixth. That was a thing of beauty.

Hall of Famer Lefty Grove hardly had completed his windup and tossed out the game's first ball when McNally was in deep trouble.

DOUBLE PLAY

Rose, hitless before yesterday, ripped McNally's first pitch of the game for a single past short into center, and Bobby Tolan dropped a perfect bunt down the third-base line on the next one.

But with runners at first and second, Perez bounced high to Brooks Robinson, who reached up for the ball, ran over to touch third for the force, then threw to Boog Powell for the back-breaking double play. Brooks caught Bench's explosive liner slammed right at him for the third out.

The Orioles then did something new—scoring first for a lead they never relinquished after they had come from behind in the first two games.

Buford drew a walk on Cloninger's first four pitches. With two away, Bufford raced to third on Frank Robinson's hit-and-run single lined to right. Blair walked on a full count to load the bases.

Then Brooks picked on a 1–1 delivery and smashed it to left-center for a two-run double, and the Birds were winging.

With one out in the Cincinnati second, Hal McRae singled to center and took second on Tommy Helms' topper to third.

Dave Concepcion singled to right, and Frank Robinson's throw appeared in time at the plate, but the ball skipped through Etchebarren, McRae scoring, and Etchebarren was charged with an error when Concepcion continued to second. McNally struck out Cloninger to end the frame.

After Johnson dived to his right for a sensational grab of Rose's liner in the top of the third, Frank Robinson sent the Birds on top with his 430-foot homer over the fence in center in the Oriole half.

TOLAN POPS OUT

Buford's clout was a 375-foot job into the bleachers in right, and Brooks Robinson's diving stab of Bench's liner in his webbing in the top of the sixth warmed the fans additionally for McNally's wallop, only the 12th ever hit in 67 World Series.

The Reds scored twice in the seventh when May walked, McRae singled, Helms forced McRae, Concepcion hit a sacrifice fly, Woody Woodward got a pinch-hit single and Rose's single plated a run.

Pitching coach George Bamberger went to the mound after Rose's single, before McNally got Tolan to pop to Belanger for the third out.

Don Gullett was Cincinnati's third and last pitcher at the start of Oriole seventh, and the Birds got their final tally on Powell's walk, Frank Robinson's single and Blair's double. Frank was thrown out trying for two bases, or there might have been greater damage.

May singled in the Cincinnati eighth, and Helms added the Reds' ninth single in the ninth, neither advancing. The fourth and perhaps final game is set for today at 1 P.M. with Jim Palmer slated to oppose the Reds' Gary Nolan.

McNALLY FAVORS HIS BAT OVER ARM—BIRD HURLER TREASURES HOME RUNS MORE THAN PITCHING

(By Lou Hatter)

Dave McNally willingly conceded. The Oriole pitcher prized the bat over his leathery left arm.

It was the weapon that delivered the grand-slam COUP DE GRACE of yesterday's 9-to-3 ditching of Cincinnati's Big Red Machine, boosting Baltimore's big orange machine three-up with one to go for baseball's 1970 global championship.

He had to agree with battery-mate Andy Etchebarren and Manager Earl Weaver. The leathery left arm has unfurled a more artistic mound job.

There was a happy irony to McNally's base-clearing wallop into the left-field seats, touching off bedlam among 51,773 slightly hysterical Memorial Stadium partisans.

LOOKED ANYTHING BUT HITTER

Moments earlier, he looked like anything but a candidate to become the first pitcher ever to clout a World Series four-run homer and only the twelfth grand-slam slugger in the classic's 67-year history.

Cincinnati's bullpen ace, Wayne Granger, had made him look like a feeble, automatic sixth-inning out with a pair of buggywhip sidearm sinkers.

"They started low and sunk lower, shoe-top high. I just swung at them," McNally recalled ruefully. "I knew I looked bad."

Then, two balls and a foul later, the right-handed-swinging Oriole southpaw connected on what he described as "an inside fast-ball, belt-high."

"I just told myself, 'Don't bail. Try to make contact. Maybe the ball will blop in,' " McNally related afterwards. "I knew it had a chance, because I hit it good."

McNally, author of 24 regular-season victories, plus another ten days ago in Baltimore's three-game playoff sweep of Minnesota, yesterday "had a pretty good slider, but I've seen him throw a better fast-ball and curve many times," Weaver stated.

"I had better stuff than in the playoff game but didn't have a real good curve," McNally agreed. "I threw seven or eight slow curves early, none of them were near the plate, so I quit it. After that, I threw mostly fast-balls and sliders and tried to move the ball in and out."

Reminded of Cincinnati's 33-and-12 record this season against lefthanders, McNally replied:

TRIBUTE FROM CATCHER

"I can't do anything about that, I can't throw righthanded. The only thing I can do is battle 'em with what I've got."

And battle 'em he did, according to Etchebarren, who extended his long-time teammate another matchless tribute.

"He's just a great, super person. He's got more guts than any person in the world. That's my feeling," exclaimed the veteran Oriole catcher.

"Dave will go out there and pitch when he's got nothing and still win ball games. Some pitchers don't want to pitch if they don't have good stuff. But Mac will go out there and work until he gets his good stuff back."

NEVER GAVE IN

"He didn't have his good stuff in this game, hardly any curve at all. But he got to a point where he was throwing a good slider and a fair fast-ball in good spots," Etchebarren added. "And he never gave in."

Etchebarren, who first caught McNally in the minors back in 1961 and his battery-mate "about 90 per cent of the time here since 1965," offered no excuses for his second-inning muff of Frank Robinson's peg to the plate, allowing Hal McRae to score the Reds' first run yesterday.

"The ball just skidded on the grass, picked up speed and stayed down 6 or 8 inches from the ground," Andy explained.

"Frank made a good throw, and I know he (McRae) is out easily. I just couldn't catch up to the ball. It just scooted under my glove."

Although a righthander, Tony Cloninger started for Cincinnati, Weaver benched left-handed-swinging Elrod Hendricks—slugging hero of the Birds' first two series triumphs—in favor of Etchebarren yesterday.

"It's just that McNally and Andy have played so long together," the manager ex-

plained. "They think together. There's less shaking off signs, not that that's so important."

"No, Mac does not request Etchebarren as his catcher," Weaver answered a question. "I just thought our line-up was best for us on this particular day. It seemed like we were going to get enough runs if we could just keep the club from scoring a lot of runs.

"Of course, you never go into a ball game thinking you're going to get as many runs as we did in this one."

The crystal ball of Baltimore's clairvoyant baseball boss apparently had overlooked the home-run bat of Dave McNally.

A VIEW ON ALASKA'S DEVELOPMENT

Mr. STEVENS. Mr. President, the development of Alaska's vast resources has begun. Alaskans are determined to progress with this development using new techniques that will minimize any possible harm to our environment.

Alaska Governor Keith H. Miller recently appealed to those in the Lower 48 who would block this development to understand why our resources must be developed and to recognize that Alaskans, more than anyone else, are determined to preserve the natural beauty of our great land.

In a letter published in the September–October issue of Paclines, Dr. Lewis H. Johnson, president of Alaska Barge & Transportation Co., Inc., expressed to a great degree the Alaska viewpoint on this important issue.

I ask unanimous consent that Dr. Johnson's letter be printed in the RECORD.

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

FROM L. H. J.

In an advertisement printed in the Wall Street Journal and elsewhere, the Governor of Alaska recently pleaded for understanding and sympathy from the Lower 48. He emphasized that Alaska's vast resources must be developed if its citizens are to achieve the standard of living enjoyed by most Americans. He promised stringent safeguards to insure that the "economic blessings" offered by its resources will be developed without despoiling the natural wonders of this great land.

With his statement, we can only concur. As a company working with Alaskans for more than a decade and counting many among its employees, we believe that its people deserve more than they have received. We can vouch for the harshness of life there which is intensified by seasonal unemployment, substandard housing, primitive roads, inadequate schools and other facilities that only community wealth can provide. To deny these pioneers the right to improve their lot because of our newly-found fastidiousness about our planet Earth appears to shift to them our guilt for what we have done in the Lower 48.

The delay in settling the native land claims and the concurrent deferral of the issuance of the permit for the pipeline has once again worked a hardship on Alaska. Who cannot sympathize with their bewilderment over what seems to be uninvited interference with their efforts to control their destiny. The time has come to give Alaskans a expectation that they will profit from our misdeeds in the Lower 48 and shame us for our want of faith in their collective wisdom and intent.

LEWIS H. JOHNSON,
President.

MOSCOW'S GOOD OFFICES FOR POW'S

Mr. HANSEN. Mr. President, for some of the Western Nations this apparently is one of those periods of detente with the Soviet Union. Various of the Western Nations, such as France and the West German Republic, have entered into agreements or negotiations with Moscow.

This would seem to be a proper time for our long-time allies to ask Moscow to use its good offices on behalf of the American prisoners of war held by Hanoi. Certainly, the Soviet Union, which supplies so much war material to North Vietnam, could also influence that country to comply with the basic requirements of the Geneva Convention on prisoners of war. This is little enough for us to ask of the U.S.S.R., whose very existence is owing to our intervention in a terrible war only one generation ago.

The simple act of providing a list of American prisoners held by Hanoi would be proof that the North Vietnamese Government has recognized some duty to carry out the terms of the convention which they signed.

It would also give enormous comfort to the wives, the children, the parents of these prisoners who have waited so long for such information.

SUCCESSFUL INTEGRATION IN BERKELEY, CALIF.

Mr. MONDALE. Mr. President, this fall, Berkeley, Calif., is entering its third year of successful elementary school integration. Berkeley is a city of 121,300 people. It has a black school enrollment of 43.7 percent and a minority group school student body of more than 50 percent; 8,600 of its more than 17,000 elementary school pupils are bused to achieve desegregation in all of Berkeley's elementary school classrooms.

But Berkeley is not simply "desegregated." It is an example of successful, stable integrated education. It is successful in terms of cognitive achievement. Reading test scores, for example, show accelerated performance by both advantaged and disadvantaged students as a result of integration. But more important it has been successful in human terms. Teachers' attitudes toward disadvantaged students and their methods of teaching have changed and improved. Black and white students accept and understand each other. As one teacher has said:

I think if we'd done this 10 or 15 years ago, many of our racial problems would be solved by now. The children are so accepting of each other with no racism that I can see.

Mr. President, I commend to Senators an article entitled "How School Busing Works in One Town," written by Gertrude Samuels, and published in the New York Times Magazine on September 27, 1970. 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:

[From the New York Times Magazine, Sept. 27, 1970]

HOW SCHOOL BUSING WORKS IN ONE TOWN

(By Gertrude Samuels)

BERKELEY, CALIF.—Every day of school, more than 17 million children, or more than one-third of the country's total enrollment, go to school by bus because that is the best and safest way for them to get there; the figure does not include the large number who also go to school by public transportation. Yet with the opening of the new school year, busing as a way of integrating school systems is a major source of controversy, disrupting communities all over the country.

In Charlotte, N.C., the program that will send white children from the suburbs to inner-city black schools this year has created tension and bitterness. In Mobile, Ala., confusion marked the opening of the academic year as white students stayed away from black schools, to which they had been assigned in an effort to achieve desegregation, while black students assigned to white schools showed up in force. "It's an asinine law, and it's theirs [the Federal authorities] and they can enforce it," said a city spokesman. The Mobile school district, along with Charlotte, N.C., and Clarke County in Georgia, filed appeals testing a broad range of school desegregation measures, including busing. The appeals have been scheduled to be heard on the opening day of the Supreme Court's new term, Oct. 12. Such incidents reflect the findings of a recent Gallup poll, which showed that 86 per cent of the American people opposes busing to achieve racially balanced schools, an attitude encouraged by President Nixon's strong opposition to busing "in the case of genuine de facto segregation."

I came to Berkeley not long ago because this multiracial city has maintained a successful busing program for two years. It is the first city of more than 100,000 people (population 121,300) and a sizable black school enrollment (43.7 per cent) to use busing to achieve total integration in all its classrooms.

Since September, 1968, the Berkeley Unified School District has been transporting nearly half of its elementary pupils (8,600 this year) to and from school by bus. Prior to 1968 its junior and senior highs had long been desegregated; now the lower grades are also integrated. The youngest black pupils, kindergarten through third grade, are bused to the better "hill" schools, formerly middle-class and predominantly white; while the older white children, fourth through sixth grades, are bused down to the "flats" section, where the schools were once predominantly black.[1] In the city's elementary schools integrated teaching staffs are headed by eight white, four black and two Oriental principals.

For both races the last two school years have been a time of discovery. In ending "genuine de facto segregation," educationally if not residentially, the people had stopped fleeing from reality and begun to change it. As one black administrator put it: "We haven't reached the ultimate yet—but we're showing that black and white children can study and work together, that diversity of achievement levels can be recognized by the teacher and worked with."

Berkeley's impressive undertaking, which has changed the character of the lower schools and to some extent their teaching techniques and teachers' attitudes, is dramatized daily as the yellow school buses make their rounds.

[1] The 1940 Census showed Berkeley's population to be 93.8 per cent Caucasian, 4 per cent Negro, 2.2 per cent "other" (Mexican or Chicano, Oriental). In 1966, the population was 25 per cent Negro, 5 per cent "other." Today the black-pupil enrollment is 43.7 per cent.

At 8 o'clock in the morning sunshine on the corner of Cedar and Scenic Streets in the hill area, a score of white boys and girls, 9 to 11 years old, are waiting in a double line chatting with friends as they unleash their yo-yos. The huge yellow vehicle with "School Bus" lettered in black across the front, pulls up and the children pile in, greeting the driver: "Hi, Mrs. Goria . . . morning, Mrs. Goria." Mrs. Barbara Goria is an attractive young mother in plaid trouser suit, who has a daughter in college and two children in the Berkeley schools. Like all the drivers, she has qualified in special driving and first-aid tests.

She returns the greetings, urging the children along ("Let's fill up the back seats first, kids!") to leave room for passengers to come. The bus, which holds 80, is one of 26 used by the Berkeley Unified School District. As it proceeds from one pleasant, wooded neighborhood to another, it makes five stops in the space of a little less than a mile, picking up 50 more white and two black pupils. These are the "hill" children who once attended the more prestigious schools near their homes. They are well-behaved, talking in low tones, studying their books, staring out of the wide windows as they are driven down the hill through the commercial area to the flats. The destination is Longfellow School, once predominantly black. Now it is more than 50 per cent white.

"I'm glad I go to Longfellow," 12-year-old Mike replies to a question. "Like you meet new people—black, Chinese. They're different from what you used to know. The whole Whittier gang is right here," he adds with a laugh, and others nearby join in. (Whittier School was predominantly Caucasian.)

The flats section is the more deprived part of town, although it is hardly a ghetto in the traditional sense except that the population is almost wholly black. The neighborhood is neat and clean, with two-story frame and stucco houses and trim lawns. At 8:20 the bus pulls up at Longfellow (for fourth to sixth graders), a low mass of buildings that resembles a barracks. A palm tree rises above the playground. Mrs. Goria deposits her busload—"Don't forget your books! Have a nice day!" Then she turns the bus and starts out on her second route, still in the flats.

At Sacramento and Ward Streets, black children are waiting, younger than the Longfellow group, neatly dressed, plaits beribboned, shoes shined. After several such pickups, the bus heads back to the best part of town in the hills. As it travels up the steep streets, the children gaze out at the beautiful, landscaped homes, with their magnolia trees, palms and ivied lawns. It takes skill and nerve to maneuver the big bus on the steepest grades, and the noise from these younger children is so deafening that Mrs. Goria finally has to remonstrate: "Let's all quiet down, please. . . . I don't want anyone standing up!"

The busload is more outgoing, noisier, gayer than the previous passengers. Six-year-old Phyllis, in yellow sweater and an Afro cut, likes the bus ride "because I can read." Karen, in plaid coat and carrying a rolled-up umbrella, says: "Hillside's cool! I like painting." But Royal, 9, in Karen's class, shrugs: "Well, I'd rather be in Longfellow, because it's in my neighborhood."

Some kids chant a song:

> "My mother gave me a nickel
> My father gave me a dime,
> My sister gave me a boyfriend
> Who kissed me all the time."

On a hilltop overlooking San Francisco Bay, we reach Hillside School—kindergarten to third grade. Its gracious two-story Tudor-style main building, modeled after an English estate, stands behind thick shrubbery. The large playground is well-equipped.

" 'Bye Marie . . . Karen," Mrs. Goria says, helping the children off. They chorus affectionate good-bys. To Mrs. Goria these are "my children." "Have a nice day," she calls.

The city that has adopted this elaborate busing schedule is one of the loveliest in the country. Berkeley has a temperate climate and splendid vistas of green hills, exotic gardens and the Golden Gate. It has no dreary core ghetto like those in New York, Chicago and Washington; yet the southwest section of town, while no slum, is certainly segregated. Berkeley voted against a fair-housing ordinance so as to maintain residential segregation; Negro unemployment sometimes rises to 20 per cent compared with a white-unemployment rate of 5 per cent.

Berkeley's best-known asset is the University of California, grandfather of the student and teacher protest movements and biggest employer in town, providing jobs for about one-third of the 50,000 working residents—from professors, scientists and administrators to guards, clerks, tradesmen, etc. The city is a community of contradictions: old-timers, retired persons and Birch Society types contrast with Nobel Prize winners and educators with liberal and radical views; with the long-haired, scruffy young adults of Telegraph Avenue, and the Black Panthers whose national headquarters are now here.

Busing and the integrated school program it implements didn't happen in Berkeley overnight. They would never have come about without the persistent, aggressive initiative of leaders in the black community, and a courageous, liberalized Board of Education. Liberalization began in 1961 when black and white groups favoring a new educational approach managed to elect three representatives to the board, among them its first black member. Initial recommendations for fully integrated classes, starting in the elementary grades, stirred a bitter dispute culminating in 1964 in an unsuccessful attempt by a parents' association supported by the local newspaper, The Berkeley Gazette, to impeach the board.

In the years that followed, civic forces under the guidance of Dr. Neil V. Sullivan,[2] a powerful innovator who became superintendent of schools in 1964, assembled data on how integration could be achieved. Through the media and mails, school officials also invited education specialists and the public to submit plans for desegregating the schools.

Of 50 such plans submitted, five were finally chosen for closer study by the administration, faculty groups and civic leaders. Discussions were held in P.-T.-A. groups, churches, community centers, private homes. Questions were raised: Why not close all the black schools, as the city of Sacramento had done, and bus the black children to the white schools? Could white teachers work with black children? Would absorption of blacks in a Caucasian culture preserve the proud identity of the blacks? There were pleas from some to "stop the whole thing."

In late 1967 a staff advisory council on integration voted unanimously for what has come to be known as the K–3, 4–6 plan. No school would be closed or sold. There would be no more busing of black children to white schools in some condescending spirit of paternalism. There would be a rezoning of the existing system as well as marked changes within the classroom.

Experimentally, all elementary school teachers now entered a "teacher exchange program," black teachers going into the hill schools and white teachers to the flats for a brief period; and in a "dry run," more than 200 black children were bused to white schools. In January, 1968, the plan was adopted by the school board at a public meeting. The changeover now belongs to history. The buses began to roll the following September.

Berkeley's K–3, 4–6 program reorganized the entire elementary school system by dividing the city into four attendance zones, each containing one large 4–6 (fourth through sixth grade) school and several K–3 (kindergarten through third grade) schools. The busing pattern was developed by computers. First, a card for each school child was prepared containing information on age, race, address and school was fed into computers at the municipal Data Processing Center. The results of this study guided the school district's Office of Transportation in working out "ride zones" for 3,500 children. (These zones covered routes and stopping points where buses could pick up and deliver children safely at designated times.) "Walk zones" were similarly devised for 5,100 children who lived within walking distance of their classes. Before the busing plan went into effect, each parent received a card explaining about routes and schedules. Parents were even taken on dry runs on the buses to ease any fears concerning the safety of their children.

Along with the new busing plan, Berkeley undertook another innovation, an approach to classroom teaching embodying the concept of heterogeneity. For Berkeley, in fact, the cornerstone of its busing-to-integrate program is the heterogeneous classroom with its basic proposition that, in a puralistic society, mutual benefits accrue to *all* races when they are brought together for learning purposes.

Before integration, the hill teachers had worked with homogeneous classes of white children representing basically the same socio-economic background and middle-class values and grouped according to ability and performance within the classroom. Down in the flats, teachers, both black and white, had similarly worked with their predominantly black children, many of whom, however, were behind the white children in terms of the basic skills—reading, language, mathematics. Under the ability-grouping program, sometimes called "tracking," children of the elementary schools eventually entered the more rigid "tracking" systems of the junior and senior high schools. This practice could, and often did, label a child for his entire school life ("He's a No. 3" or "he's a No. 7, the 'dumb' track.")

According to Mrs. Harriett G. Wood, a black administrator who taught here for a dozen years and is now director of elementary education: "The basic problem was that black kids had been getting an inferior education before integration. In their old schools, there was a sort of overriding, debilitating, low self-image that becomes a kind of vicious, self-fulfilling prophecy. Kids should see themselves in the whole society."

As worked out here, heterogeneity, considered the ideal integration, deliberately created racially balanced classes. These were not merely composites of all races but also contained a broad range of intellectual ability, all the way from mentally gifted children to the slower learners in the "normal" range. This approach was adopted partly because of the black community's demand that its children receive education of the same quality that the whites enjoyed (tests had shown that black children in black schools simply did not do as well as whites). It also recognizes the fact that in real, everyday life people have to deal with many racial types and many kinds of mental ability. Berkeley wanted *all* of its children to function adequately in that real society.

The 1968 changeover meant that educators had to find effective ways of teaching in a class composed of children of different socio-economic backgrounds, different achievement levels and different life styles. The former ability groupings were dropped, for it was recognized that, without breaking up

[2] Now Commissioner of Education in Massachusetts. His book, "Now Is The Time" (Indiana University Press), with a foreword by Dr. Martin Luther King Jr., recalls the history of integration in the Berkeley schools.

the old 'tracking" system which separated quick learners from slower ones, busing would still mean segregated classes and would perpetuate the old superiority and inferiority feelings.

"Tracking" was replaced to some extent by "performance groups," but these were so flexible that, as children improved in reading, math and science, they could move freely from one grouping to another within the same class. As Theodore F. Blitz, principal of Hillside, put it: "The old homogeneous class tended to take away any educational stimulation and opportunity from those who were designated for the lower track. Our goal now is to help children to function academically in the heterogeneous class, whether at a study assignment, a work assignment, a reading assignment, or independently.

"This is a vast improvement. We're finding that our able students are going just as far, and making just the same kind of progress, moreover, as they did in the basic skills before integration. There's been no sacrifice, because able learners go ahead in spite of what any school is doing. They have the ability to learn and to create a class atmosphere in which they—and others—can learn."

As an example of the new, flexible, heterogeneous class in action, seven children in a second-grade reading group, a unit ranging from slow to very fast learners, were analyzing a main idea in a paragraph and learning vowel sounds. Later a group in the same class, all accelerated readers, worked on some stories about horses, sharing their information together. These advanced readers were going at their own pace, too.

I visited many classes in Berkeley, focusing mainly on two schools—Hillside (K–3), a prestigious hill school once considered racially impregnable, and Longfellow (4–6) in the flats, because it is the largest intermediate school, to which Hillside eventually sends its youngsters.

Hillside has 375 children, 44 per cent of whom are black, and 21 teachers, including four part-time specialist aides for remedial reading. The white pupils are mainly from hill or mid-Berkeley families where often both parents have university degrees. The blacks are mainly from poor, working-class families.

The emphasis at Hillside, as at other elementary schools, is on reading, for many of the black children are limited in their use of language, a serious handicap. Reading and the language skills are, of course, essential in coping with other subjects like math, social studies, science. When you can't understand what is going on in the classroom, it becomes too painful to be there; the youngsters begin to slide and the result is often avoidance, anger, escape, truancy or worse.

Under one technique adopted at Hillside, teachers employ a "language-experience approach"—the child's own vocabulary becomes his reading vocabulary. A first-grader, for example, may be fascinated by racing cars and have words relating to them in his vocabulary. Instead of being compelled to study words familiar to boys and girls who live in the suburbs but which he can't grasp or "see," the youngster is invited to tell a story in his own words about racing cars. The teacher types out his story and then helps him to read it, identifying the words and learning the sounds that the letters represent.

In the language-arts class of Mrs. Patsy Tanabe, a Chinese-American, the desks of the children, black and white, boys and girls—are pushed close together. Nine-year-old Lyanne reads her story to the class: "I went on a hike. We were crossing a river when Dennis spotted a burned-out tree and went the long way thinking it was a jungle. . . ." A black boy, listening intently, breaks in with questions about the jungle. Lyanne explains she invented that part.

"There had been a tendency," Mrs. Tanabe told me later, "for the more verbal white kids to speak more often—they've got more to say. The black kids tended to listen and not participate as actively." So Mrs. Tanabe devised her own incentives to encourage the black pupils (and some shy whites) to be less inhibited. One was a "Speech Certificate" bearing an impressive gold seal. Children could earn this by bringing in original stories about some happening and reading their stories to the class. Now many more black children, working for a certificate, are volunteering to speak out and share their ideas.

"I'm getting the ones who have never spoken even one word in class," Mrs. Tanabe said with pride, "and they're good talkers now."

In the room of Mrs. Margaret Jukes, a large, vibrant woman, whose husband and three children are all teachers, books by the score are piled helter-skelter on chairs, crates, window ledges, desks and shelves. Mrs. Jukes teaches second and third grades together in tandem. With the changeover of the heterogeneous class, such multi-age groupings, combining two or more grades, are not uncommon. Mrs. Jukes has found them "very exciting, very challenging."

Among her 26 children are 11 "high potentials," including second-graders doing third-grade work, and two so-called E.H. (emotionally handicapped) black children.

"The beginning of this year worried me," she said. "There were some children so educationally deprived they couldn't read C-A-T. Now they're doing beautifully, and that's what matters to me, the growth of the children. Many of them don't have books in their homes. So, as you can see, I make books and materials available to them. When they come to me, they're coming to books."

June Long, a young, mini-skirted black teacher with a red Afro cut, now on leave to work on her law degree at the University of Santa Clara, chaired the advisory committee that created what is considered Berkeley's most important tool for orienting teachers in the new methods: an in-service training program in minority history and culture designed to help teachers, white and black, who may have hangups about racially mixed classes

"As a black person in this culture," she told me in her soft, slightly cynical tones, "I am not interested in helping develop cultural mulattos out of black children. I am interested in the positives of a school environment—in the honest exchange and sharing of life styles and beliefs and values. I'm concerned that children learn to *think*—and I don't mean think what I think or what I tell you to think, but to use the basic tools to think independently."

Hillside typically has about 40 children (10 per cent) with severe reading problems requiring a specialist's attention. Of these, 30 are black. In a small, quiet room, for hourly periods each week, these pupils cluster around Mrs. Brenda Starbird, who works with them on basic sounds. "TH" is printed on the blackboard and the youngsters make words as they follow the teacher's lips: "THimble . . . THink . . ." They are 8- and 9-year olds doing first-grade work.

Not all of the teachers experience the same problems in the heterogeneous classroom. Mrs. Jeanette B. Russell, a kindergarten teacher at Hillside, says firmly: "I didn't want to change my teaching techniques as the black children came—to 'teach down' to them. I simply wanted to maintain my high learning expectations for all the children. On the whole I've not been disappointed. I'd had children with reading difficulties before, and actually the newcomers didn't present that many problems. What I did change was one teaching approach—more individualized instruction than ever before. And in changing, maybe becoming a better teacher in the process."

Like all of Berkeley's certificated personnel, Mrs. Russell had been in the "teacher exchange program" prior to integration when for a week or more, black and white teachers had traded classes and taken orientation courses. While this apparently did not affect her approach to teaching, it had changed one attitude: "I find that I've become more physical—showing more affection and praise than ever before," she said. "These little ones are much more responsive than the white children, more loving in some ways. I suppose I began responding to what I was getting from them. Do you want my honest opinion now? I think if we'd done this 10 or 15 years ago, many of our racial problems would be solved by now. The children are so accepting of each other, with no racism that I can see."

Longfellow (4–6) School is known as a University of California laboratory school, attracting large numbers of teachers in training. Corridor walls proclaim in dozens of signs and posters that learning is "in": "Reading is cool, man!" "Brain Power is a Swingin' Thing!" The school is so large that its 37 teachers and 1,050 pupils have been divided into two sections to bring pupils, teachers and parents into closer contact in smaller administrative units.

The teachers work in teams, each teacher on a team taking responsibility for developing materials in his field. This system, as one official put it, recognizes that a teacher is human and can't always relate to every child in the class; if one teacher can't, another on the team probably can—and the child, instead of being stuck with an "I-hate-teacher" attitude, can communicate with some adult instead of feeling rebuffed. The approach makes for a "built-in compassion" for both teacher and child.

The curriculum provides black studies for all students, black and white. In one black-studies classroom, Mrs. Bayonne Holmes, a handsome young black teacher in dashiki and high Afro cut, guides her racially mixed class of 10- and 11-year-olds through a discussion of the black man in America, using a film strip entitled "The Fight For Our Rights—The Right To Vote."

"We're all made of the same stuff—and we all feel the same way, well, most of us," one white boy blurts out.

Not all teachers at Longfellow have multi-graded classes, but the trend is certainly in that direction; in fact, some schools have gone over completely to multiple-grade teaching. Miss Jo Ann Cheeseman, a white teacher, middleaged and motherly, who taught in predominantly white schools before, has fourth, fifth and sixth grades among the 29 children in her class. I asked if it was difficult to teach three grades in one classroom.

"Difficult? Yes. This is a fantastic range," she said, "with some sixth grade children who don't know the difference between a sentence and a question, all the way up to children doing compound sentences and brilliantly creative reports."

"But I've learned, too." she went on suddenly.

"Like what?"

"Like kids are kids! I had fears of how I was going to handle this diversity. I had impressions—what to beware of, the emphasis on the needs of the blacks. And it turned out," she went on quietly, "they were . . . kids. The main difference I found out about them was that they were poor.

"Now I guess it's me trying to meet the needs of these very divergent children.

"I can do it. I'm seeing results. I have one boy, 10 years old and black, he was a frightened child, a grade level below the class. He'll never set the world on fire. He had great difficulty in listening and then translating anything into action. He made a lot of growth this year. He needs polish, but I can't keep him busy enough. I give him five days to do a report, and he brings it in within three. Before busing he would have seen only black

kids, poor work habits, poor school models, like himself. It wasn't the 'in' thing to learn as it is now."

A large black girl of 10 came up to listen. She hung on Miss Cheeseman, then shook her up with: "My cousin, he's 17, and he's in jail. Someone put a gun at his stomach and him and my cousin are in jail for disturbing the peace." She said it routinely, as though relating a simple fact of life in the flats.

Heading the staff and a symbol of the new order is 31-year-old Richard Hunter, youngest principal in the district. A tall, dynamic black man with a high Afro, he is a well-known figure in classes and on the playground in his brightly-colored shirts and blazers. He taught in the Berkeley and neighboring Richmond schools and is currently working on his doctorate at the University of California.

"I'm aiming for the sort of experience here," he said, "that really turns kids on, provides them with the tools they need to be successful in living and later in working. Too often in school, teachers turn students off. Putting black and white children side by side in a classroom is only a first step. The significant thing is to get them to relate to each other, speak to each other, care about each other. That is our role as educators. When these human relationships become real, then we're moving on our basic objective, which is integration. This will cut across the whole district then, and not just the classrooms."

At Longfellow, as in many other schools I visited, adult volunteers have been helping as instructional aides, some for pay (three days a week), some "on their own" for the pure fun of tutoring. The district's School Resource Volunteers—parents, university students, other residents—increased from 600 in 1968 to nearly 800 this year.

Mrs. Eileen Gilbert, who teaches fourth, fifth and sixth grades, in tandem at Columbus School in the poorest section of the flats, depends heavily on her aide as a bridge between school and community. "So many families think if you just send a child through the door, he'll learn," she said. "But every teacher knows that what a child can learn depends on his experiences inside and outside the school." There are several black teacher-aides at Columbus, young mothers from the neighborhoods, who had in-service training to help tutor slower children. "This gives the child a model whom they can easily identify with, and also helps to ease my way with the child."

Another of Mrs. Gilbert's innovations is the "learning team." Periodically the class is divided, (by placing the desks in circles) into six teams with the aptest students acting as leaders. In this way, as the teams study a math or science concept, the fast learners stimulate the slow ones, helping them to think through an idea. Mrs. Gilbert finds that such new teaching tools also give her insights as a teacher into the needs of individual pupils that she must meet.

It is sometimes argued that Berkeley is atypical because of its unique assets, physical and intellectual. Yet for a city of its size with its ethnic and housing patterns, it does reflect the problems in interracial communities everywhere.

Before Berkeley undertook its busing program, five major objections were raised: (1) it would mean too much moving around for the children; (2) busing would be too complicated and inefficient; (3) it would provoke a white exodus; (4) disciplinary problems with strong racial overtones would develop; (5) the new sociological emphasis would dilute the quality of education.

In fact, recent studies show: (1) less than half of the elementary children are actually using buses; (2) routings were worked out so carefully that no bus takes more than half an hour for pickup and delivery of passengers. (The actual cost of busing is negligible—less than 1 per cent of the school budget, which works out to 45 cents a day per pupil.)

(3) Some people did move because of busing (they moved because of taxes, too,) but as shown in the schools' racial census, the shift was under 2 per cent. (4) There have been disciplinary problems, mostly during the first year, but nothing of a significantly racial nature.

(5) It is the issue of academic achievement that has generated the most heat among educators and parents. It is, of course, too early for conclusive studies of the ultimate effect that Berkeley's new style of schooling will have on quality education. But local foes of integration, and some liberals, using a set of figures distributed six months after busing started, argue that academic excellence is being sacrificed. School board officials and other experts, using more current data, say there is no proof that this is happening.

The critics have attacked the school board for "the academic failure of the Berkeley schools," basing their charge chiefly on the results of the standard Stanford Achievement Test (S.A.T.) administered in the spring of 1969. According to those S.A.T. scores, the highest achievers in the sixth grade, for example, had fallen below their potential: they should have been doing better than 93 out of 100 students, it was argued, while actually they were only doing better than 67 out of 100.

But the school administrators hold that such traditional data are not true indicators of achievement or potential, especially among minority populations, being based arbitrarily on reading skill. By last fall, even the state government—no supporter of busing—had itself switched from the old S.A.T. method of scoring students to the new C.T.B.S., or Comprehensive Test of Basic Skills. According to school administrators, test figures for last spring, using the C.T.B.S., showed no significant difference between performance of pre- and post-integration classes of the first six grades.

As for reading itself, school spokesmen point out, reading test figures are actually beginning to show a significant difference between performance of pre- and post-integration classes of the first six grades, whether the children are high or low achievers. Before integration, low-achieving students grew from 4 to 7 months in one year's time. The post-integration rate, based on last spring's figures, shows a growth of 6 to 11 months for this group. The high achievers, before integration, made from 10 to 12 months' growth during the school year; post-integration figures show 13 to 15 months' growth.

"For the future," asks Dr. Arthur Dumbacher, coordinator of evaluation for the Berkeley schools, "why shouldn't we hope for tests to assess growth in behavior and attitudes? These domains involving feelings, values, responses are harder to measure."

Now as court-ordered busing to desegregate schools continues to disrupt other communities, the fears and opposition here in Berkeley have declined. A survey conducted before busing indicated that 52 per cent of Berkeley's parents opposed the idea (70 per cent of the Negro parents were in favor of it). Recent estimates show only about 30 per cent opposed.

Dr. Richard Foster, successor to Dr. Sullivan as superintendent of schools, told me: "I've been here over a year and never get a question on busing. Berkeley in my judgment is past the stage of discussing that. Busing as an argument," the heavy-set man with bushy, white sideburns went on in a hard tone, "is an acceptable escape for racism. People can't say they're really afraid of having their children exposed to the black race, so they use busing as their excuse for opposing integration. Yet in a pluralistic society, it's through the early association that you learn loving—pluralistic loving—isn't it?"

It will take some years to make a reliable assessment of how the innovators—the civic leaders and the educators—feel about their system, but some reports are noteworthy. Superintendent Foster has noted among the "positives" "the enthusiastic and dedicated spirit of the teachers, aides . . . lay citizens and volunteers, all working cooperatively to make our program succeed." Among the "negatives"; The feeling of some parents that bright children were not having a fair share of teacher attention because of time spent on discipline problems; some teachers' unrecognized biases toward both black and white children.

One principal on the other hand, has commented: "My most singular 'positive' is the growth I have seen in my total staff as teachers and human beings. Some have grown more than others; some had farther to go; some may never 'make it.' But for the most part, teachers are working harder, learning more, teaching more, and growing more than I had ever anticipated. The kids are beautiful. Some of them won't make it either, but most will."

Mrs. Wood, director of elementary education, puts it this way: "When you desegregate every school, then every classroom is going to have proportionate black kids and white kids. So there was no need for any teacher to rush toward these former white or former black schools. That was one of the beauties of the two-way busing that we achieved here. I think teachers have learned from the integration experience and that parents have profited from it, too.

"I would assume that the public schools, even these at Berkeley, have not been immunized against all of the things of our society that inculcate racism in us. There is latent racism in teachers throughout the nation, though I feel we have fewer of them here. Good teachers are adjusting to children on the basis of what they actually need to learn, not on color. In poor teachers it shows up in such things as low expectation of blacks, a sort of rationalization that 'the poor things can't do this,' say with a math assignment, and accepting a half-done paper from a black, while insisting that the Caucasian student perform as directed."

"Some may change during their in-service training," adds Bernard Flanagan, director of certificated personnel, who also heads the teacher recruitment program, "or for all we know some may not want to change, and get out for themselves. The usual reason is the offer of employment elsewhere, never 'racism.'"

Among the 1,000 teachers working in the Berkeley schools, there is today a 10 percent turnover (leaves of absence, retirement, resignation)—the same turnover rate as before busing. Although last spring there were only 24 openings on the teaching staff, the district received more than 8,000 applications.

Among those still firmly opposed to Berkeley's program of integration by busing is Dr. Arthur R. Jensen, the U. of C.'s controversial educational psychologist, who maintains that genetic differences between blacks and whites result in lower I.Q. scores among blacks taking intelligence tests.

"I think that the schools by themselves are not going to build an integrated society," Dr. Jensen says. "But greater equality of occupational opportunities, enforcement of open housing laws—those things will bring natural integration in the schools. In some places it could take hundreds of years. In others it shouldn't take long. I support the views of President Nixon and Vice President Agnew on this matter of preserving the neighborhood schools. Neighborhoods happen to be socio-economic, and because of this, racial in aspect."

Also unreconciled to the new program is Michael Culbert, executive editor of the Gazette. "We certainly questioned busing, and we still do," he says. "It was new and

innovative, and it still is. The school district has had a descending spiral of academic achievement for several years. I personally attribute it to the changes in educational priorities in which social change—meaning integration of the races—becomes a first priority, and hard-core, basic skills—meaning reading, writing and math—come in second."

Would he like to see Berkeley give up busing?

"No. But so far we doubt that the district is delivering on its promise of quality education."

On balance, one finds that the new type of schooling has been breaking down cliches while not living up to all the fears or all the expectations. What Berkeley has certainly done is give a new dimension to school integration: the learning and working together of all races in the heterogeneous classroom, in meaningful numbers in a meaningful way.

And with busing so widely accepted here, many people are now worrying more about the drug problem involving the older youth, and the hippies, who hang around the campus but are not students. Dr. Alan Wilson, professor of education at U.C., father of four and a strong advocate of the Berkeley program "because it's morally right," declares: "I feel that the parents I know are more concerned with the young people's alienation, the dropouts of society, the use of drugs in this community. No one is a real expert of the subterranean movements among youth today, but there certainly is a fairly widespread delegitimization of the Establishment, which applies to the university as well as the national Government."

More than 100 years after the end of the Civil War, and more than 15 years since the 1954 Supreme Court decision to desegregate the schools, there are black schools and there are white schools all over the country. Is the Berkeley plan worth imitation by other communities? Most people here seem to be saying yes, for there is no move to drop busing to integrate, and the opposition to it has been declining.

In her small frame house in the flats section, Mrs. Mary Johnson, president of the local branch of the National Association for the Advancement of Colored People, whose 8-year-old grandson, Michael Dulaney, is in grade school, reflected on the years of preparation in Berkeley before busing, and the controversy over busing now raging throughout the country,

"Our children will be something to watch," she said. "The Berkeley children are recognizing that their likes and dislikes are identical and there's nothing racial about them, contrary to what they may have learned at home through myths and prejudice. It's my hope that 10 years from now, these kids—black and white—will be the nucleus of a new and a better society for having had this experience. And had it in their earliest, formative years."

DENVER, WITH ONLY MINOR VIOLENCE, BEGINS ITS SECOND YEAR OF FORCED INTEGRATION IN SCHOOLS

(By Anthony Ripley)

DENVER, September 26.—One of the largest cities outside the Deep South to have had racial balance and forced busing ordered by a Federal Court, Denver is moving cautiously into its second year of expanding public school integration.

The task has not been simple. It is clouded by legal action, confused by school boundary changes, opposed by a conservative school board and disrupted by occasional violence.

This week, name-calling between two girls—one black and one white—exploded into a lunchtime melee in the halls of George Washington High School. It left several persons slightly injured and touched off two days of interracial fighting. The insulting remarks were made at a meeting to discuss racial problems.

The high school received an extra 225 black students when it opened Sept. 9, doubling the number of blacks at the 3,000-student schools, situated in a white Denver neighborhood.

The sporadic fighting has been ammunition for opponents of integration. But racial conflict has been minimal in the 119 schools of this capital city of 512,000 population on the high Colorado plains east of the Rockies.

LITTLE TENSION REMAINS

School officials are learning that the tensions of a newly integrated school seem to diminish over a 12-month span. Schools first integrated a year ago reopened this fall with little of the tension of last year, a school spokesman said, and a high rate of vandalism by students on buses has fallen off sharply from last year.

Such signs have made those black leaders who support integration more confident of the future. While publicly cynical about the actions of the school board and school administrators, they are optimistic in private conversations.

Only four schools—two in 1969 and two more this year—have been ordered to adjust racial balances so far. But the effect of the changes has spread through more than 30 schools in the district, which have also had to adjust.

An additional 15 schools have been ordered to follow suit in 1971 and 1972; undoubtedly bringing with them changes throughout the entire school system.

The current school population of 95,500 is about 65 percent white, 24 per cent Mexican-American, 15 per cent black and 1 per cent Asian and American Indian. The emphasis has been on black-white ratios. But the court orders also include the Mexican-Americans, who had been mostly bystanders in the integration fight.

A PRIVATE SUIT

The integration here was not brought about by action of the Justice Department as was the case in Pasadena, Calif.; Tulsa, Okla.; Indianapolis; Waterbury, Conn.; East St. Louis, Ill., and other cities.

Instead, it began as a private integration suit. Similar private actions have been taken in New Rochelle, N.Y.; Norwalk, Conn.; Cincinnati, and Muncie, Ind.

Denver's integration fight began more than two years ago when the school board, then dominated by liberals, ordered an integration plan on a resolution by its only black member, Mrs. Rachel B. Noel.

The board approved plans that eventually changed Barrett Elementary School from 97 percent black to 67 per cent white, and Smiley Junior High School from 67 per cent black to 61 per cent white. A second school board resolution was to bring dramatic racial shifts at East High School and Cole Junior High.

But Denver voters in May of 1969, voted to elect two conservatives and switch the board to a conservative majority. The resolutions were rescinded by the new board. The liberals and blacks promptly went to Federal District Court, where Judge William E. Doyle reversed the new school board.

Since then, in a series of decisions that have reached the Supreme Court, Judge Doyle's orders have stood. Another appeal, brought by the school board, is now being considered by the United States Court of Appeals for the 10th Circuit in Denver.

In February, 23 empty school buses and three trucks were blown up in a dynamite explosion. The same month, bombs were thrown into the homes of leaders of both sides of the integration controversy.

William G. Berge, president of the Denver Board of Education, says the court-ordered moves have brought "pretty severe discipline problems" along with some instances of "discrimination in reverse." He said that many blacks were not willing to concede the basic point in the integration suit brought by the liberals—that education is worse in an all-black school.

School administrators, struggling with the problems involving the next 15 schools to be integrated, say the situation is like trying to put together a jigsaw puzzle with pieces that keep changing size.

James F. Reynolds, director of the Colorado Civil Rights Commission, said that, so far, the moves had been "tokenism" and that administrators and the school board were doing as little as legally possible to implement the court decisions.

At school board meetings, Mrs. Noel, the black member, complains each time another lawyer's fee is paid for fighting Judge Doyle's decisions. Another board member, Frank K. Southworth, complains each time more money is spent on buses.

At East High, which changed this fall from 50 per cent white, students were shifted in a complex five-way move.

The East High principal Robert Colwell, said: "It's been a logistics mess. Emotionally, it's been a minimal problem. Most of the adjustment problem came because the kids wanted to stay in their old schools. It was a hesitation that had nothing to do with racial balance.

RESEGREGATION: A PROBLEM IN URBAN SOUTH

(By Roy Reed)

LITTLE ROCK, ARK., September 27.—This fall's reopening of schools has made it clear that resegregation by race is beginning to occur in many Southern cities.

As the process advances, some are taking on the appearance of Northern cities, with whites scattered around the edges of town and blacks huddling in the center.

One of the main causes appears to be the policy of gradualism that was almost universally adopted by Southern school districts and approved by the Federal courts and executive agencies during the nineteen fifties and sixties.

Instead of smoothing the way for desegregation, going slow has frequently encouraged whites to flee to all-white sanctuaries in the suburbs, secure in the knowledge that only those schools in the older, central parts of the cities would be integrated to any extent for many years to come.

The leaders of Southern cities like Little Rock believed firmly in the beginning that school desegregation could succeed only if it was carried out very slowly, a few children at a time.

The impact of gradualism, now in its second decade, is nowhere more evident than in Little Rock, where the schools opened for a new year earlier this month. It was here in 1957 that the United States Army had to be called in to enforce the city's first token desegregation. It appeared for a time that not even gradualism would be accepted by an angry white majority.

The anger subsided, gradualism became the official court-approved policy and the whites finally seemed to accommodate to it. With the Little Rock schools beginning their 14th year of official desegregation this fall, these results of a policy of going slow can be seen:

Not more than 25 per cent of the Little Rock School District's 8,661 black students are in schools that can be called integrated by any objective standard. The rest go to schools that are all-black or more than 75 per cent black.

Several schools in the older sections have been desegregated, then virtually resegregated. This process continues as the white and black populations shift.

Whites have fled to the suburbs by the thousands to escape desegregation and the city is building itself racial islands, black ones in the central city and white ones farther out.

A number of real estate operators who were already doing well because of the natural

growth of the city have become further enriched by the population shifts attributable to desegregation.

Class lines have hardened between whites and blacks and between poor and well-to-do whites. Many believe that the school policy has had much to do with that.

Large numbers of blacks are disillusioned with desegregation, and some are now fighting it.

LIKE A NORTHERN CITY

In short, Little Rock has, in some measure because of its court-sanctioned school policy, abandoned the old Southern system of racial paternalism and become a "Northern" city.

It now is segregated not by overt law, but by housing patterns. It has exchanged de jure segregation for de facto segregation, with all the problems of racial isolation and distrust that go with it.

The same thing is happening in other cities across the South. The process is well advanced in Atlanta. It is in the early stages in Jackson, Miss. Even little towns like Hammond, La., are starting to build white suburbs and black centers.

Some in Little Rock believe that resegregation and "ghettoization" can still be arrested and possibly reversed. As in so many times in the past, these people are pinning their hopes on the Supreme Court.

The Court is expected to rule in a few months on whether the law requires racial balance in the schools. A district judge in North Carolina has ruled that such a balance is required in the schools of Charlotte. Several thousand black and white children there are being bused to schools out of their neighborhoods to satisfy his ruling.

The Little Rock School District, meanwhile, is moving steadily toward becoming a black-majority district. During the fifties it was 25 per cent black. Black students now make up 35 per cent of the enrollment, and their proportion is growing at the rate of 3 or 4 per cent a year.

Historically, Little Rock's residential growth has been mainly toward the wooded hills of the west because of natural and man-made barriers on the three other sides.

Most of the black population was scattered through the older eastern and central parts of the city. In the early fifties there was only one black concentration of any size. It was in the center of the old section, south and east of Central High School, and it was small enough that no one thought of calling it a "ghetto."

Other Negroes were fairly well scattered throughout the older sections. Many whites and blacks shared the same neighborhoods, in the old Southern small town pattern.

Then came integration. The city school board responded to the Supreme Court's desegregation decision in 1954 in the fashion that was typical of those times. The city had two high schools, one black and one white. The board promptly built two more—one in a woods on the far western edge of the city, to accommodate as many whites as would want to flee there, and the other in the heart of the old eastern section to draw Negroes in the other direction.

RACIAL SHIFTS DESCRIBED

It is easy to see now that the building of those two schools helped determine the racial shape of the city for years to come.

Central High, the old white school, was "intergrated" with much turmoil in 1957, Dunbar, the former black high school nearby, was converted to a junior high and its high school students were shifted east to the new black high school, Horace Mann. The new white school on the west, Hall High, promptly filled with white students whose parents had moved away from the Central High area.

The woods around Hall High almost suddenly sprouted houses. Real estate men made millions on new subdivisions, and later they made more millions farther west, where eventually another white high school was built.

Back in the old part of town, they made additional money on the sales fees that resulted from the fast turnover of houses as whole lots switched from white to black—aided, in many cases, by blockbusting techniques and scare stories circulated by real estate salesmen.

After 1957, the small black concentration that lay south and east of Central High School began to swell in all directions. Whites who lived in the shrinking white section on the east side felt themselves cut off. Many of them were not as affluent as the whites who lived nearer Central High and they could not sell and move as readily. But the pressure was on, and those who could move generally did.

MANY WHITES TRIED TO STAY

Many whites tried to stay, in spite of the pressure. Besides those who could not afford to move, others simply did not want to leave the homes they loved.

Le Roy Duff, an insulator in the construction industry, and his wife, Georgia, lived on an old street on the far east side. They had five children. Mr. Duff had grown up in the neighborhood and they had strong ties to it.

When Kramer Elementary School enrolled its first black students during the mid-sixties, the Duffs refused to panic. They soon found that their children got along well in an integrated school and they were happy to have them go there, even when Kramer became half black two or three years ago.

The Duffs watched as nearby Rightsell Elementary School was officially changed from a white to a black school by the school board and most of its white patrons fled west.

Then Mitchell Elementary School, in another nearby neighborhood, was desegregated. A handful of Negro pupils grew to a majority and finally, by last year, only a few white children were left.

The same thing happened at Centennial Elementary and West Side Junior High School, both of which are near Central High.

East Side Junior High School, another white school in the old part of town, was desegregated and then closed, with the black students transferred to a new all-black school nearby and the whites sent many blocks away to the troubled West Side, from which most parents quickly plucked them to the sanctuary of the western subdivisions.

The Duffs and others who stuck with their homes began to feel the pressures of becoming a shrinking minority even though they accepted integration. Then, this summer, the Duffs gave up.

The school administration rezoned the east end schools and all five of their children were to be transferred this fall from formerly white schools that had been fully integrated to formerly black schools that had only tiny minorities of white students.

The Duffs sold their old house, with its long-established shrubs and flowers and its 14 years of memories, and moved out to a suburb. Their house payment went up $100 a month.

Mrs. Duff resents the way the city's whites have been divided between those who have experienced integration—usually those with lower incomes—and those who have avoided it. She believes that integration so far has not succeeded in Little Rock.

"We don't have integration," she said. "We have all-white schools with a few blacks and all-black schools with a few whites. There are not enough at each school for the kids to learn about each other."

In the Central High area, a mile or so west of the Duffs' old house, there lived until last year a white woman who had been active in every liberal cause in the city for the last 15 years. She had worked hard for integration of the schools.

Her children enjoyed the integrated schools at first, and the woman felt vindicated in her efforts.

But the school board's policy of gradualism began to trouble her during the early sixties. It became clear that the board, supported by the Federal courts, intended to really desegregate only the schools in transition neighborhoods. The white sanctuaries to the west were to remain either all-white or subject to the merest token integration.

The woman watched as her children and a few other white pupils became a minority in their schools. She was one of the few white parents to refuse to move when Mitchell Elementary School became more than 90 per black and West Side Junior High became 75 per cent black.

Then as the black majority in the schools increased, frightening things began to happen. Her children began to be attacked regularly on the streets by black children as they walked to and from school. Her junior high school daughter became afraid to go to the rest room without protection because she was harassed and threatened there so frequently.

One night at a basketball game, two black girl friends had to intervene to keep the white girl from being slashed with knives by other black girls.

Then one day last year a group of black boys cornered the girl and tried to rape her.

The woman sold her house and moved west. She is now thoroughly saddened and she is enraged at the school administration. She blames the school officials for putting her children in an unbearable situation.

This summer, Negro plaintiffs appealed a Federal District Court ruling that called for only a relatively small increase in desegregation this fall. The United States Court of Appeals for the Eighth Circuit refused an emergency hearing on the appeal, but did so on a vote of 3 to 3.

Meanwhile, several hundred black parents and students have organized to oppose District Judge J. Smith Henley's plan. The previously black high school, Mann, would be phased out under the plan and the students bused several miles to previously white high schools.

Black parents are complaining that they are tired of seeing their children bused to desegregated schools when no white children are bused.

A neighboring group of white parents whose children still go to Central High has organized this fall to try to keep Central integrated.

Central is about 35 per cent black. But this year's 10th grade class is 55 per cent black and that apparently means the school will have a black majority in two years or less. The white group is planning a legal fight to try to block that trend.

Little Rock's school board had a liberal majority for several years during the sixties. It tried twice to implement voluntary plans for complete or at least greatly increased desegregation.

Both plans depended on votes of the people, however, and both were turned down. The liberals who backed the plans were systematically voted off the board in 1967, 1968, and 1969.

DEVELOPMENT OF NONURBAN AREAS OF THE WEST

Mr. HARRIS. Mr. President, our national dialog on where and how we live is inevitably focused on the very real urban crisis. Unhappily this has caused us to ignore the quieter crisis in our rural and nonurban areas.

I was therefore pleased to note that the junior Senator from Missouri (Mr. EAGLETON) appeared before the Western States Water and Power Consumers Conference in Salt Lake City to deliver a strong statement in support of the development of the nonurban areas of the West.

I ask unanimous consent that the text of his speech be printed in the RECORD.

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

SPEECH BY SENATOR THOMAS F. EAGLETON

We are here today to talk about "Breaking Barriers to the Development of the West."

The question, "Why do we want to develop the West?" is easily answered.

Because we want to improve the quality of life for those who live there.

And because developing the West will have a corollary effect in our large cities. These urban areas are suffering from an ever-growing need for services coupled with an ever-shrinking revenue base. Meanwhile, the migration of young people from the rural and sparsely populated areas of the country to these overburdened urban cores goes on—young people looking for opportunities they cannot find at home. And the small towns and farms they leave behind are dying without the energy and imagination they could provide.

The United States could end up with the worst of both worlds if this trend continues. We can choke our cities and starve our countryside.

Unhappily, our efforts at rural development are today on dead center. We may even be sliding backward.

For the Nixon Administration seems to have all but written off rural America.

Evidence abounds that the Administration neither appreciates the promise of rural America nor recognizes the contribution that development there would make toward easing our urban difficulties.

First, let me remind you that the Nixon Administration is the only Administration in almost forty years which has failed to send a Farm Message to the Congress. The Administration offered no new programs for farmers; it presented no assessment of ongoing farm programs. It busied itself with trying to undercut existing farm programs and supporting proposals that would remove effective price protections from farm commodities.

Or consider the enormous coal mining potential of the West. Coal is coming back as an energy source after years of eclipse by natural gas. That means coal *mining* is coming back . . . and a great new opportunity for the American West, especially in the Upper Great Plains where cheap lignite and inexpensive coal abound.

But unless we are to repeat the tragic environmental mistakes of Appalachia, we need federal leadership now to establish minimum standards for environmental protection in new coal mining areas.

The states cannot be expected to set and enforce these standards unilaterally because they may place themselves at a competitive disadvantage economically. A federal framework is required to assure that all mining areas will bear similar costs for protecting the environment. Senator Moss recently chaired hearings of his Subcommittee on Minerals, Materials and Fuels on legislation to establish a National Commission on Fuels and Energy.

But where is the Nixon Administration in all this? It took office two years ago, with the fruits of far-ranging studies by the Johnson Administration on this issue at its disposal. It has yet to come up with a legislative proposal.

Or water resource development . . . water resource development is the essential precondition to the economic advancement of rural and non-urban areas. Without an adequate water supply, there will be no industry, no efficient land use, no expanding communities . . . no future.

Let me say that I applaud Secretary Hickel's recent announcement that his Department will be coming up with new *environmental* criteria for water resource development. We need these guidelines. Everyone agrees that we need to exert greater efforts to protect our natural surroundings.

But I am seriously disturbed by the Administration's new *economic* policies which threaten to eliminate new resource development projects.

No doubt you remember the "no new starts" policy of the Eisenhower years—no small factor in John Kennedy's success in the West in 1960. To be sure, the Nixon Administration has not publicly espoused a "no new starts" approach. But the Administration's tight money policy has resulted in an increased discount rate for water resource development projects which, in practical effect, amounts to an "almost no new starts" policy.

A number of water resource development projects that could have been undertaken under the previous discount rate will have to be abandoned. The irrigation districts simply cannot carry the cost of these projects without more federal help.

I understand that the Nixon Administration—like all Republican administrations—wants to put government on a "business-like" basis. They want to "show a profit." But unfortunately they have no place on the balance sheet for the value of new resources that could be released . . . no place for people . . . no place for the future.

When it comes to power, the Administration has made clear its preference for private utilities. The influence of the private power companies has been apparent in a number of important Administration decisions.

The Administration has put generation and transmission co-ops on notice that most of their new funding must come from the private money market. Until the Nixon Administration, REA had always had a total commitment to the G and T program.

In addition, the Administration has decided to abandon the so-called "third criterion" of the REA program adopted during the Kennedy years. This means that there will be no more G and T loans where the sole criterion is the threat of the future integrity of cooperative systems. We can assume that a cooperative in trouble due to private competition won't get help from this Administration which apparently prefers to leave them to the not-so-tender mercies of the private power interests.

The REA has served rural development for three and a half decades.

In my own state, Missouri, REA has been in business since 1936. When it began, only 6% of our farms were electrified. The figure is now 99%, thanks in very large part to REA.

REA has loaned almost half a billion dollars to 49 borrowers in Missouri who are today serving nearly 300,000 rural consumers, and the amount of electricity these consumers use has more than doubled in the last decade. This story is repeated in state after state.

But now the Administration's intention seems to be to tear the REA program apart, making its component facilities adjuncts of private utility companies—and I find it deeply disturbing.

The Administration is unwilling to make it possible for groups of publicly owned power systems to discharge their public utility responsibility—or to place publicly owned utilities on an equal footing with private companies when the sharing involves both publicly and privately owned systems.

Development doesn't just happen. It requires resources, imagination and commitment.

Most of all, it requires vision—the vision of great builders who can see beyond the nickels and dimes of day to day business-as-usual. It requires leadership which can choose the investments today which will be repaid time and time again in a better human condition in decades to come.

NEW BIOGRAPHY OF SENATOR DIRKSEN

Mr. MATHIAS. Mr. President, there are few great Senators; there are few great journalists. It is, therefore, a rare and noteworthy occasion when we can reap the fruits of an alliance between one of the great Senators and one of the Nation's outstanding journalists. Such an occasion is the publication of Neil MacNeil's new biography of Everett McKinley Dirksen.

Senator Dirksen was not a simple man. His personality and his career had many dimensions, always colorful and sometimes apparently contradictory, which challenged his associates and will engage historians for many years. In this impressive and fascinating book, Mr. MacNeil has gone far beyond the public image which, as he notes, Senator Dirksen cultivated and enjoyed. He has captured in print a serious, extremely astute and hard-working legislator, a master of the Senate's rules and mores, a national leader who was both a consummate politician and a real statesman.

It is worth noting that this biography reflects and is grounded in several years of work, including many long private conversations between Senator Dirksen and Mr. MacNeil, and many interviews which Mr. MacNeil obtained with other actors on the political stage.

But what Neil MacNeil says of the man speaks also to the institution of the Senate. His insight can be applied to the future of the Senate as well as to the past.

Beyond that, this book reflects Mr. MacNeil's long experience in Washington, his keen perception of national affairs, and his understanding of the Congress as a vital and very human branch of Government. The resulting work, written with Mr. MacNeil's customary style and attention to detail, is both entertaining and very educational.

In short, this new biography is a portrait of a master, by a master. I want to extend my congratulations to Neil MacNeil for his achievement in producing this lively and solid work.

URUGUAYAN GOVERNMENT CRITICIZED

Mr. JACKSON. Mr. President, on August 7 of this year, Dr. Claude Fly, an

American agricultural specialist working in Uruguay, was taken hostage in that country by the Tupamaro guerrillas. Dr. Fly is still in captivity, and it has been reported that he is ill. In exchange for the sick hostage, the Tupamaros asked that their manifesto be published in and broadcast on the 15 Uruguayan media outlets.

On September 19, I sent a wire to the Foreign Minister of Uruguay, the Honorable Jorge Peirano-Facio, who was then in New York City, urging that the responsible officials of the Government of Uruguay try to find some basis upon which they could obtain Dr. Fly's release. I added:

It would seem to me that in the spirit of free press the manifesto should be published, thereby precluding any charge that your government is standing in the way of the release of Dr. Fly.

Last week, the Tupamaro manifesto was published in only a few Uruguayan media outlets in Uruguay. As yet, Dr. Fly has not been released. I am convinced that the Uruguayan Government has not done all it can in this matter.

Keeping in mind that to date Dr. Fly has been held hostage 69 days, I shall talk over with Senators what steps we might take as the Senate considers the Foreign Assistance Act this year to limit assistance to a country that fails to take reasonable steps to obtain the release of an American citizen or citizens captured by guerrilla or insurgent forces.

FIREFIGHTERS IN ALASKA

Mr. STEVENS. Mr. President, each year Alaskans respond with uncommon valor and at an astonishingly high rate to the emergency fires that erupt in the beautiful forests of our State.

This past summer, 2,948 Alaskans joined to combat the menacing flames and destructive fires not only in Alaska, but also in the "South 48." These fires threatened to destroy the wildlife and timber resources which all the people of the United States hold as a part of their heritage.

I ask unanimous consent that a list of the villages from which emergency firefighting personnel came and the number of personnel from each village be printed in the RECORD.

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

	Personnel
Akiachak	20
Akiak	15
Alakanuk	33
Allakaket	41
Ambler	6
Anaktuvuk Pass	19
Aniak	33
Anvik	11
Bethel	1
Bettles Field	7
Central	1
Chalkyitsik	20
Chatanika	3
Chevak	31
Circle	1
Copper Center	53
Crooked Creek	15
Deering	1
Eagle	22
Ekwak	1
Emmonak	51
Fort Yukon	109
Fortuna Ledge	13
Gakona	23
Galena	68
Gambell	25
Grayling	15
Holy Cross	28
Hooper Bay	50
Hughes	20
Huslia	44
Kalskag	38
Kaltag	19
Kiana	49
Kwethluk	10
Kobuk	1
Kotlik	8
Kotzebue	1
Koyuk	22
Koyukuk	29
Lake Minchumina	5
McGrath	76
Medfra	12
Minto	2
Mountain View	75
Mountain Village	38
Ninilchik	1
Noatak	13
Noorvik	68
Northway	49
Nulato	22
Ouzinkie	1
Pilot Station	47
Red Devil	5
Ruby	27
Russian Mission	13
Saint Marys	40
Saint Michael	25
Selawik	69
Shageluk	20
Shaktoolik	1
Shungak	4
Sleetmute	29
Stebbins	33
Sterling	6
Stony River	11
Tanacross	36
Tanana	98
Tetlin	27
Unalakleet	63
Venetie	44

APOSTLE ISLANDS NATIONAL LAKESHORE

Mr. MONDALE. Mr. President, on September 26, the Apostle Islands National Lakeshore measure was signed into law, establishing for the people of Wisconsin, the Midwest, and the Nation what the Washington Post has rightfully called "one of the charming recreational areas in the Great Lakes region."

This hallmark legislation represents the first congressional passage of a major national park-type proposal since the action almost 2 years ago creating the Redwoods and North Cascades national parks. It will protect in perpetuity 20 of the 22 Apostle Islands in northern Wisconsin in Lake Superior, an island collection unique in the continental United States. Furthermore, the lakeshore will include 11 miles of the mainland shoreline of Lake Superior—a rarity in the Nation's vanishing undeveloped coastline.

Establishment of this magnificent new national project is the result of years of efforts by conservationists. The distinguished Senator from Wisconsin (Mr. NELSON), who authored and steered the measure to enactment, requested the Federal-State-local study of the feasibility of the lakeshore in 1961 when he was Wisconsin Governor, then introduced the bill in 1965 as Senator. Through three Congresses, Senator NELSON worked for the final passage of the bill, with the broad support of conservationists, and labor, civic, farm, governmental, and business organizations statewide, regionally and nationally.

During his national conservation tour in 1963, President Kennedy, speaking at Ashland, Wis., described the Apostle Islands as a unique asset that should be preserved. Altogether, this nationally important proposal was endorsed by three administrations, including the present one.

Now the Apostle Islands National Lakeshore is, for all Americans, an idea whose time has come. It is a very significant positive step to begin an environmental decade, and one more in a long list of major, nationally important and meaningful environmental accomplishments by Senator GAYLORD NELSON.

I ask unanimous consent that six editorials giving recognition to the historic establishment of the lakeshore be printed in the RECORD.

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

[From the Washington (D.C.) Post, Oct. 5, 1970]

APOSTLE ISLANDS NATIONAL LAKESHORE

Too little attention has been given to the recent action of Congress in creating the Apostle Islands National Lakeshore in northern Wisconsin. This bill brings into the national park system one of the most charming recreation areas in the Great Lakes region. While it is no match for Yellowstone, the Grand Canyon of the Colorado or the redwoods of California, it has about it the lure of the north country and a combination of water and woods that will give pleasure to many.

These fascinating islands off the Bayfield Peninsula in Lake Superior were originally named for the twelve apostles, but actually they number 22. Of that group the 20 wildest and most picturesque islands, totaling 39,497 acres, have been included in the park. Included also are 2,469 acres of the Bayfield Peninsula itself so as to provide ample camping, hiking, boating and riding facilities and preserve a scenic shoreline on the mainland. Indian trust lands in the area will not be taken for the park, except for two parcels on the lake front, which may be purchased if a majority of the owners are willing to sell.

Part of the lure of this natural playground comes from the access it gives to the greatest unspoiled body of fresh water on the North American Continent, Lake Superior. The region has been described as "a veritable ocean of fresh water, with dense forests, abundant wild life and bracing air that seems especially conditioned to soothe the steaming millions from warmer climes." Now it has been converted into a national park, with at least an initial authorization of funds for development of visitor facilities, it merits the interest of outdoorsmen from

the East as well as the recreation-conscious millions in the vicinity of the Great Lakes.

[From the Milwaukee Journal, Sept. 13, 1970]

LAKE SUPERIOR GEM, APOSTLE ISLANDS TRACT, SAVED

Fate has been kinder than man deserved in somehow saving what will now be the Apostle Islands National Lakeshore from exploitation and despoliation during the 40 years that have passed since the first call for its public preservation was sounded. Realization of the dream still does not come too late. Such environmental decisions now have to be made 10 or 20 times as fast.

Last week's victory for the authorization bill in the House seems to have been the winning blow. The Senate has eagerly passed it twice before and certainly will give no trouble now, and President Nixon presumably will sign it. But another struggle may be needed in the next Congress, to win actual appropriation of the $4.5 million land acquisition fund.

Sen. Nelson may take the bow in the starring role. It was he who picked up the old cause nine years ago, when he was governor, induced President Kennedy to inspect the site personally, made President Johnson an enthusiast for it, and won over the Senate completely. Rep. Kastenmeier finally succeeded in pushing the bill through the House Interior Committee.

Some Indian opposition had slowed the bill, even after the acreage had been cut back more than a fourth to bypass Indian lands. Rep. O'Konski, in whose northern Wisconsin district the site lies, had to assure the House that if this obstacle were real he would know it, and he didn't. In this case the Indians' cause and the government's are the same—to perpetuate what is left of the best of nature's heritage.

The 20 rocky wilderness islands in the preserve, with 11 miles of mainland shore, make a necklace in Lake Superior around Wisconsin's Bayfield peninsula. Just a day's drive from Milwaukee, our treasure looks secure at last.

[From the Wisconsin State Journal, Oct. 5, 1970]

SAVING THE APOSTLE ISLANDS

Anyone who has enjoyed the soul-stirring beauties of the Apostle Islands in Northern Wisconsin will applaud the action of the federal government in eventually preserving this beautiful area for public use.

President Nixon signed into law the bill creating the Apostle Islands National Lakeshore in Ashland and Bayfield counties. The President's action guaranteed that this unspoiled and unpolluted area would be included in the national park system and that it eventually would be preserved for public use.

The new law will set aside 20 of the 22 Apostle Islands and 11 miles of Lake Superior shoreline for recreational use under the administration of the National Park Service.

While further congressional action will be needed to appropriate the funds needed to acquire the land and to develop the lakeshore, this significant first step is most important in preserving the beauties of this rugged land for future generations to enjoy.

While talked about for years, Sen. Gaylord Nelson (D-Wis.) and Rep. Robert W. Kastenmeier (D-Wis.) deserve credit for pushing the bill through the Congress and bringing it to the President's desk for final approval.

In its final form the Apostle Islands bill should satisfy objections of some Indian tribes and should satisfy all citizens interested in preserving some of our priceless beauties that man can never replace or create.

[From the Capital Times, Sept. 18, 1970]

APOSTLE ISLANDS NATIONAL PARK

A dream that conservationists have nurtured for nearly half a century is about to come true—establishment of the Apostle Islands National Lakeshore along the south shore of Lake Superior.

Final congressional approval came this week on a compromise bill engineered by Rep. Robert W. Kastenmeier (D-Watertown). The bill represents a major victory for Kastenmeier and Sen. Gaylord Nelson (D-Wis.). Nelson first began work on the proposal nine years ago when he was governor.

President Nixon, who has pledged support for the national park is expected to sign the bill. Mr. Nixon's pledge played a role in the final passage of the bill.

Congressional approval means that a vital segment of a fast-disappearing wilderness area will be preserved for posterity. Twenty of the 22 Apostle Islands and 11 miles of undeveloped shore lands in and around Bayfield and Ashland counties will be preserved.

The final congressional approval also represents a personal triumph for Martin Hansen, the Mellen conservationist who has devoted years to the battle to preserve the picturesque area from exploitation by private interests and real estate developers.

Since the bill represents a compromise there are undesirable features in the measure. As a sop to objecting homeowners, the plan will allow many of them to retain use of their property in the park area for life.

Creation of the lakeshore will also add more than $7 million a year to northern Wisconsin's ailing economy.

The most desirable feature of the park plan by far is the farsightedness of all concerned in saving from exploitation an area that can serve as a recreational area for 50 million Americans.

[From the Sheboygan Press, Sept. 18, 1970]

HURRAH—THE APOSTLE ISLANDS

It happened. The House of Representatives and the U.S. Senate have agreed on the Apostle Island National Lakeshore. There is cause for mild disappointment in that 16,000 acres were lopped off the original proposal, but 42,000 acres including 20 of the 22 Apostle Islands will likely be set aside for posterity.

There remain two hurdles. President Nixon must be convinced that succeeding generations deserve to have the land preserved and set aside for all Americans and the Congress must find the $4.25 million in its large although limited resources.

The rugged shores on Lake Superior in Bayfield County rival the most scenic areas in the country. They do not have the grandeur of a Grand Canyon nor the sweeping heights of the Rocky Mountains. They do, however have their own unique beauty in the woodland and sandy beaches.

Efforts have been made for decades to establish the area as a national park or national shoreline. Senator Nelson has been making the Apostle Island National Lakeshore one of his special projects since he entered the Senate. It was in 1963 that he expressed the hope that the late President Kennedy would learn of the "blunders of the past and the great hope for the future" during his historic conservation trip to Northern Wisconsin. The President was in fact impressed by the beauty of the area and amazed at the nominal cost for which it could be preserved in its natural state.

Every session of Congress since has seen legislation to permanently preserve the area—protecting it from rampant and disorganized development. There was always a hitch or two in Washington as developers continued to make inroads in the north. It is unfortunate that it has taken so long to establish the national lakeshore but it is fortunate that the matter has finally been brought to a head.

It would be a grave disappointment if President Nixon does not see fit to sign the measure or the Congress dilly dallies on the matter of appropriating the funds.

[From the Washburn (Wis.) Times, Sept. 17, 1970]

APOSTLE ISLANDS LAKESHORE A PLUS

The virtual guarantee of passage of the Apostle Islands National Lakeshore bill is an uplifting feeling for our area which has over the past years and especially this summer been faced with emonomic instability. Especially the closing of the DuPont Explosives division here has created a gloom which is understandable.

However, the passage of this bill marks a continuing growth of tourism for our area. Tourism is the third biggest industry in the state and is continuing to grow at a rapid pace as Americans are looking for new places to relax and enjoy the out-of-doors.

The new Apostle Islands National Lakeshore has a ready and willing market in the Upper Midwest urban areas. The problem we face is providing an adequate road system to make this valuable product available to them.

At the same time it would be worthwhile for our local people and capital to stay atune to the progress of this project and be willing to venture into the gains which could be realized.

Although outside capital is welcome its always good to see optimism on the part of area people in the future of our area and better yet to see a venture succeed.

Although tourism is not the only answer to revitalizing our economy, it still is an important one.

The answer to any area's economic woes is diversification of industry and business.

The passage of Senator Nelson's dream and the new Delta fish hatchery are two phases in a summer which has otherwise been one of questionable economic vitality.

ALASKAN NATIVE LAND CLAIMS

Mr. HARRIS. Mr. President, State Representative Wendell P. Kay, of Alaska, recently issued a forceful, eloquent, and convincing plea for justice for the Native Americans of his State. Senators will recall the recent debate in this Chamber over the questions of a cash settlement, royalties from oil extraction, land titles, and Native administration of the provisions of the Claims Act. Representative Kay not only speaks on behalf of the specific and entirely just demands of the Alaskan Natives which I strongly supported during the Senate debate, but he does so with force and logic.

As Representative Kay points out:

The Native claim is based on "Indian title," which means use and occupancy of land over many years for hunting, travel, fishing and living. Because the Alaska Natives' "Indian title" has never been extinguished by Congress, it is superior to anyone else's, including the State of Alaska.

I ask unanimous consent that Representative Kay's statement, which initially appeared in the Tundra Times in July of this year, be printed in the RECORD.

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

NATIVE LAND CLAIMS

(By Representative Wendell P. Kay)

(EDITOR'S NOTE.—Wendell P. Kay, state legislator who is now running as a candidate for U.S. Senate, has written what we believe to be a sincere and direct position paper on the Alaska native land claims.)

It is a tragedy that the question of the Native Land Claims is not appreciated by most Alaskans.

Too often prejudice, invective and misinformation have replaced fair consideration of the claims of the Native people, their very solid legal case, and its implications.

The fact is that the Native People of Alaska have a rock-solid claim to much of the lands of our state. This was established by the Federal Field Committee, and has recently been confirmed both by the Interior and Insular Affairs Committee of the United Etates Senate and by the United States Court of Appeals for the Ninth Circuit.

Briefly, the Native claim is based on "Indian title," which means use and occupancy of land over many years for hunting, travel, fishing and living. Because the Alaska Natives' "Indian title" has never been extinguished by Congress, it is superior to anyone else's, including the State of Alaska. Thus, any lands the state may choose to select or have selected could be liable to Native claims.

But the Natives to their great credit and wisdom, have not chosen to contest their claim in court. Rather, they have taken their case to Congress. And, in exchange for relinquishing their claim to Alaska lands, they ask only for forty million acres of land, a cash settlement now of five hundred million dollars, revenue sharing from the mineral wealth of the lands subject to Natives' claim, and regional Natives corporations to administer the settlement funds.

Most of the parties concerned agree on much of the Native proposal. The chief area of disagreement is over the amount of land involved.

The Native's proposal would allow some continued use of land to the people who have known and loved it so well for many thousands of years. At the same time, following Native selection of even forty million acres, Alaska would still be left with an area of State lands three and one-half times greater than the size of the entire state of California.

But the Senate Interior Committee's pending bill fails to recognize this. We cannot ignore the fact that the Natives are giving up valid legal rights to most of the state.

For my part, I would only support a bill which provides a fairer land base for Native use. The present legislature simply does not do enough in their regard.

I continue to support the effort to adequately compensate the Native people of Alaska for land taken and the relinquishment of their claims through direct federal payments and through sharing with the state and federal government the mineral revenue from our vast land resource.

And I strongly urge Native autonomy quickly and totally over their own development funds which come from this settlement.

I do this not only because justice is long overdue for our Native brothers, but because I am convinced that a generous and equitable settlement is good for all Alaskans.

1. It will lift the land freeze.

2. It will create a new and needed source of private development capital.

3. It will rapidly integrate our Native people into the full economic life of Alaska.

4. It will provide jobs for all Alaskans, by stimulating Native businesses and providing wider markets for those who supply and service these new enterprises.

5. It will help us all move forward to an Alaska, free from the immoral gaps of poor health, poverty, inadequate education and disease, which separates many of our Native citizens from the bulk of white Alaska.

INCREASED DAILY CASH BALANCES OF THE TREASURY

Mr. WILLIAMS of Delaware. Mr. President, I note that in recent months the Treasury Department has increased its daily cash balance by an average of between $1 billion and $2 billion.

This has the indirect effect of pumping more money into the economy; but it is an expensive remedy, since this represents borrowed money and the annual interest charges are proportionately increased.

This extra cash balance is costing our Government at least $75 million in additional interest charges at a time when our national debt is increasing at an average rate of one and one-half billion dollars per month. We cannot afford such increasing costs.

Our national debt today is $18 billion higher than it was 1 year ago.

To illustrate just how these larger daily cash balances affect the 10 largest banks, I ask unanimous consent to have printed in the RECORD the text of my letter of August 14, 1970, to Secretary of the Treasury Kennedy and the reply dated August 25, 1970.

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

AUGUST 14, 1970.

Hon. DAVID M. KENNEDY,
Secretary of the Treasury,
Washington, D.C.

MY DEAR MR. SECRETARY: Will you please furnish me the following information.

The names and addresses of the ten banks or banking institutions in which the Government had its largest deposits as of the most recent date available and the amounts on deposit in each. In this report a bank with a number of branches should be considered as one; for example, the Bank of America's total deposits in all of its affiliated branches would be one unit.

I would appreciate this information as of the most recent date available along with the same information as to the amount on deposits in these same banks or institutions one year earlier.

Yours sincerely,

JOHN J. WILLIAMS.

TREASURY DEPARTMENT, FISCAL SERVICE,
Washington, D.C., August 25, 1970.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: For the Secretary, this is in further response to your letter of August 14, in which you asked for a report of the ten banks in which the Government had its largest deposits, indicating the balances as of a current date and as of a comparable date one year earlier.

The ten banks in which the Government had its largest deposits on June 30, 1970 and June 30, 1969 are listed on the attached statement together with information as to the types of Government accounts maintained with each bank on those dates. Brief comments concerning the four types of accounts are set forth below:

1. *Treasury tax and loan accounts.*—That part of Treasury's operating balance which is not needed for current payments is maintained with some 12,500 commercial banks throughout the country in Treasury Tax and Loan Accounts. The Treasury does not place these funds with particular banks; rather, a deposit is automatically created in a bank when its customers pay certain specified taxes, or buy specified Government securities, through the bank. Any incorporated bank or trust company may obtain Treasury deposits through this system. The Treasury draws funds out of these deposits on a percentage basis, the same percentage from every bank in the same size category, as it needs funds for current payments. The Treasury does not transfer these funds from one bank to another.

2. *Treasurer's general accounts.*—These accounts are maintained with overseas branches of the banks, and are utilized for the payment of Treasury checks and the processing of deposits by United States Government officers for credit to the Treasurer of the United States. The balances indicated are maximum balances and on any given day the actual balance will be at or below the maximum depending on the activity in the account.

3. *Treasury time balances.*—These are balances maintained with banks as a basis for their handling essential Government business, such as accepting deposits for credit to the Treasurer of the United States, operating military banking facilities, both in the United States and overseas, handling State unemployment accounts, and furnishing bank drafts to Goverment officers for their use in remitting collections.

4. *Official checking accounts.*—By statute, any funds the deposit of which are subject to control or regulation by Government Departments and Agencies are "Public Moneys of the United States" and must, therefore, be maintained in banks designated as depositaries and Financial Agents of the Government. Therefore, included in this category are (a) accounts directly maintained with banks by Government Departments, as for example, the Post Office Department and United States District Courts, (b) accounts maintained with banks by private entities which are subject to certain restrictions imposed by Government Agencies, as for example, Federal Health Insurance Benefits Accounts, which are maintained by companies serving as intermediaries in the reimbursement of hospitals but are subject to control by the Department of Health, Education, and Welfare, and (c) non-appropriated funds controlled by Government Agencies or Government officers, as for example, Military Post Exchanges and officers club accounts. The Treasury neither selects the banks nor regulates the amount of balances in this class of accounts. Our only function is to arrange for the pledge of collateral at the request of the Department or Agency having jurisdiction over the accounts. The balances indicated are, therefore, authorized balances rather than actual balances mintained for we do not have information with respect to actual balances.

Should you desire any further information in connection with the foregoing, please let me know.

Very truly yours,

H. A. RABON,
Deputy Fiscal Assistant Secretary.

	June 30, 1969	June 30, 1970
1. Bank of America, National Trust and Savings Association, San Francisco, Calif.:		
(a) Tax and loan account	$194,482,835.99	$282,995,665.57
(b) Treasurer's general accounts overseas	2,800,000.00	2,775,000.00
(c) Treasury time balances	(1)	(1)
(d) Official checking accounts	112,455,000.00	96,960,000.00
Total	309,737,835.99	382,730,665.57
2. The Chase Manhattan Bank, National Association, New York:		
(a) Tax and loan account	190,381,742.83	243,651,090.76
(b) Treasurer's general accounts overseas	6,135,000.00	6,125,000.00
(c) Treasury time balances	19,720,000.00	27,720,000.00
(d) Official checking accounts	69,926,000.00	71,154,000.00
Total	285,862,742.83	348,650,090.76
3. First National City Bank, New York:		
(a) Tax and loan account	155,108,209.36	233,526,934.21
(b) Treasurer's general accounts overseas	2,725,000.00	2,725,000.00
(c) Treasury time balances	(1)	(1)
(d) Official checking accounts	84,340,000.00	86,141,000.00
Total	242,173,209.36	322,392,934.21
4. Security Pacific National Bank, Los Angeles, Calif.:		
(a) Tax and loan account	61,423,223.98	181,723,117.49
(b) Treasurer's general accounts overseas	(1)	(1)
(c) Treasury time balances	950,000.00	200,000.00
(d) Official checking accounts	11,382,000.00	12,107,000.00
Total	73,755,223.98	194,030,117.49
5. Chemical Bank, New York:		
(a) Tax and loan account	127,624,853.61	140,568,211.27
(b) Treasurer's general accounts overseas	(1)	(1)
(c) Treasury time balances	1,100,000.00	1,100,000.00
(d) Official checking accounts	625,000.00	625,000.00
Total	129,349,853.61	142,293,211.27
6. Manufacturers Hanover Trust Co., New York:		
(a) Tax and loan account	$108,444,523.62	$126,051,348.79
(b) Treasurer's general accounts overseas	(1)	(1)
(c) Treasury time balances	325,000.00	325,000.00
(d) Official checking accounts	9,996,000.00	10,571,000.00
Total	118,765,523.62	136,947,348.79
7. Wells Fargo Bank, National Association, San Francisco, Calif.:		
(a) Tax and loan account	108,204,534.42	113,760,296.99
(b) Treasuer's general accounts overseas	(1)	(1)
(c) Treasury time balances	67,000.00	427,000.00
(d) Official checking accounts	18,569,000.00	18,582,000.00
Total	126,840,534.42	132,769,296.99
8. Morgan Guaranty Trust Co., New York:		
(a) Tax and loan account	80,673,995.85	112,995,611.16
(b) Treasurer's general accounts overseas	800,000.00	550,000.00
(c) Tresury time balances	(1)	(1)
(d) Official checking accounts	36,000,000.00	14,810,000.00
Total	117,473,995.85	128,355,611.16
9. Bankers Trust Co., New York:		
(a) Tax and loan account	92,204,280.83	109,191,752.26
(b) Treasurer's general accounts overseas	200,000.00	200,000.00
(c) Treasury time balances	10,000.00	10,000.00
(d) Official checking accounts	12,220,000.00	13,081,000.00
Total	104,634,280.83	122,482,752.26
10. The First National Bank of Chicago, Chicago, Ill.:		
(a) Tax and loan account	86,826,640.56	110,248,584.85
(b) Treasurer's general accounts overseas	(1)	(1)
(c) Treasury time balances	240,000.00	240,000.00
(d) Official checking accounts	8,065,000.00	8,050,000.00
Total	95,131,640.56	118,538,584.85

1 None.

THE U.S. ARMY IN EUROPE

Mr. MANSFIELD. Mr. President, the October 1970 issue of the Forum periodical, published by the Ripon Society, contains a most interesting and informative article by Edward L. King, former officer of the U.S. Army, concerning the U.S. Army forces in Europe. I believe the points that Mr. King makes will be most helpful in the deliberations by the Senate on the need for the present manpower commitment of American forces in Europe 25 years after World War II.

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:

FLEXIBLE RESPONSE OR NUCLEAR DISASTER?: THE U.S. ARMY IN EUROPE

In a recent article I touched on a few of the strategic and tactical implications of the organization and purpose of U.S. Army forces in West Germany. Let's now more closely examine these implications and expand on the questions they raise in regard to U.S. conventional war force levels in Europe.

Organization

Is the U.S. Army overstaffed in West Germany? One way to figure whether there is fat in our European command and force structure is to compare it to Army doctrine and World War II experience factors.

In West Germany the Army has stationed a total force of approximately 195,000 soldiers. Congress and the public were told that these soldiers are all required to fight the enemy in a conventional war. This force is under the overall command of the unified (i.e. triservice) U.S. European Command with headquarters in Stuttgart, Germany. This headquarters, heavily staffed with generals and admirals, also has an element in NATO headquarters in Belgium. In time of peace this unified command serves as the senior command for all U.S. armed forces in Europe, but in time of war it performs NATO duties. U.S. European Command exercises its command supervision by passing Joint Chiefs of Staff (in Washington, D.C.) directives to U.S. Army Europe/Seventh Army headquarters located 38 miles away in Heidelberg, Germany. In peacetime this headquarters commands all Army forces in West Germany. In wartime this combined Army headquarters performs both NATO and U.S. command functions.

The next command level is the corps headquarters. (A corps headquarters exercises tactical command over military operations; it is not normally concerned with administrative support.) In West Germany there are two U.S. corps headquarters. Additionally, there is another command element approximately equal to a corps headquarters which provides logistical support. These three command levels (U.S. European Command, U.S. Army/Seventh Army, V & VII Corps headquarters) pass directives down to the combat divisions. There are the equivalent of five divisions in West Germany. And once we pass the division headquarters of these divisions, we will have finally found the Army units (the brigades and battalions) that actually engage in combat.

All of these command and supply headquarters require numerous generals (over 30 in Stuttgart alone), field grade officers and senior NCO's to command and staff them. This is in addition to the large number of troops required to man them. How many men are engaged in these noncombatant jobs?

The best way to answer is to consider how many men are in the five combat divisions. Each division at full strength contains around 16,000 men. If our combat divisions in Europe were at full strength (and they seldom have been during Vietnam) there would be a total of about 80,000 men assigned to them. We can then reasonably speculate that the remaining 115,000 men (of the 195,000 total force) are serving in other than the combat divisions. In other words roughly 115,000 men serve in administrative and logistic situations.

These 115,000 men are not the only ones serving in these situations. Each division of about 16,000 men includes only roughly 7,000 soldiers who are assigned the mission of firing at the enemy. The remaining 9,000 or so are assigned to administrative command and logistic support positions *within the division!* This means that in terms of combat manpower for conventional combat the U.S. Army in West Germany has only about 40,000 soldiers in its combat divisions who are assigned to place killing fire on the enemy.

There is no valid military reason why the Army must organize itself so that it needs over 100,000 men to command and supply a combat force of 80,000 soldiers (of which less than half fire at the enemy). For example, Army doctrine indicates that a corps headquarters "normally" commands two *or more* divisions. In World War II, each combat corps normally commanded an *average* of four divisions. Moreover the U.S. Seventh Army commanded no less than three corps during World War II combat.

So why then does it require two corps headquarters and a field army headquarters to command the equivalent of 5 understrength divisions *in peacetime?* Because the U.S. Army in West Germany has grown top-heavy through (a) bureaucratic inertia, (b) military preference for soft career living in Europe rather than extended periods of living in such places as Fort Leonard Wood, Missouri or Fort Polk, Louisiana and (c) civilian abdication of control over military policy. At least 50,000 men could be brought home from West Germany without reducing the conventional combat capability of the existing U.S. Army presence if those forces were streamlined and efficiently organized, commanded and supplied. Or, if present troop levels have to be maintained, this much manpower could be converted from fat to combat muscle.

None of these reasons justifies the huge costs incurred to support the existing system of organization and command. It cost 2.2 billion in fiscal 1970, to maintain our forces in West Germany. This figure does not include the additional costs involved in moving, storage and shipment of household goods and automobiles of the military personnel and their dependents who were automatically rotated back and forth during fiscal

1970. Much of this rotation is unnecessary and is done only for career improvements. It is also one of the reasons that nearly all Army personnel in Germany are either learning their job or "coasting," waiting to rotate back to the U.S.

In any event there is no acceptable justification for obvious military paunch even in times of national budgetary surplus, much less when inflation munches on tax-dollars and domestic programs are forced to exist on subsistence levels.

Purpose

The organization of U.S. Army forces in Europe is unsatisfactory in terms of costs and manpower utilization. Even worse are the problems which are created by their mission.

The U.S. combat units—in consort with other NATO forces—are supposed to be able to fight a conventional war against Soviet and satellite troops. Let us assume that our 195,000 men were organized and commanded efficiently. Would there be a reasonable prospect that they could do what they are supposed to do successfully? The answer is probably not.

Part of this answer is prompted by the location and sheer numerical advantage enjoyed by their adversary: nearly 200 Soviet and East European divisions (about 2 million men) could be thrown into battle against 18 or 20 NATO divisions (about 350,000 men). There are other disadvantages.

ILL POSITIONED

Relative positioning of forward units. Within sight of many of the autobahns leading westward through East Germany, forward Soviet divisions are positioned in austere, mobile tank and truck parks. The distance from a soldier's tent or hut, to his tank, truck or armored vehicle is a matter of minutes. Contrast this with the positioning of U.S. Army forward units: the troops live in barrack compounds often removed a half-mile or more from their tanks and vehicles. The truck parks themselves are not always immediately accessible to major roads. The time needed to get our troops on the road is more than minutes.

U.S. divisions are still comfortably positioned in the World War II occupation-zone positions that they took up when they arrived in Southern Germany in 1950–51 during the dark days of the Korean War. But strategic considerations would most likely motivate the Soviet armored forces to strike boldly across the flat North German plains along the historic invasion route to the Ruhr and the English Channel ports. U.S. Army forces would undoubtedly be needed to help defend not only the industrial heart of Europe but also to protect their own supply lifelines which during war run back to the channel ports. To accomplish this, they would have to move considerable distances to the north to reach viable battle positions. If a sudden attack occured, they would have to make this movement over roads jammed with other NATO troops, overrun with millions of refugees (many of whom would be their own wives and children attempting to flee) and constantly attacked by low-flying enemy aircraft. Time would be critical in such a northward movement; only hours would be available to attempt to intercept and stem the Soviet advance. Yet during the Berlin Crisis of 1961 when such a movement was considered, *days* not hours were estimated as being required. And this movement would have been conducted under peacetime conditions!

Even assuming that U.S. Army combat elements have reached improved maximums of mobility and flexibility since 1961, exhibiting these qualities would require absolute tactical air superiority. I know of no military planner who honestly assumes that the U.S. Air Force will attain such absolute superiority (which it enjoyed over Western Europe in 1945) until a considerable period after the opening of hostilities. And there are some who doubt if it could ever attain such a degree of superiority.

But if we assume that U.S. forces *will* have absolute air superiority, could our 80,000 combat troops (i.e. 40,000 who fire on the enemy) plus approximately 260,000 NATO combat troops, reasonably be expected to stop the advance of Communist Bloc troops? (Before answering we must remember that if we fight a conventional war in Europe it will be with the forces already there. The Czechoslovakian invasion showed that we can no longer count on a comfortable mobilization period during which, in the best traditions of World Wars I and II, more combat troops can be flown or shipped to Europe from the U.S.) Most military professionals privately agree that the answer is no. However, the Army several years ago devised a very simple solution to this problem for Congress and the public. They can give an affirmative answer because they allocate "tactical" (i.e. low-yield) nuclear weapons to the conventional forces in Europe.

Simple. Now our conventional forces can offset the Soviet and satellite manpower advantage and delay their advance westward by exploring large numbers of nuclear devices against them from the very first moments of battle.

MOST UNCONVENTIONAL

The Army has been training for years in Europe on the basis of such plans. Simulated use of nuclear weapons is written into the scenario of most major unit training exercises. In one NATO field training maneuver, the *Stars and Stripes* newspaper reported that large numbers of simulated nuclear weapons were used. What was not reported was that while nuclear devices turned a losing conventional effort into a winning one, it also would have turned a conventional war into a nuclear one. And at the same time it was estimated by West German press sources that about 65 percent of West Germany would have been destroyed. In discussing low-yield "tactical" nuclear weapons we should remember that the average "tactical" nuclear weapon has the explosive force of roughly one-quarter to one-half the destructive power of the Hiroshima A-bomb. Strictly in terms of physical damage and indiscriminate loss of civilian and military lives, scarcely be called conventional.

And can we be sure that the Soviets would not use at least equivalent nuclear weapons in retaliation? One cannot believe that the Soviets will fight with their rifles and conventional artillery while we destroy whole divisions with tactical nuclear weapons.

THE PLIGHT OF DEPENDENTS

In the event of hostilities the *necessity* of using nuclear weapons first could present the United States with a grave national dilemma. The President would be faced with the choice of authorizing the military commander in Europe to use nuclear weapons (and thereby open a nuclear war) or deny their use and risk the loss of a field army and the lives of nearly 250,000 U.S. servicemen and their families. The choice between initiating nuclear escalation or failing to protect the lives of American fighting men would not be an attractive one for any President. Yet every President for the past fifteen years has been faced with this possibility as a result of our effort to maintain the fiction of a conventional war capacity in Europe.

The choice is complicated by the fact that wives and children of U.S. servicemen would be the almost inevitable victims of *our* tactical nuclear weapons. If there is a warning period before hostilities begin some of the 225,000 dependents could be evacuated by air and private automobile to "Safehavens." If hostilities begin suddenly—and there is no reason to believe the Soviets intend to provide convenient advance notice of their attack—most officials are convinced that the majority of the military dependents would have to "standfast" where they are living. These dependents would be left to fend for themselves, as would their less fortunate civilian countrymen who are working or traveling privately in Europe and who are not considered for assistance by U.S. armed forces. The soldier-husbands of the military dependents would have to fall back toward the Rhine River while covering their delaying action with "tactical" nuclear weapons. In short, firing nuclear shells and rockets on the Soviet units, hundreds of thousands of West German civilians and on their own families. (In spite of this potential disaster, the military opposed President Eisenhower's courageous and militarily sound decision in late 1960 to stop further movement of dependents to Europe. This decision was rescinded by President Kennedy in late 1961 in response to opposition from the armed services, even though no effective dependent evacuation plan had been devised.)

We have permitted the continuation of our conventional structure to placate the West German government, not to fight a conventional war. Our military leaders have advocated retaining these forces because they have provided increased promotions and pleasant duty stations. These military leaders have been comfortable in the knowledge that they would not really be expected to fight a conventional war against the formidable Red Army, because they could quickly change such a war into a nuclear one in which the U.S., until recently, held a vast advantage. In other words political expediency and parochial service interests have been allowed to supercede national best interests.

The presence of our over 200,000-man conventional force in Europe is fraught with potentially dangerous risks to our national security and immense problems of organization and mission. It is long past time for concerned civilians and military officers to begin the very difficult task of streamlining our force structures and more responsibly rationalizing their purpose in Europe. Perhaps the recent signing of the West German-Soviet nonaggression pact marks the historical juncture for our work to begin in earnest.

MANNED SPACE FLIGHTS

Mr. ANDERSON. Mr. President, a recent editorial in the Washington Post rightfully praised the Soviet Union for its success in the return of lunar soil samples to the earth by Luna 16. This was a technical achievement of the first order.

Unfortunately, many people have leaped to the erroneous conclusion that this Soviet success means that we should now abandon our manned space programs. How anyone can arrive at this curious conclusion is something that I cannot explain. Certainly the Soviets are not abandoning their manned space programs.

Let me read what the Washington Post has to say about this:

> In terms of the long-range exploitation of space, it seems to us that the manned approach will be the most useful. Men will be out there some day, following the trail marked by the Apollo craft, and in the meantime the American effort can properly be devoted to finding a way to get them out of the earth's atmosphere more cheaply and to making the best possible uses of earth-orbiting space stations and laboratories.

What they are talking about, of course, is the space transportation system—or space shuttle/space station concept—

which will allow us to go into space at costs that are much cheaper than today's costs. It is when these costs come down that we will truly be able to explore space, with both manned and unmanned spacecraft.

Mr. President, I ask unanimous consent that the editorial from the Washington Post of September 29, 1970, be printed in the RECORD.

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

LUNAR SOIL IN THE SOVIET UNION

There has long been a debate among American scientists over the merits of manned vs. unmanned space activities and the successful flight of Luna 16 last week will undoubtedly provide ammunition for advocates of unmanned flight. The Soviet Union has demonstrated that its spacecraft can land on the moon, scoop up samples of lunar soil, and bring them back to the earth. By doing so, it has shown that it can accumulate moon rocks far more cheaply and with far less risk than the United States can and it may have proved the technology that some day will bring back to the earth the first samples of the soil of other planets.

In that sense, the flight of Luna 16 is a major achievement for the Soviet Union. Its scientists have concentrated in recent years on a system of landing and retrieving unmanned spacecraft, an activity that the United States has not emphasized, and Luna 16 shows that the system works. It may be that the Russians will now go on to probe areas of the moon that the curtailed Apollo program will not reach. The results of such probes can add substantially to the growing body of knowledge about the moon built so far principally on the Apollo flights as well as to help the Russians perfect their system for an eventual roundtrip to Mars.

This does not mean, however, that the Soviet Union has surpassed the United States in the technology of space flight. Scientists generally agree that it is more difficult to get men to the moon and back than it is to get an unmanned craft there and back. The situation is simply that the Russians sidetracked their manned effort at some point, either because of costs or lack of success, and took a road that the United States has not followed. The work of the Russian space team however, can be highly useful in scientific exploration and it may be that the leadership in the field will shift to the Soviet as the Apollo program expires.

In terms of the long-range exploitation of space, it seems to us that the manned approach will be the most useful. Men will be out there some day, following the trail marked by the Apollo craft, and in the meantime the American effort can properly be devoted to finding a way to get them out of the earth's atmosphere more cheaply and to making the best possible uses of earth-orbiting space stations and laboratories.

CONTEMPORARY POLITICAL DEVELOPMENTS SEEN IN PERSPECTIVE OF HISTORY

Mr. SCOTT. Mr. President, the senior Senator from Oregon (Mr. HATFIELD) is delivering a thought-provoking speech in New York today. The speech deals with "our contemporary political developments seen in the perspective of history."

I think all Senators will be interested in the remarks of the Senator from Oregon (Mr. HATFIELD), so I ask unanimous consent that the speech be printed in the RECORD.

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

AN ADDRESS ON OUR CONTEMPORARY POLITICAL DEVELOPMENTS SEEN IN THE PERSPECTIVE OF HISTORY

As our culture becomes increasingly attuned to that which is "now," we have a dangerous tendency to disregard our past and label it irrelevant. In an age where information reaches us immediately, and where we are diluged by news of the present, we are sorely in need of historical perspective.

An understanding of our current political situation can be greatly enhanced by studying the annals of our nation's political past. Political upheaval, social estrangement, and domestic unrest are not unprecedented in our country. Neither is the use of inflammatory rhetoric by high officials to sway public opinion in an election year. There have been previous periods of polarization and prior attempts to discredit loyal Americans by questioning their commitment to party, to country and to reason. All of us, students, and public officials alike, would do well to remember the words of Polybius:

History offers the best training for those who are to take part in public affairs.

Perhaps we could benefit by examining another time of social turbulence—the 1850's—and studying the forces and men that were influential then and gave birth to the Republican Party. If we understand our response to earlier periods of national crisis, we can gain valuable insight into events during this election year and the political destiny of our country.

Social unrest is frequently accompanied by political instability and realignment. Such was the case in the 1850's. The geographic expansion of the nation was threatening to bring about the expansion of slavery. Violence and turmoil in the new territories in the Middle West demonstrated the rising tensions over this issue. Within the nation, the slavery question was emerging as a major political issue throughout the North.

Yet, the major parties of the day—the Democrats and the Whigs—both were encumbered by the dreary rationalization that allowed them to acquiesce to the institution of slavery.

The Compromise of 1850 which allowed California to come into the union as a free state, but which extended the Fugitive Slave Act, was the step which, in the judgment of both major parties, would neutralize this troublesome issue and excuse them from squarely confronting this moral issue. Like today, the political "establishment" was deft in constructing means to avoid rather than squarely confront, decisions which demanded deep, principled judgments.

The anti-slavery cause had to look to minor third parties for political expression, such as the Liberty Party in the 1840's and the Free Soil Party, which demanded free press, free territory and free men.

Senator Stephen A. Douglas, the leading Democrat of the day, introduced the inflammatory Kansas-Nebraska Act which provided for a popular referendum on the question of slavery in each of the territories seeking statehood and thereby could have allowed slavery in those heretofore free territories. This upset the earlier Missouri Compromise which forbad slavery in the Northwest territories. The response throughout the North was immediate and intense. All the anti-slavery forces were incensed by this new porposal and met in "anti-Nebraska" grass roots meetings throughout the country.

The established parties had lost their relevance, and this spontaneous movement of concerned citizens determined to forge themselves into a new political force that could deal effectively with the impending social crisis.

Far more than merely anti-slavery, these reformers were firmly dedicated to Jeffersonian ideals of democracy, and egalitarianism. They drew their support from farmers, merchants, laborers, and the independently-minded citizens of the mid-Western frontier states.

At one of the many such meetings that spring of 1854, held in Ripon, Wisconsin, a determination was crystalized to form a new party that would call itself "Republican." By June, Horace Greely, editor of the New York Tribune, was declaring that the emerging political forces should unite themselves under the banner of the Republican Party.

The tumultuous political events which were to follow in the next two years and result in the astounding growth and national strength of this new party were completely unforeseen and unpredictable during 1854. The tensions of that day called for a major realignment of political forces, and the Republican Party owed its birth and immediate strength to the fact that its leaders were those who responded to the political crisis of that day with the imperatives for change. The vitality of the early Republican Party was due in large measure to the principled, uncompromising spirit of its early founders—particularly those who were known as "Radical Republicans." This small minority of men, united behind a common cause, and whose vision compelled them to go against popular opinion, to challenge the status quo, and to refuse simplistic solutions to the problems of their day, were able to dramatically shape the political complexion of the country.

They were men like Senators Charles Sumner of Massachusetts, Senator William Seward of New York (later Lincoln's Secretary of State), Senator Salmon Chase of Ohio, and Senator Benjamin Wade of Ohio. From outside the formal political ranks, Horace Greely and Carl Schurz were major influencial personalities in forging the character of this emerging Republican Party.

The term "radical" is used today to envoke fear and to brand a position as most undesirable. To be a "radical" is to be some sort of misguided individual who has lost touch with reason and is highly suspect of treasonous thoughts. It is interesting to note that the "radical" label did not always carry such negative connotations. Early Republicans chose the term to distinguish themselves as those who were loyal to the ideals of the founding fathers of our country. Webster defines "radical" as "of or from the root; going to the center." It was with great pride that such men as Charles Sumner, Salmon Chase, and others referred to their ideas as "radical," and it is ironic that the term has fallen into such public disrepute today. It only illustrates how political labels can be so devoid of real meaning and substance. What we must do is go beyond the slogans, caricatures, and deceptive rhetoric in order to truly analyze the issues, the individuals, and the motives involved—both in the 1850's and today.

What characterized these early political innovators—these leading Radical Republicans? All were men of the highest principle, and of uncompromising conviction. On the slavery question, which first brought them together, they were of one mind in seeking the most feasible political steps that would prohibit its expansion and then eliminate its hold over the South, removing this scourge from the nation. Several were previously associated with the Liberty Party and the Free-Soil Party, and had been active in Congress toward these ends. Yet, they also were convinced of a principle even more paramount than opposing slavery—upholding the integrity of the nation's Constitution.

Here is where they differed in a crucial way from the Abolitionists and others of their day: the means and tactics of opposing injustice were just as important as the ends and goals.

Chase wrote "I do not go for the abolition of slavery by all counts and all means. I never did. I am for protecting freedom by national legislation wherever the general government has the exclusive jurisdiction, . . . This will result in the overthrow of slavery. But it is not the formula of those who view the question from the side of Garrison."

(William Henry Garrison was the extremist editor of the Boston GLOBE who began in 1833 to excoriate the South and for the abolition of slavery. The Republicans did not please him because their views were not as extreme as his.)

It was understandable that these radical Republicans drew a sharp and distinct line between themselves and those Abolitionists who favored action through other than legal means. In fact, Senator Chase received word from those who said they would fully support his position although they "would not let their name be associated and confounded with the host of unscrupulous and fanatic Abolitionists who are looked upon almost as Incendiaries."

Although allied around the cause of anti-slavery these early Republicans held similar political convictions on other national issues. In 1848, for instance, the power of the Executive to carry out war unchecked by the Congress was being hotly debated due to President James Polk's initiation of the Mexican War. Several of those who later founded the Republican Party were the first to protest against this foreign involvement and Polk's indiscreet use of the war-making powers.

A young Whig in his first term of Congress was notable among those who questioned the Executive. His name was Abraham Lincoln. He introduced into the House of Representatives the "Spot Resolution" calling upon the President to designate the spot where Mexican troops first allegedly fired on American soldiers and instigated the conflict as Polk was claiming.

But the reaction in Lincoln's home district was politically unsettling. His constituents supported the war and questioned Lincoln's wisdom in challenging the President.

William Herndon, Lincoln's law partner and political adviser, urged him to pull back from his position, but Lincoln refused to compromise. He wrote back to Herndon, warning: ". . . Allow the President to invade a neighboring nation whenever he shall deem it necessary to repell an invasion and you allow him to do so whenever he may choose to say he deems it necessary for such a purpose, and you allow him to make war at his pleasure . . . Study to see if you can fix limit to his power in this respect, after having given him so much power as you propose. . . .

"The provision of the Constitution giving the war-making power to Congress was dictated, as I understand it, by the following reasons: Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our convention understood to be the most oppressive of all kingly oppressions, and they resolved to so frame the Constitution that no one man should hold the power of bringing oppression upon us."

Several years later, the expansionist foreign policy proposed by the Buchanan Administration and advanced by Senator Douglas, was also resisted by the radical Republicans in the Senate. President Buchanan wanted to annex Cuba, and Senators Seward, Wade and other Republican leaders condemned the proposed purchase. In the legislative battle, the strength of the Republican Radicals' position was demonstrated as the Buchanan proposal was defeated.

In a speech to 400 people, Abraham Lincoln spoke in Edwardsville, Illinois, words which he was to echo in the Lincoln-Douglas debates:

"What constitutes the bulwark of our liberty and independence? It is not our frowning battlements, our bristling seacoasts, the guns of our war steamers, or the strength of our gallant army. These are not our reliance against a resumption of tyranny in our land. All of them may be turned against our liberties without making us stronger or weaker for the struggle.

Our reliance is in the love of liberty which God has planted in our bosoms. Our defense is in the preservation of the spirit which prizes liberty as the heritage of all men, in all lands, everywhere. Destroy this spirit and you have planted the seeds of despotism around your own doors . . .

Accustomed to trample on the rights of those around you, you have lost the genius of your own independence, and become the fit subjects of the first cunning tyrant who rises among you.

The early Republicans knew that the strength of any foreign policy, had to rest fundamentally upon the example of freedom and liberty present within the nation.

A critical stance toward the military was evident through the 1850's when Radical Republicans in the Congress voted against military appropriations bill, partly out of their fear of a standing army, pointing out that funds had been given for military academies but were more needed for agricultural land-grant colleges.

Abolishing capital punishment was another cause favored by the progressive and active faction in the Republican Party's first years. Likewise, women's suffrage won their support.

In its formative years, the Republican Party made a particular appeal to the laboring man. "Free-soil, free-labor, free men" summarized its ideology during these years. Urging passage of the Homestead Act, Radical Republicans were motivated by the equalitarian tradition, and wanted full opportunity for all to be a reality in the frontier society of that era.

Of course, all the factions that came together to form the coalition that became the Republican Party comprised a diversity in political opinion and ideology. Former Democrats, Whigs, and others all coalesced around the slavery issue.

They welcomed all those who shared their central convictions and knew there was strength in a diversity of opinion within their ranks.

They agreed with the truth later expressed by Walter Lippman, "When everyone is thinking alike, no one is thinking very much at all."

Yet, it made sense that those who were the most deeply committed against slavery, as a moral imperative—the Radical Republicans—should have played such a formative role in the creation of the Party. Their stance not only on the slavery question, but on the other issues confronting the frontier Republic largely shaped the early attitudes of Republicanism.

From the very beginning, the opponents of these courageous Republicans sought to characterize them as irresponsible elements who were stirring up the trouble in the country.

Stephen Douglas referred to the opposition to his Kansas-Nebraska Act as an "effort to get up another political tornado of fanaticism and put the country in peril for the purpose of electing a few agitators to the Congress."

Nevertheless, the Republicans' astonishing strength was proven when they emerged together enough votes to elect the Speaker of the House in 1855.

The attacks against the Republicans reached a climax in May of 1856. Charles Sumner had delivered one of his strongest addresses in the Senate against slavery and the Administration's handling of the turmoil in the Kansas Territory. Parts of his words were directed against Senator Butler of South Carolina with particular force and devastating criticism. Two days later, a member of the House, who was a relative of Butler's, stalked into the Senate Chamber and assaulted Sumner with his cane, injuring him so severely that he was hospitalized for many months. Indignant citizens throughout the North were so incensed at the news of this incident that they rallied to the support of the anti-slavery forces. Sumner's empty seat in the Senate served as almost a symbol of martyrdom, and the incident rallied the Republicans as they moved into their first National Convention in Philadelphia that June.

Delegates at the convention articulated the mood of these first Republicans:

Caleb Smith of Indiana spoke of "A Party not organized to advance the interest of any man or set of men, but to maintain the principle of freedom."

Dayton of New Jersey warned, "Now there is strife and bloodshed . . . and freedom of speech is stricken down in the Senate."

And Henry Wilson of Massachusetts said that the Republicans "have made up their minds to go where duty requires them to go, vote as duty requires them to vote. And I believe," he continued, "they have made up their minds to defend their persons and their lives whenever, wherever, however, by whomsoever assailed. No, gentlemen, threats, will not silence the free men of the North."

John C. Fremont, "the Pathfinder", explorer of Oregon, and articulate opponent of slavery, was nominated by the Party for President, and a platform adopted that fully expressed the views of the "radical Republicans."

Most significant was the inclusion in the platform of a statement opposing any changes in the naturalization laws that would discriminate against foreigners. The Republicans pledged themselves to "full and efficient protection to the rights of all classes of citizens, whether native or naturalized, both at home and abroad." The statement was a rejection of the temptation to try to embrace the Know-Nothing Party that had arisen during this era. This political movement had at its roots opposition against foreigners and Catholics. The first waves of immigration had come to America, and the prejudice against them was reflected in the Know-Nothing movement. With the political disintegration of the day, the Know-Nothings commanded powerful support in many of the Northern states. Their appeal was clear, and their political strength seemed impressive, it was the attempt to build political power through manipulating ethnic and sectional prejudices.

Had the Republicans been interested in playing the pragmatic and expedient political strategy of the day, they would have collaborated with the Know-Nothings during that year. Perhaps it could have meant the election of Fremont.

But in any event, the early Republicans saw the hypocrisy of co-operating with those forces of social prejudice and political inequality when their central aim was equality and freedom.

Thus, the first Republican Convention refused to compromise with the politics of prejudice in any effort to chart their political strategy.

They wanted their party to stand as a Party devoted to principle rather than political expediency.

The determination to forge a political party that would welcome and appeal to all groups—including the immigrants and laboring man—prevailed in the 1856 Convention and was written into the platform. The radical Republicans had refused to compromise political principle.

The same temptation remained before the Republican Party during the next four years and still does so today. But Lincoln summed up his attitudes by saying to Joshua Speed in 1855:

"As a Nation we began by declaring that all men are created equal. We now practically read it 'All men are created equal except Negroes.' When the Know Nothings get control it will read 'All men are created equal except Negroes, and Foreigners and Catholics.' When it comes to this I shall prefer emigrating to some country where they make no pretense of loving liberty—to Russia for instance where despotism can be taken pure and without the base alloy of hypocrisy."

The charges and indictment against the Republicans continued. After the election of 1856, outgoing President Franklin Pierce, in his last annual message to Congress, denounced the entire Republican Party as a cover for 'abolitionists and subversives' who threatened the survival of the nation.

The fabric of the nation showed signs of ripping in two during the end of this decade. Dissension, bitterness and violence intensified daily. The Republicans continued to strive for a political solution that would settle the slavery question, yet preserve the integrity of the Union. But their opponents did all possible to blame the Republicans for the unrest and threat of social calamity.

In 1859 John Brown's raid on Harper's Ferry presented the Republican foes with an incident on which they wanted to make political capital. The wild, foolhearty scheme of this revolutionary was condemned by all those who were seeking an end to slavery through the legal means. Nevertheless, every opportunity was taken by those fighting the Republicans to make some association between them and the John Brown band of revolutionaries who attacked Harper's Ferry. The tactic was to manipulate the fears and anxieties of the nation by impugning the Republicans and by charging complicity in this turbulence and violence.

The Republicans initially feared the tactic would be successful and their chances in the November elections that year and in the Presidential election of 1860 would be severely damaged. Yet, enough of the public refused to accept the attempted political guilt by association, especially when John Brown was hanged in needless haste that also made a mockery of the law. By 1860, the country proved far more receptive to the voices of cool reason and moral conviction rather than the voices of divisive, self-righteous rhetoric.

With violence, disorder, and alienation overwhelming the nation, the Republicans turned to Abraham Lincoln as their candidate. The guiding spirit of the Party became their first President. More than anything, it was his manner and style of dealing with the political crisis of the extension of slavery into free territory which gave to him his greatness. For Lincoln knew that a turbulent era requires a reconciling Administration. He gave to the Republican Party the quality of leadership that utilized compassion and commitment to hold the nation together.

The future development of the Republicans in subsequent years is of far less significance than the fact that the nation had seen its way through its gravest and most traumatic conflict. The reason, in part, was that independent and courageous political leaders knew that social upheaval was the symptom of a growing political irrelevance of the day.

Thus, these men, the radical Republicans, brought about a major political realignment and revitalized the entire political system. Were they not so staunchly committed to their principles, furthermore, this never would have occurred. Lincoln's leadership then added the dimension of a reconciling and moderating role, as he led the nation through the threat of utter division back to wholeness based upon a new commitment to its original ideals and purposes.

Our past illuminuates the present. Each of us should reflect on what these past segments of our nation's experience should teach us about the events and personalities that make headlines today.

I want to offer my own interpretation of these issues. In particular, I want to focus not merely on the responsibilities that citizens hold in a democracy—but about the responsibilities that publicly elected officials hold to the citizenry.

We are witnessing today a most unique phenomena within my own political party—the Republican Party. There are those who believe that it should seek its success through the expedient politics of sectional provincialism and ethnic prejudice, and what might be described as a "know-nothing" political ideology.

In doing so they would exclude from the Republican Party those who do not conform to this pattern and whose political convictions are seen contrary to some standard of performance and conformity. The term applied to such individuals is most revealing—"radical." Again, slogans, rhetoric and labels are invoked to conceal any true understanding of political reality.

The citizens of this State have been told that they are represented by one whose heretical ideology discredits the basis for his membership in the Republican Party.

Far more than the outcome of one political race is involved in this matter. At stake is the identity of the Republican Party.

The attack that has been launched is not merely directed at any one Senator. It is, rather, directed toward a whole segment of the Republican Party that is in the tradition of our founders. Those who from the beginning have fought for the primacy of human rights and personal freedom; who have insisted that government exists to serve social, political, and economic needs of all the people; who have demanded that the Party must continually establish its relevance and thereby attract to its ranks people from all walks of life—these are the Republicans whose loyalty to the Party have been challenged.

The tradition that has given the Party its life is now being called disloyal in the name of Republicanism.

I, for one, take my stand with the oldest of the Old Guard Republicans and will speak out when we who uphold that tradition are attacked on the basis of party loyalty. If that tradition is to be upheld, and if the Party is to sustain any chance of reconciling the divisions in our country, then, we must not permit reckless rhetoric to meld the character of the Republican Party. To do so would be to court political disaster for the future of our Party, to say nothing of the cost to the inner life of our nation.

But far more than partisan considerations are involved—and you are certainly more concerned with the destiny of our nation than the fate of a political party. Again we can benefit from the richness of our history to understand the implication of these events in our own day.

Nineteen thirty-eight was the last time when a national Administration embarked on a political purge of members of their own Party in the Congress. Referring to Roosevelt's attempts to purge the Congress, the Atlantic Constitution editorialized that "He would turn the United States Senate into a gathering of 96 Charlie McCarthys with himself as Edgar Bergen." A loyal and true Republican and world humanitarian who led our Party and our nation for several years—Herbert Hoover—spoke about what that purge meant, not just for the inner politics of a party but for the political destiny of the nation. Speaking to the Joint Republican Organizations in Hartford, Connecticut, in 1938, Hoover wisely stated:

. . . the third category of these sinister aggressions of personal power in this republic. That is the Executive attempt to control elections. That alone should make the election of independent-minded men to Congress the first task of men who would be free. We have seen Mr. Roosevelt mass this Praetorian army of political appointees to purge those men of his own party who have shown sparks of manhood, of independence, and obedience to their oath.

But it is far more serious than any question of party. It goes to the very roots of the independence of the legislative arm. It goes to the very core of the right of the people to choose their own representatives. It goes to the whole question of the independence of the ballot itself. It goes to the foundation of personal power in this Republic.

The identity of political parties and the basis for loyalty to them undergo challenge and change in proportion to the social restlessness and instability in the nation, in my judgment. From this we can learn a second lesson from the political story history of the 1850's. Consider again the circumstances. The Democrats and the Whigs were the two major parties, with a splintering of insignificant other parties. As the social tensions and pressures of those years increased, both parties failed to demonstrate any true responsiveness to the depth of the issues confronting the nation. The Whigs especially could free themselves from their past political interests in order to take any decisive stand on the slavery question.

The Republican Party, formed out of grass roots disenchantment with the existing parties, found itself growing to a position of solid national strength in barely a years time, which none of its founders had ever envisioned. Historians have called its early growth a type of "spontaneous combustion" produced by the combination of heightened social tension and continued atrophy in the political establishment.

In our own time it can be argued that we see the same combination of events. It is true that confidence and adherence to our political parties is declining. Nationwide, last year, about 42% of the population considered themselves Democrats, 29% Republicans, and 29% Independents. But among students 53% consider themselves as Independents, as opposed to 26% Democrats and 21% Republicans.

Further, there are obvious signs of a possible political realignment exhibited in this year's elections. New York, Virginia, and Connecticut are examples.

Lobbying groups and organizations based upon certain principles and ideals have been formed which take on an almost quasi-party structure. The efforts across the country in behalf of the legislation to terminate our involvement in the Vietnam war had this character; likewise, John Gardner's "Common Cause" seems to be an attempt to form a grass roots political movement.

Thus, we could be in a historical time frame when another major political alignment is forming. Most likely, this would take the transitional form of a multi-party political arrangement.

I do not advocate such a course of action. I am merely pointing out historical realities, to which we all must give our own interpretation.

The challenge to the major parties of the day is the same as it was in the 1850's. If they are to maintain their function as vital political institutions, they must prove themselves to be responsive to the sense of crisis in the nation and to the people who would be in their ranks. If the parties choose any other course, and serve only their loyal apparatus and traditional interests, we could witness a time of political realignment similar to the days that gave birth to the Republican Party.

But if the Republicans, as well as the Democrats, are willing to learn from history, they will know that political power rests fundamentally with understanding the needs of the electorate and giving them an

authentic sense of participation in solving the nation's challenges.

The turbulent events of the 1850's and the Civil War with its aftermath should give to us some final valuable wisdom in these times.

Then, as now, we are perplexed by the fracturing of our society. The system of shared trust which holds our Republic together seems more tenuous than before. And we sometimes doubt whether we can ever achieve some sense of domestic tranquility in our time.

How do we meet this sense of political estrangement? How do we overcome the crisis of confidence pervading our country? How do we quiet the fear of national calamity that rests unspoken in the hearts of many Americans?

The frontier Republic had to deal with these same probing dilemmas.

Wise men, then, as now, knew that social problems would not vanish by trying to project the guilt for them on one's political foes.

They knew that violence would not be quelled by clubbing or shouting it down. They knew that the violence of words or acts that undermine the freedom of all men must be condemned. They knew that confidence would not be restored to the nation by hotly proclaiming the righteousness of those in political power.

Above all, it was Lincoln who demonstrated that courageous and costly moral leadership was the imperative for holding the nation together. He demonstrated the unyielding commitment to principle, supported by a reconciling posture, that preserved our ideals and held the vision of our nation alive for the future.

The future of the Republic must again be our first concern. The politics of innuendo which build upon the fears, prejudices and anxieties of our people only heighten the apprehension and threat to that future.

We must neither be cowered into silence nor add to the inflamation of our time. Our deepest need is a renaissance of trust . . . trust in each other, in those who seek the goals we share and in the viability of our Republic to progress and mature from this time of crisis as it has in the past.

EXPERIENCE KEEPS A DEAR SCHOOL

Mr. YOUNG of Ohio. Mr. President, as one who has been in practically every country in Europe and who served for 37 months in World War II, being in Italy most of that time, I believe that Americans spending European vacations will be astonished that they seldom meet with an Englishman who is a waiter in a London hotel or restaurant, or encounter friendliness and cordiality in France, or have an opportunity to see a good bullfight in Spain, or find any bargain without haggling in Morocco or in any other country in North Africa. Also, Americans visiting in Europe will be astonished that they seldom if ever can buy good spaghetti in Rome or meet up with an unkind Italian anywhere in that country. Also, in Vienna they will never encounter an individual who dislikes music nor will they if they visit the Scandinavian countries ever encounter an arrogant national of any of those countries. Finally, if they spend a few days in Germany, they will probably never be able to buy anything at a reasonable price.

UNIVERSITY OF PLANO STUDY ON INTERNATIONAL COMMUNIST MEETING IN MOSCOW

Mr. THURMOND. Mr. President, from time to time I have benefited by studies produced by the Institute of International Studies of the University of Plano, in Plano, Tex. This institute has chosen as its particular area of study the power relationships both within the Communist world and between the Communist world and the United States. Its studies approach this problem not only from the military standpoint but from the diplomatic and propaganda aspects as well, studying the whole systemic conflict between the Soviet and the free system.

The institute has recently completed a significant study of the International Communist and Workers Parties Meeting in Moscow, held on June 5 to 17, 1969. At the time when this meeting was held, many western observers held that the results of the meeting were inconclusive and failed to accomplish the announced goals of the meeting. I believe that this judgment was superficial and failed to understand the purpose of the meeting from the Communist point of view. The University of Plano study admirably brings out the real confrontation between the systems and the principles of organization which the Communists follow in setting up the meeting.

The most significant point which the study brings out is that back in June of 1969, this international meeting had already decided that the balance of power had shifted in favor of the Soviet Union and that the progress toward the goal for the communization of the world was significantly enhanced. Although objectively speaking most American experts would disagree that the shift had taken place on that date. It is nevertheless true that the Communists were looking toward the trends of the time and toward programed armament production of both countries. Now it is commonly acknowledged in the press and in the U.S. governmental circles that the Soviets have actually surpassed us in certain fields and have programs in the pipeline which will definitely place us in an inferior position by 1972 if we do not wake up and take the proper steps.

The work of the international meeting was to seize on the Soviet military advantage and to translate this into political, economic, social, and ideological victories of the Soviet Union.

In particular, this study proposes an original concept as regards the organization of the Communist world. It is manifest that world communism no longer operates in a monolithic and concerted manner. The Communist world is full of antagonisms and rivalries within the system. This had led many superficial analysts to conclude that communism has become bipolar or polycentric. The polycentric theory sees communism as breaking apart and eventually losing its revolutionary impact.

The Plano study, however, presents the Communist world as a concentric world with Soviet power and ideology at the center of the hub and challenges from Chinese communism or Titoist groups as revolving around the hub of the dynamic Communist wheel, with the whole concentric structure moving forward in revolutionary history in a linear and Marxist-Leninist direction, taking the entire vehicle of the world with it toward the goal of universal communism. In this view the antagonism of individual parties would simply depend upon their own specific monetary position around the hub either to the right or to the left. As the study says:

These conflicts should not been seen necessarily as matters of fundamental ideology, but rather as part of the process of history and should be dealt with as such, that is, in pragmatic and operational terms.

In this line, it is interesting that the so-called challenge from the Chinese which received great attention in the Western press at the time of this meeting failed to materialize. The meeting itself pointed out that the Chinese party had adopted basic positions on nearly every issue which were also acceptable to the parties at the Moscow meeting.

Another key significant role played by the Congress was its effect in organizing and coordinating the work of the Communist and allied parties throughout the world. The elaborate preparations and premeeting consultations appear to have taken the place of the old Communist international and provided the unifying themes and conduits for the worldwide advancement of the Communist movement.

Mr. President, the significance of this meeting is much more apparent now than it was 16 months ago and I urge my colleagues to study it closely.

Mr. President, I ask unanimous consent that the study by the University of Plano on the International Communist and Workers Parties Meeting in Moscow be printed in the RECORD.

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

INTERNATIONAL COMMUNIST AND WORKERS PARTIES MEETING IN MOSCOW—JUNE 5–17, 1969

(Prepared by the Institute of International Studies of the University of Plano)

INTRODUCTORY COMMENTS

The oft-postponed International Communist and Workers Parties Meeting, which finally met in June 1969, developed its activities and based its decisions on the estimate that a major change had taken place in USA/USSR military and economic power relationships in 1968–1969, bringing victory of the Soviet Union over the United States much closer to fruition than could have been anticipated a few years ago.

The key assumption of the Congress was that during the two years preceding 1969 the balance of military, and consequently of political and economic, power had shifted significantly away from the United States and its allies in favor of the Soviet Union and the "anti-capitalist" world.

Drawing on data from the state of nuclear weaponry, on estimates of conventional armaments based on information from the battlefield, and on United States budgeting for future military expenditures, the speakers expressed confidence that the Soviet Union had surpassed the United States in conventional weapons as well as in strategic nuclear capability.

The major goals stressed by all those dealing with military power was, first of all, to assure that the shift of military power which had taken place would be *irreversible* and that the United States would remain *permanently inferior* to the Soviet Union. The main ancillary goal was to translate the Soviet military advantage as rapidly as possible into political, economic, social and ideological victories of the Soviet Union and its allied "workers" and "anti-capitalist" forces over the United States and its supporters, especially in the Middle East, in Vietnam and in Germany. The role of Communist China in this contest pre-occupied the Meeting, as did the question of the emergence of Japan as a major power in Asia.

By a proper mixture of military superiority, diplomacy and internal dissension in the United States, it was hoped that the Soviet Union and its allies could force the United States to give up its international commitments and to withdraw to its own territorial limits, thereby assuring the victory of the communist cause without the need of a third world war.

THE OPERATIONAL AND PRAGMATIC GOALS OF THE CONGRESS

Because of the firm conviction that the shift in the balance of international power had in fact taken place, the Congress dealt primarily with operational and pragmatic goals rather than with ideologies. This was true even in its pre-occupation with the threat of the Chinese Communist Party to the Communist Party of the USSR; in the handling of the purge of the Czech Communist Party; and in dealings with the "anti-capitalist" groups, including the "nationalist" movements of Arabs, Vietnamese, and Latin Americans. The "downgrading" of ideology was also evident in programs developed for cooperation with the "socialists" in Germany (Bonn) and in Japan.

In developing the specific operational programs, the Meeting stressed that different techniques would have to be applied in dealing with the three main components of the "anti-capitalist" world. These were, in broadest terms, the Socialist camp, consisting of the Soviet Union and the other *communist* states; the national liberation movements, consisting of states with governments, or with large minority groups, openly hostile to the United States; and the "workers movement" in every capitalist state, including the United States.

COMMUNISM BECOMES A "CONCENTRIC" WORLD

The most serious issue, not only from the standpoint of military power and ideology, but specifically from the pragmatic needs of the operational goals of the Moscow Meeting was the issue of Chinese Communism. By its challenge at this stage of history to the hegemonial and coordinating role of the Soviet Union, "Maoism" was seen as a disruptive and disorienting force in many ways far more serious than the declining though still potent military power of the United States. The containment of "Maoism" was therefore not seen as a necessity imposed on the Moscow Meeting primarily to preserve the purity of doctrine; rather it was seen as a major obstacle in the concrete realization of specific goals, both within the Communist world itself, as well as in the open battlefield between the "anti-capitalist" and the "capitalist" powers. Within the Communist world, the "Maoist" presence seriously hampered the application of the Breshnev doctrine of "limited sovereignty" of Socialist states; in the outside world, the "Maoist" factions preempted, or complicated, Soviet initiatives and opportunities.

To meet the Chinese Communist challenge in pragmatic and operational terms, the Moscow Meeting developed a new, utilitarian concept as to what constituted the "Socialist camp" of *the USSR and the other communist states*. It rejected totally any form of "polycentrism" in its deliberations and decisions. It also avoided, however, a return to "unicentrism" as the alternative formula for the relations of *communist parties* to Moscow and to each other. Instead, it evolved a form of inter-party relations, including the relations with the Chinese Communist Party, which might be called, for want of an official term, "concentralist", leaving to Moscow the definition of the global frame of reference of the struggle it is waging with the United States for world supremacy but allowing the individual Communist parties the latitude of finding their own specific roles, on the national or regional level, for participating in that conflict.

Under this "concentralist" arrangement, Moscow would continue to be the hub of a dynamic Communist wheel, moving forward in revolutionary history in a linear and Marxist-Leninist direction and taking the entire vehicle of the world with it toward the goal of universal communism. The other communist parties, including the Chinese party, should be seen as situated on different parts of that wheel, moving around the hub in circular or concentric fashion, sometimes to the left of the hub, sometimes to the right of it, but moving forward linearly toward universal communism only as the hub itself moved forward linearly. Thus the "antagonism" of the individual parties, including the Chinese Communist Party, to each other and their relationships to Moscow, the central hub, would depend on their own specific momentary position as the wheel itself moved forward on the hub. In this light, individual party conflicts could be viewed as largely transitional phases and, in fact, individual parties would find themselves periodically fluctuating from "right" to "left" to "right" of Moscow, depending on the rate of objective movement of the world as a whole toward universal communism. These "conflicts" should not be seen necessarily as matters of fundamental ideology but rather as parts of the process of history and should be dealt with as such, that is, in pragmatic and operational terms.

Seen in this light, the Moscow Meeting say no contradiction in the divergent trends of the moment in the "Socialist camp" and in the "anti-capitalist" world. Within the "Socialist camp" it was operationally and pragmatically proper to ask the Communist parties of East Europe to give up some of their own national sovereignty so as to move almost linearly with the Communist Party of the USSR. At the same time, it was historically equally proper to allow the Communist parties of the "anti-capitalist" world to assert their own nationalistic independence and to move, *at this time*, in an opposite direction. If this latitude were not permitted, the communist parties in the "anti-capitalist" world could not give direction to the other "anti-capitalist" forces.

Within the "national liberation movements" and the "workers' movements", similar concentric approaches were generally taken, permitting a wide pragmatic deviation on such matters as, for example, the relations of the Italian Communist Party to the Vatican; the roles of the Communist parties in Israel and in the different Arab states; and the attitude of the Soviet Union and the Soviet bloc as a whole to the Social Democratic Party in the Federal Republic of Germany.

THE SPECIFIC AND KEY DECISIONS

Although applying a pragmatic measure to most matters, the Moscow Meeting never overlooked as the basic and key issue the matter of *power*, which was seen as having an overriding role.

The issue of *power* was approached in the different committees and subcommittees in the following terms:

I. The Change in the Balance of World Power.

II. Regional Power Relationships—European and Asian "Security".

III. Regional Power Relationships—The Middle East.

IV. The Changed Role of the Communist Movement.

V. Internal Conflicts Faced by the Communist Movement—Their Resolution:

1. China.
2. Yugoslavia.
3. Italy.

I. The change in the balance of world power

The Communists felt that by 1969 the Soviet Union had not only achieved parity in the strategic weapons systems but they had also increased their previous collective quantitative and qualitative superiority in conventional weapons in most areas where they were confronting the "capitalist" world. In both offensive nuclear weapons (ICBM) and defensive nuclear weapons (ABM), the Soviet Union's capability on that date exceeded that of the United States for the first time in history; moreover, production schedules of the two countries were such as to assure the Soviet Union superiority for the next several years. This fact alone was sufficient to warrant a major re-assessment of the opportunities the communist parties had for undertaking initiatives previously considered too dangerous.

Secretary General of the CPSU Central Committee, Leonid Brezhnev, told the delegates that the United States is no longer able to speak from a position of strength and to intervene in the internal affairs of the Socialist camp. This basic change in world power-relationships had resulted also in changes within the Socialist camp and was one of the main reasons why the Socialist camp could now speak openly of the "limited sovereignty" of the East European communist countries. It was this change within the socialist camp which not only permitted but required the Soviet Union and the other socialist countries to intervene in Czechoslovakia. The Czechoslovak Communist Party leaders accepted this interpretation and expressed thanks for the "defense of socialism" which the Soviet Union and the other Warsaw Pact countries had carried out in August 1968.

II. Regional Power Relationships—European and Asian "Security"

Great emphasis was placed by the Congress upon the future security system in Europe and Asia. European security, according to the Communist concept, *excludes* participation of the United States and concentrates particularly upon weakening the NATO ties of the United States and their ultimate destruction. Participants in the Meeting were especially hopeful that a Social Democratic victory in September 1969 would begin the process of the destruction of NATO. Great stress was placed on the prospects of a Communist-West German Socialist collaboration, resulting in the neutralization of West Germany and the elimination of United States influence first on West German and then on Western Europe.

Just as in the case of Western Europe and West Germany, the "security" system of the Asians which the Soviet Union desires is based on the "neutralization of Japan", another term for the severance of Japan's alliance with the United States. The Soviets assume that by now the Sino-Soviet conflict should have convinced the Japanese that there is no real danger in the Far East to Japan from the split, disunited Communist front. The meeting however warned Japan against any militaristic designs which it might have but it also proposed extension of the economic and trade relationships with Japan in exchange for further delay by Jap-

anese leadership of any positive action to regain its previous powerful military and political position in the Far East.

III. Regional Power Relationships—The Middle East

The Meeting dealt with the Middle East issues in very careful terms. Because of the pre-eminence of power considerations, the Meeting obviously understood the need for the Soviet Union to obtain possession for its naval and commercial ships of the Suez Canal and, if this were to be achieved, of driving the Israeli forces away from the present armistice lines. In a dramatic, concrete gesture, the Soviet Union increased its fleet in the Mediterianean by adding 24 or 25 more units to bring pressure upon the Arab countries of the area and to indicate to the United States that it had capability to intervene. The insistence on Israeli withdrawal to its own boundaries carried with it the threat that if the Israelis did not withdraw peaceably, the Soviet Union would make it possible for the Egyptians to be strengthened sufiiciently to drive the Israeli armed forces away from the vicinity of the Suez Canal. Even the Secretary of the Israeli Communist Party, Michael Vilner, critized the Israeli government for its "imperialistic" actions and expressed the hope that a quick solution of the Israeli-Arab conflict would take place.

THE CHANGED ROLE OF THE COMMUNIST MOVEMENT

The Meeting did not limit its estimates of the changed balance of power to military matters alone. Instead, it devoted the largest amount of public discussion to discussing the need to coordinate the future actions of the individual Communist and Workers Parties throughout the world, including those in the non-Communist countries.

The Meeting defined the strength of the world Communist movement as deriving from three components: the socialist camp; the workers' movement in the capitalist countries; and the national liberation movements. In the matter of Vietnam, future action of the Communist parties was directed to all three fronts simultaneously. For example, the Soviet Union promised to increase and continue, if necessary, the increased military help to North Vietnam regardless of possible peace arrangements in Paris or promises from Soviet diplomatic channels to the United States. This latter undertaking indicated a willingness of the Communist Party of the USSR to consider itself, in its relationships with other Communist parties of the world, as not necessarily tied to the actions and undertakings of the USSR as a sovereign state. All existing national liberation movement groups in Asia were alerted to provide support to North Vietnam and to the Viet Cong when possible and feasible in any areas of operations.

In the matter of the "workers movements", the Meeting included in this definition not only workers and trade unions but also youth, university and school faculty and students, and all others designated in Soviet terminology as "free democratic forces in the capitalist world". The Meeting stressed that, on such issues as Vietnam, the component of Communist strength was re-inforced by various "peace movements" throughout the world, including religious groups. The struggle with the United States on Vietnam was to be accelerated in all countries of the world through this component, with special stress being placed on action within the United States itself. Outside the United States, this third component could be linked with the "liberation movement" in those areas where the Communists could exert direct or indirect pressure to organize mass meetings, moratoria, protest marches and attacks upon U.S. embassies and U.S. political, economic or social institutions abroad. Within the United States, both Secretary Brezhnev and Gus Hall, the representative from the United States, emphasized the need for collective action involving all elements of the workers' movement.

The Meeting reflected a keen awareness of the discrepancies and internal contradiction in the "workers movements," which arose out of conflicting moral and patriotic motivations. Thus it was the general consensus that the "workers movement" in the United States could be relatively easily unified on the issue of Vietnam while the Communist movement might encounter special problems on such an issue as the Arab-Israeli confrontation. This circumstance of the eclectic and syncretic nature of the "workers movements" required the Communist parties throughout the world to maintain their own internal discipline and ideology while providing leadership to the mass movements of all anti-capitalist and anti-imperialist forces, which might be composed of different elements from particular issue to particular issue.

ORGANIZATIONAL SYSTEM

To construct and manipulate this complex set of relationships between the three components was one of the major tasks of the Meeting. The basic agreements which emerged at the Meeting were addressed to supplying a blue-print for action of the Communist parties on a world basis. The Meeting itself was the first experiment in the methodoly of this undertaking. For example, the acceptance of the Basic Document followed a new pattern for the Communist parties. In fact, all documents of the Meeting had been completely drafted and prepared during the series of pre-Meeting sessions, some taking several months to conclude because of substantive issues and others taking that long because of the admission to the sessions of additional parties whose cooperation was being sought. These sessions provided the Soviet Communist Party with an additional advantage of testing the views and the interests of the other communist parties in advance of the Meeting. The new concept of "concentralism" and of inter-party collaboration was effectively introduced and implemented in the pre-Meeting sessions. At these, the actions of other Communist parties in 1968 and 1969 were thoroughly reviewed and assessed and, wherever possible, their decisions were incorporated in documents prepared for the Moscow Meeting itself. Of these, the most important concerned the Congresses of the Chinese, Yugoslav and Italian parties.

CHINA

On the issue of China (and Yugoslavia and Italy), the Hungarian Communist party played a major role of intermediary for the Soviet Party. The Chinese Communist Party had held its 9th Congress in Peking in April 1969. During that Congress, the Chinese Party had heaped abuse and invective on the Communist party of the USSR. In the pre-Meeting sessions, the Hungarian party, with Soviet approval, minimized this conduct of the Chinese party and stressed instead that the Chinese party, on all other issues, except the specific one of the *historic* phase of the role of the Soviet communist party, had adopted basic positions which were also acceptable to the other Communist parties associated with the Moscow Meeting. In fact, excepting for the specific issue of the relations between Moscow and Peking, there had been no deviation of the Chinese party from the basic assessments and decisions made by the other parties on such major issues as the "confrontation" between Communism and capitalism, including the subjects of Vietnam, the Middle East, Central Europe and Latin America. The failures of the Chinese party arose from an inattention to historic circumstances, which afforded different concrete opportunities to the world Communist movement and yet all of which had to be seen in the context of the most basic "confrontation", that between the United States and the USSR. It was this basic "confrontation" that set a different priority schedule for the Moscow Meeting parties and for the Chinese party.

YUGOSLAVIA

In the pre-Meeting sessions, the Hungarian party also played a major role of assisting Moscow to interpret the Congress of the Yugoslav Communist League, held in Belgrade in March 1969. It was noted that while this Congress had sharply criticized the Warsaw Pact countries for their invasion of Chechoslovakia in 1968, the Yugoslav party had generally elaborated the same programs and assessments of the world situation as were acceptable to the Communist parties participating in the pre-Meeting sessions of the Communist parties meeting in Moscow. The most important of these were the issues of Vietnam, the relationships with the Arab world and the Middle East, and the emergence of anti-US forces in Central and Latin America.

ITALY

The pre-Meeting sessions devoted a great amount of attention to the situation of the Communist Party of Italy, especially in the matter of seeking to influence the religious and pacifist elements in the "workers movements." Another empirical reason was that the Communist Party of Italy is definitely the strongest party outside the Soviet Union in membership and it commands unusual loyalty from Italian voters, of whom up to 25% have cast their ballots for the party in genuinely free elections. The pre-Meeting sessions concluded that the Italian Communist Party Congress which convened in Bologna in February 1969 was undoubtedly the greatest and most successful event of this type ever held anywhere outside the Soviet bloc. It was attended by numerous foreign Communist delegations who were greatly impressed by the Italian party's skills in operating both a disciplined and a mass party. The Soviet Union's delegation at Bologna had been headed by B. N. Ponomarev, Secretary of the Central Committee of the CPSU. At Bologna, the Italy Party rejuvenated itself when Enrico Berlinguer, the 47 year old dynamic challenger, replaced the aged, sick and ineffective Luigi Longo as the Party secretary. Berlinguer had been responsible for the most important speeches at that Congress and he developed the rationale, in Communist terms, of cooperating with progressive religious groups. Although the Party leadership, dominated by Berlinguer, allowed the Congress to debate all issues vociferously, the Congress accepted the general policies which Moscow desired, supporting Soviet efforts in Vietnam; endorsing the Soviet position in the Middle East, thus reversing the past decisions of the Italian party to abstain in Middle-East matters; and, most importantly, the Italian party abandoned opposition to the occupation of Czechoslovakia by Soviet troops.

GENERAL ASSESSMENT OF OTHER COMMUNIST PARTIES

The pre-Meeting sessions found that the Congresses of the Chinese, Yugoslav and Italian parties had demonstrated the applicability of the new relationships of concentrality to the Communist parties of the entire world. Thus in early 1969, all three so-called "independent" centers of the Communist movement (Peking, Belgrade and Rome) had already gone on record in a concentralist manner. The experience of adapting and exploiting for their own purposes the decisions of the "independent" Communist centers was a major impetus to the Meeting to accept the operational techniques which it evolved in the framework of a "concentralist" Communist world.

EARLIER MOSCOW MEETINGS

The idea for holding International Communist and Workers Parties Meetings or Congresses was conceived in 1957, with the first

such affair being held that year and the second in 1960. Mainly due to the ideological and tactical dispute between the Soviet Union and Communist China, the third Meeting was not held until June 1969, an interval of nine instead of the three-year period originally planned. The delay between the second and third meeting, however, should not be regarded as reflecting detrimentally upon the significance of the third Meeting. The fact is that the series of Moscow Meetings, beginning in 1957, was intended to be a substitution for the former centralized planning and operational system incorporated in the Comintern-Cominform organization. World Communist leaders had recognized for a long time the necessity for some sort of international planning agency to replace the functions, on an international plane, of the Comintern.

The nine-year interval had demonstrated to all the Communist parties that the upcoming 1969 Meeting had to take cognizance not only of the changed balance of power but also of the much more complicated needs of these portions of the world where powerful Communist "independence centers" had emerged. Consequently, the general purpose of the 1969 Meeting was to seek agreement not only on future actions vis-a-vis the "imperialists" but also within the Communist fold. For this reason, the Meeting could not be purely a "stage" or a "facade" but had to deal with real problems of structure, rivalry and priorities of the Communist parties which were presumptive claimants to power in the Communist world, as it existed, or as it emerged. This soberness and awareness of reality led the Moscow Meeting to abandon a pretense to speak for the Communist world in terms of a sham "complete unity" in advance of major goals. In fact where there was even greater unity than was apparent, this unity of action was the result of agreements within the various executive committees of the pre-Meeting sessions which planned the actions especially for those countries where Communist work must be achieved by indirect fashion, using subversive operations or operations at remote control. Arrangements for such operations are very complicated and time-consuming, as well as costly in resources. They frequently demand parallel channels of operations and are complicated insofar as coordination of these channels is concerned. Arrangements for organized spontaneity and mass movements to be openly organized by youth groups and by other organizations only remotely connected with the Communist Parties of the target countries are especially difficult. Planning and preparation for such operations were therefore assigned to numerous committees within the Meeting which worked out the details in secret sessions and which will be responsible for the subsequent implementation and channeling of future decisions and agreements to the appropriate parties in the target areas.

ORGANIZATION, PHASES OF THE MEETING

The Meeting was really divided into three organization phases with the first preparatory phase lasting for approximately six to eight weeks before the Meeting itself convened on June 5, 1969. During this phase of the Meeting, all main points which had not yet been resolved were discussed and final decisions and drafts developed.

The second phase was the Meeting itself, with the main gathering and the main speeches in the main hall of the Kremlin. The committees met simultaneously in small groups to discuss different special world of regional problems.

The third phase took place after the conclusion of the formal Meeting on June 17, 1969, and in fact has continued to this date. Many delegations stayed much longer than just two weeks. They were given detailed blueprints for their particular operational assignments which were worked out with them after the closing of the formal Meeting.

Some of the important delegations were even called to Moscow later for a second and a third round of post-conferences. The outstanding emphasis placed on "social action" programs in the United States by the Communist world was one of the main reasons for these additional post-Meeting sessions because the United States delegates were needed to develop programs not only for their own country but also to "brief" other parties on the changing American scene.

THE CHANGING SIGNIFICANCE OF THE MEETINGS OR CONGRESSES

An insight into the significances of the new type of Communist collaboration through Meetings or Congresses can be found in their timing: 1957, 1960, and 1969. The first Meeting of 1957 was held in the "breakthrough" year in post-World-War II history when the space age began. It was the year of the Sputnik and the beginning of the modern "revolution in military affairs". That was the period when the intercontinental delivery system became a reality and the new intercontinental strategic weaponry systems which were on the drawing boards threatened to control any potential confrontation between the United States and the Soviet Union.

The second Meeting, in 1960, coincided with the creation in the Soviet Union of an independent service of strategic rocket forces. The world was entering into an entirely new system of confrontation, a totally new phase of military warfare. This may be why the Communist leadership decided to hold a new Meeting to plan coordinated social action and to coordinate movement in different plans and from different centers which were to be put into action at the appropriate time. The new, almost instantaneous destruction potential, and the fact that the intercontinental missiles with nuclear warheads could reach their targets in about thirty minutes after launching created enormous new tensions useful for direct and indirect "social action" or revolution. These social-action programs provided new opportunities for Communists to intervene from within. The International Communist and Workers Parties Meetings seemed to be searching for new frameworks for social action in these new conditions of total tension. The Meetings themselves, and particularly the links between them which continue to work while the Meetings are not in session, were aimed at obtaining new methods for preventive action against the United States and finding new tools to gain necessary lead time to affect direct intervention.

Because "proletarian internationalism" is an essential element of the Soviet Communist world, the International Communist and Workers Parties Meetings provide it with a very important forum for its invocation and manipulation. The Meetings provide the direction the international Communist movement as a whole should take so that regional differences and national interests may be transformed into part of a total global strategy. A feeling is created of belonging to a huge international community dedicated and moving forward toward the final destruction of capitalism both in the individual nation states and in the world as a whole.

Secretary General of the Polish Communist Party, Wladyslaw Gomulka, summed up this feeling of "proletarian internationalis" in his closing remarks to the Meeting when he "explained" the Warsaw Pact countries' intervention in Czechoslovakia in August 1968. In defending this action, he repeatedly asked all participants to maintain the feeling of "proletarian internationalism".

ASSESSMENT AND CONCLUSION: PRAVDA'S COMMENTARY

On the first anniversary of the Congress, Pravda, the Soviet Party's own paper, provided its editorial commentary on the Meeting of Moscow of June 1969.

Running to 5,000 words, the editorial noted that "the main directions of the Meeting's influence on the course of international developments clearly manifested themselves" during the last year. It stated that the "profound and realistic analysis of the general situation in the world" was a big achievement. Reviewing developments of the past year in pragmatic "historical" terms. Pravda concluded that the Meeting correctly outlined ways of overcoming difficulties in "communist ranks." It said, "the approach to rallying the communist movement, collectively worked out by the Meeting, has fully justified itself. The centering of the attention of communists on positive tasks, on what unites them, helped the elaboration of joint appraisals concerning the main ways and means of utilizing the new possibilities of revolutionary and anti-imperialist forces."

"This approach opposes", Pravda observed, both pessimistic forecasts about the unattainability of ideological cohesion in the present situation and the intention to make the full overcoming of all differences between communist parties on ideological and political questions a preliminary condition of unity of action by them. . . . "Bilateral and multilateral contacts on a basis of collectively elaborated principles of mutual relations among parties act as a sort of mechanism for exchanging experiences and views, for coordinating positions and concerting action in the world arena", Pravda commented.

THE SELLOUT OF THE FARMER

Mr. MONDALE. Mr. President, if there is to be any contest for the dubious distinction of "forgotten man" in our society today, I will unhappily submit the American farmer for the prize.

In a little over a decade, the productivity of the average farmer has risen over 80 percent. This is well over twice the increase of the productivity of the nonfarmworker. But in spite of this incredible productivity, in spite of the advancement in agricultural technology and the diminishing number of marginal farms, the farmer has been caught in a vicious cost-price squeeze that has deprived him of the benefit of his productivity.

While gross farm income has risen by 13 percent in the last 5 years, production and living costs have gone up by 20 percent.

In my own State of Minnesota, real farm income last year was its lowest since 1964 and lower than all but 3 years of the 1950's.

Even the real per farm income in Minnesota was lower last year than in 1966 and only $62 higher than it was in 1951—nearly 20 years ago.

Such simple figures make it absolutely clear that our farm economy is in trouble and that new legislation and more responsive administration is desperately needed.

Mr. President, this was the situation faced when the present administration took office nearly 2 years ago. The rhetoric of the Republicans was promising. The 1968 Republican platform pledged:

Farm prices and programs which will enable producers to receive fair prices in relation to the prices they must pay for other products.

And on September 14, 1968, Candidate Nixon said in Des Moines:

The new policy directions include dedicated efforts to improve market prices and strengthen our market economy; 74% of parity is intolerable in my book. . . .

But the record and the performance of this administration has been one of the most insensitive disregard to the needs and problems of the farm—indeed, the entire rural—community.

Incredibly, not a single farm message has been sent to the Congress. In the 20 months of the Nixon administration, however:

Advance payments to feed grain farmers were discontinued, forcing farmers to recoup nearly $400 million—$31 million in my own State alone—through loans at exhorbitant interest rates of 9 and 10 percent;

Soybean price support loans were cut by some 30 cents a bushel, at a loss of about $300 million to the farmers;

An attempt was made to eliminate both the agricultural conservation program and the special milk program;

The 1970 wheat acreage was cut by 12 percent, but no provision was made to provide any support compensation to maintain farm income.

But nothing has been more revealing than the efforts of this administration to sabotage farm legislation in this Congress.

In the face of the most overwhelming mandate ever heard from the agricultural community—over 30 farm and commodity organizations in support of the coalition farm bill—the administration sent to the Congress an ambiguous and ill-conceived "set-aside" bill which has the support of not one farm or commodity organization at either the State or the national level.

This administration opposed the coalition bill, opposed advance payments and actually opposed the very concept of farm parity upon which our domestic agricultural policy rests. They submitted, in fact, a plan to scrap the 1965 Agricultural Act and institute a program which would lower farm prices by about 10 percent. This in face of a drop in the parity ratio—comparing prices received by the farmer to his taxes, production, and living costs—which in August dropped to its lowest level since the depression year of 1933.

In the Senate after a bitter fight against administration opposition and outright duplicity against extending the basic 1965 act, we were able to maintain and even strengthen the advance payment program for wheat and feed grains, and to secure a rockbottom figure of 75 percent for feed grain parity.

It was especially important that the committee also reinstated a floor under the price-support loan of $1.25 for wheat and $1 for corn. I was pleased that the committee adopted the substance of one of my own recommendations, and inserted into the bill the requirement for advance payments to feed grain and wheat producers.

On the Senate floor we inserted parity for feed grains. After my amendment for 77 percent of parity failed, a compromise of 75 percent, which I also cosponsored, was accepted.

The distinguished chairman of our Agriculture Committee, the Senator from Louisiana (Mr. ELLENDER) engaged in intensive negotiations with the administration and the Agriculture Department to get the best possible feed grains parity. In spite of flat Department opposition to any parity figure, Mr. ELLENDER reported to the Senate on September 15 that "they consented reluctantly" to a compromise figure of 75 percent. As the chairman said of his conference with Assistant Secretary Palmby:

> I do not say they were all for it, but in order to get a compromise I felt that since I had made a promise, I would comply with my agreement.

Promises and agreements, however, evidently meant less to the administration. Five different letters then went out from the Secretary of Agriculture, and one from the Under Secretary, reaffirming the administration's hostility to parity, to price-support floors, and in particular to the Senate-passed parity floor of 75 percent or $1.35 per bushel for corn. I ask unanimous consent that the letters be printed at the conclusion of my remarks; I shall now comment only briefly on a few of them.

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

(See exhibit 1.)

Mr. MONDALE. In the letter on support for corn, Secretary Hardin said:

> On behalf of the Administration, I want you to know that we are strongly opposed and that we will continue to be opposed to the Senate provision relating to a minimum feed grain price support level of 75 percent of parity. We hope that you will also oppose it.

That is the letter in its entirety.

We were next told that the administration might agree to 70 percent of parity for feed grains. But another letter, this one dated October 5, said 68 percent is all the U.S. Department of Agriculture could accept. I am including this letter and its attachments for the RECORD as well.

The absolutely minimal Senate compromise of 75 percent, arrived at with the concurrence of the administration, was then totally violated by the administration resulting in a conference version of only 70 percent parity—to be even further emasculated in 2 years by dropping to 68 percent.

Seventy percent is more than inadequate; it is an insult. My distinguished colleague, Senator MONTOYA, pointed out to us on the same day when it was reported that the administration had agreed to 75 percent of parity, that the $1.35 per bushel figure could be expected to represent 70.5 percent of parity in 1973. In other words, 70 percent of parity and $1.35 per bushel is the same. While the administration proved to be unable to destroy the parity principle on paper, they have effectively destroyed any benefit it might bring to the farmer faced with an increasing cost-price squeeze.

Look, for example, to what it will mean to Minnesota feed grain farmers.

The guarantee of $1.35 for corn is equivalent to 75 percent of parity at the present time. The parity price of corn has increased 7 cents a bushel each of the last 2 years. If the parity price for corn increased 7 cents in the next 15 months and producers were guaranteed 77 percent of the parity price rather than $1.35 or 68 percent of parity, they would be assured a minimum of $1.43 per bushel on the production on half of their base acreage. Seventy-five percent of the new parity would be $1.40 a bushel.

Cooperators in the feed grain program in Minnesota in 1970 had feedgrain bases approximating 7 million acres with an average yield of about 82 bushels of corn per acre.

The production on half this base acreage is estimated at 123 million bushels. A guarantee of 77 percent of parity rather than $1.35 per bushel in 1972 would increase Minnesota cooperators assured income about $23 million. A guarantee of 75 percent of parity would increase cooperators assured income about $15 million.

Looking forward to 1973, if the parity price for corn increased another 5 cents a bushel, a 77 percent of parity floor would have increased Minnesota cooperators assured income about $35 million; a 75 percent of parity floor about $23 million, as compared with the lower floor in the compromise bill.

It is of interest to note that the production expenses of Minnesota farmers have increased $50 to $85 million each year for the past 3 years and there is little basis for expecting farm production expenses to stabilize at current levels.

Is there any wonder then, that I am deeply disappointed in the conference bill. I greatly appreciate the work of the chairman who I know did his utmost to preserve a fair farm bill. I thank those other Senators who lent their support to the preservation of parity, advance payments, and a forward-looking farm bill.

But all of these efforts were lost through the intransigence and hostility of the administration and the Department of Agriculture.

To my own farmers back home, I can only say that we did our best. And those of us who have not forgotten what the farmer means to our economy and to our entire society will not give up in the effort to preserve for the farmer a fair share of his magnificent productivity.

EXHIBIT 1

DEPARTMENT OF AGRICULTURE,
Washington, D.C., September 23, 1970.

HON. W. R. POAGE,
Chairman, Committee on Agriculture,
House of Representatives.

DEAR MR. CHAIRMAN: On behalf of the Administration, I want you to know that we are strongly opposed and that we will continue to be opposed to the Senate provision relating to a minimum feed grain price support level of 75 percent of parity. We hope that you will also oppose it.

Sincerely,

CLIFFORD M. HARDIN,
Secretary of Agriculture.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., September 23, 1970.

HON. W. R. POAGE,
Chairman, Committee on Agriculture,
House of Representatives.

DEAR MR. CHAIRMAN: Our position on other issues in the House and Senate bills, not covered in our separate letters of today, remains as earlier stated, such as our position on advance payments, loan minimums, etc.

Sincerely,

CLIFFORD M. HARDIN,
Secretary of Agriculture.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., September 23, 1970.
Hon. W. R. POAGE,
Chairman, Committee on Agriculture, House of Representatives.

DEAR MR. CHAIRMAN: The Senate version on legislation which would continue the 1965 Act provision for wheat to be harvested in 1971 would, in our opinion, make it impossible to finally enact this proposed legislation into law.

On behalf of the Administration I want you to know that we are strongly opposed and that we will continue to be opposed to the Senate provision relating to this item. We hope that you will also oppose it.

Sincerely,

CLIFFORD M. HARDIN,
Secretary of Agriculture.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., September 23, 1970.
Hon. W. R. POAGE,
Chairman, Committee on Agriculture, House of Representatives.

DEAR MR. CHAIRMAN: The provision in the Senate bill requiring the collection of processor certificates for users of second clears, gluten and wheat by-products must be deleted from the final bill.

Reference can be made to the second clears problem in the conference report and the Executive branch will endeavor to handle this problem administratively.

Sincerely,

CLIFFORD M. HARDIN,
Secretary of Agriculture.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., September 23, 1970.
Hon. W. R. POAGE,
Chairman, Committee on Agriculture, House of Representatives.

DEAR MR. CHAIRMAN: The language in the Senate bill relating to the following three cotton items is completely unacceptable.

The acreage on which payments would be made must reflect the 11.5 million acres for 1971 with some flexibility for 1972 and 1973 as contained in the House bill.

Cotton marketing quotas must be eliminated, as provided in the House bill.

The cotton loan must not be related to payments and the 35 cents per pound guarantee.

On behalf of the Administration I want you to know that we are strongly opposed, and that we will continue to be opposed to the Senate provisions relating to these items. We hope that you will also oppose them.

Sincerely,

CLIFFORD M. HARDIN,
Secretary of Agriculture.

DEPARTMENT OF AGRICULTURE,
Washington, September 23, 1970.
Hon. ALLEN J. ELLENDER,
Chairman, Senate Agriculture and Forestry Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR ELLENDER: This letter is in reference to H.R. 18546, an Act to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes.

It is the position of this Administration that the provisions in Title IX of H.R. 18546 are premature and should therefore be deleted from the Act. The Administration is dealing with similar problems through the Rural Affairs Subcommittee of the Domestic Council. We believe a more effective program for Rural Development will occur after these deliberations are completed.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., October 5, 1970.
Hon. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry, U.S. Senate.

DEAR MR. CHAIRMAN: The attachments are in response to proposals made by the Senate Conferees dealing with the Cotton and Wheat sections of the agriculture legislation being considered by the Senate and House Conferees.

An additional attachment dealing with other provisions is also enclosed.

It remains the conviction of the Administration that any significant increase over the cost of the bill as passed by the House would be unacceptable both to the House and to the Administration.

Sincerely,

CLIFFORD M. HARDIN,
Secretary.

COTTON

1. 11.5 million acre minimum national acreage.

Using the actual 1969 domestic consumption and exports of 10.7 million bales as a basis to start from, 11.5 million acres as a minimum national base acreage allotment increases the budget cost $310 million for the two years 1972–73 compared to the House bill; stocks would increase from 6 to 9.6 million bales by the end of the 1973 crop year. If domestic consumption and exports were to increase to 12 million bales the added budget cost would be $133 million resulting from a stock buildup from 6 million to 7.3 million bales by end of 1973 crop year.

2. Sale and lease.

No budgetary impact, but the 100 acre limitation provision is an unnecessary restriction on cotton producers.

3. Loan level plus payments equal to 35 cents or 65% of parity.

Budget impact of between $38 and $72 million per year.

4. Loan level related to past 2 years.

No budgetary impact. Prefer 90 percent of estimated world price because that is related to the period in which sales are to be made.

5. Maximum set aside 18%.

Has budgetary impact of $60 million per year.

6. Open end planting without loans on the excess.

We would like cotton to be treated the same as wheat and feed grains where loans are offered to all production of participants without limitation.

WHEAT

1. (a) 19.7 million acre domestic allotment for 1971.

(1) No budget impact.

(2) A 535 million bushel domestic wheat floor for 3 years. No budget impact.

2. Set aside maximum at 15 million acres (assuming full participation) for 1972–73 and at 13.3 million acres (not assuming full participation) for 1971.

The budgetary impact between assumed full participation and not assumed full participation could be about $37 million per year. If a maximum of 15 million acres set aside is included it must be an effective maximum.

3. $1.25 loan floor for three years—1971, 1972 and 1973.

The inclusion of $1.25 loan floor may add $20 to $130 million per year to the cost of the wheat program. The exact budgetary impact will be determined by the extent to which wheat and feed grain loan rate differentials influence market prices and in turn the volume of wheat moving into feed channels; also whether the additional stocks of wheat are taken over by CCC or exported through the payment of export subsidies.

4. Discretionary authority for feed grain substitution in the event acreage restrictions are imposed in 1972 or 1973.

No budgetary impact.

5. No more than 55 percent set aside required on summer fallow.

No budgetary impact if maximum set aside is effective rather than gross as explained in item 2.

OTHER PROVISIONS

1. Seventy-five percent of parity would increase feed grain supports above the $1.35 guarantee every year of the program. With 70 percent of parity and changes in factors affecting the parity formula, the guarantee would likely reach $1.40 in 1973. The additional budget outlays could be up to $170 million a year when market prices were under $1.08 per bushel. The upper limit that would insure no budgetary impact is 68 percent of parity. If payments were forced up, program provisions would have to be altered to require a higher set-aside percentage.

2. Changes should be made in Title IX of the Senate bill to eliminate objectionable reporting requirements contained in Title IX. These requirements are premature in view of current efforts under way by this administration to develop national goals and objectives for economic development and population distribution. Further, Section 902 relating to the location of Federal facilities should be revised as proposed in the OMB letter to Senator Ellender dated Sept. 30, 1970.

3. The Bee Indemnity program would have estimated budget outlays of $25 million in FY 1972, and $4 million in subsequent years. Initiation of such a program would open the possibility of extending indemnity programs to several additional situations where the Federal Government is not directly responsible.

4. Extending the dairy indemnity program to manufacturers of dairy products would set a precedent for double coverage of losses. The additional budget outlays are impossible to estimate with confidence but they could well be significant.

5. Title VII, Section 703, would authorize making foreign currencies available for a cultural exchange program without appropriation. FY 1971 outlays would be $5.8 million under the 2 percent limit and $14.5 million under the 5 percent limit set forth in subsection (a) of this section.

6. Many of the provisions in the Senate bill reduce the flexibility needed to avoid surpluses while maintaining farm income at acceptable budget cost.

7. Research and market development—Cotton: Any figure being considered that does not come out of producer payments has a budgetary impact.

8. Small farms—Cotton: Budget impact of $30 million per year.

9. Anniversary loans—Cotton: Budgetary impact through additional storage costs of $3 million per year.

WISE WORDS ON DRUGS

Mr. McINTYRE. Mr. President, I was most gratified with last week's Senate action on the 1970 Drug Abuse, Prevention, and Control Act. I strongly supported this measure, just as I have strongly supported other legislation directed toward controlling and curtailing the tragic spread of drug abuse.

But as enthusiastically as I supported these measures, I remain unconvinced that laws alone—much as we would like to believe it—can provide a total solution.

Something more is needed. Something pointed up in a timely and cogent editorial published recently in the Berlin, N.H., Reporter.

The editorial correctly identified a crucial missing factor in the war against drug abuse—the need for loving vigilance over our children.

What is needed, the writer contends, is to have the home and the community find, for our children, "constructive, creative outlets for their creativity, their excess energy, especially in these days of increasing automation and leisure" to discourage their adventuring in the dangerous world of drugs.

These are wise words. I ask unanimous consent that the editorial be printed in the RECORD.

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

IT'S HAPPENING HERE

North Country grade school youngsters, as well as teens, are having their innocence exploited and purity threatened by drug pushers.

Even children of the most conscientious, loving parents are experimenting with drugs.

Many of us have been prayerfully thankful that we live "away from it all, where things like that don't happen." Now we find that the North Country is far from immune.

Our youth are winding up in the Concord hospital. They are being jailed for illegal possession and theft. Some have committed suicide. One boy we know is apparently dying because of irreparable harm done by drugs.

Not my child, you say? We cannot be too complacent. In Gorham, grade schools youngsters on the way home from school have been approached by pushers. Your child may not be too young and innocent to be told about drugs.

Our whole modern lifestyle seems to make children easy marks for pushers out to exploit their innocence, boredom or curiosity.

Television, once thought a delightful babysitter, may in fact be an insidious monster.

One UNH educator recalls Rochester boyhood days filled with activity. He and his buddies beat a maze of paths through the woods behind their houses. They couldn't wait to be out in the woods after school, playing Tom Sawyer. Television hadn't come into it's own then.

Last year the UNH prof returned to the same street, now lined with houses. The woods behind his house were still there. But the paths weren't.

Why? He thinks it's because TV shows keep them inside, glued to the set after school.

What's wrong with watching good shows? Doesn't educational TV make kids brighter than we were at their age? More sophisticated, perhaps, but not necessarily wiser.

A steady diet of TV deprives them of the thrill of their own accomplishments. Adults and youngsters alike need constructive, creative outlets for their creativity, their excess energy, especially in these days of increasing automation and leisure. TV rather than spectators.

After being accustomed to getting their kicks from TV turning to drugs is the next step to further excitement. For drugs don't require any physical effort on the users' part. You can just sit back, and "watch your mind pass by."

There is no easy answer, but we all need to wake up, to give children meaningful experiences in the home and community. Children need chores to develop character and to give them a feeling that they are needed, that what they do matters and contributes to the family's welfare.

They say only cop-outs turn to drugs.

Elementary school youngsters can hardly be termed cop-outs. Pushers approaching ten-year-olds prey on youth's natural curiosity. Thus, there is all the more need for vigilance, and love.

Know where your children are after school. Give them exciting things to do at home. Let them give you a hand around the house and yard. Encourage them to help a neighbor in need. Be at home when they come home from school. Suggest activities. Limit TV to one or possibly two shows a day.

Ask your child what he knows about drugs—you may be surprised. Be prepared to answer his questions intelligently. Join with other parents, spiritual leaders and educators to find solutions.

Above all, don't be naive. It's happening here—to our children, not "theirs."

VETO OF CAMPAIGN BROADCAST REFORM BILL

Mr. HART. Mr. President, much of the reaction to the veto by President Nixon of the campaign broadcast reform bill has centered on its effect on individual political campaigns and politicians. Having joined with the able Senator from Kansas (Mr. PEARSON) in introducing the bill in the Senate, it is to be expected that I would be disappointed that this substantial step in electoral reform has been denied by veto. My feeling is that all citizens, and not just the politicians—not just the campaigners—and not just the political parties—are the losers. Television and radio make up the bulk of campaign expenditures these days. The bill which Congress sent the President put a ceiling on radio and television political spending; it would have assured reasonable rates for the time purchased and would have opened the way for many qualified men and women of modest means to enter the political contest.

Prior to final congressional action on the bill, Mrs. Lenore Romney, my opponent in the Michigan senatorial contest, accepted my suggestion that we abide by the ceiling that the bill would fix. This agreement will stand since it was made as an independent matter and not because of a legal requirement. I wish very much that we could anticipate as a legal requirement the application of this ceiling to all campaigns for the Senate, for the House, and for governorships in the years ahead.

Again, it would be expected that I would be disappointed that legislation which I had introduced along with the Senator from Kansas (Mr. PEARSON) comes back to us having been vetoed. I hope that Congress will override the veto.

I ask unanimous consent that there be printed in the RECORD two editorials, one, written prior to the President's action, from the Detroit Free Press of October 6, and one subsequent to the President's action, published in the Washington Post of October 14, as well as the column of Charles Bartlett, published in the Pontiac Press of October 10, 1970.

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

[From the Detroit Free Press, Oct. 6, 1970]

SAY IT AIN'T SO, PREZ

The President, word has it, may veto a recently passed bill limiting campaign expenditures for radio and television. We must hope word has it wrong.

The arguments offered in favor of a veto are several. Some say that the TV-spending bill is an incomplete attack on the problem of campaign costs, and that it would disadvantage challengers since incumbents get exposure in regular news coverage. Some say the President will veto the bill because the Republicans are better funded than the Democrats at the moment, and would therefore be more seriously limited by restrictions on spending.

That the bill would tend to discriminate against challengers is true, but not necessarily pertinent. Such an argument could be raised against any reform measure, since the publicity advantage of incumbents is natural and all but unavoidable. A greater truth is that, without the TV reform bill, many challengers will remain at a twin disadvantage both to incumbents and to any contender with easy access to money.

The partison argument for a veto is strong. It is true that the Republicans are financially better off than the Democrats at this point. And the Nixon administration has been almost desperately interested in forging Republican political gains, to help Mr. Nixon deal with his adversaries in the Congress and elsewhere.

Partisan politics are part of government in a democracy, of course, and any president who wants to be more than a caretaker must worry about them. But there are lines that must be drawn, and partisan interests to which the White House cannot responsibly be devoted. A partisan veto of the TV-spending bill would be sadly out of bounds.

For the truth is that the influence of wealth on American politics has been little short of scandalous. The fancy spending going on at this very moment in New York's senatorial campaign is one of the largest political outrages in recent memory.

It is time to break the political advantage of wealthy men and moneyed special interests, and to grapple with television's unique influence on the political process. If the TV-spending bill is only a partial step, it is far better than none at all. The President ought to sign it.

[From the Washington Post, Oct. 14, 1970]

THE CAMPAIGN SPENDING VETO

President Nixon's veto of the bill to limit television and radio campaign spending is a flimsy excuse for having undone the most significant reform in this sphere for half a century. While ignoring the virtues of the bill, the President grossly exaggerated its weaknesses and distorted the probable consequences. So eager was he to avoid the charge that he acted to perpetuate a Republican advantage in excessive campaign spending that he even pretended that the bill might increase the outlays of candidates to get elected.

It is utterly misleading to say, as the President did, that the bill "plugs one hole in a sieve." Everyone with any information about the costs of campaigning these days knows that a large part of the money is being spent for television and radio broadcasting. Congress decided, in the absence of any effective device for limitation of campaign expenses in general, to strike at this one source of excessive use of money for political purposes. But the President fell back on the lame pretense that half a loaf is worse than nothing at all.

His complaint that the bill would "favor the famed over the worthy but little-known" is an especially transparent smoke-screen. The implication is that an obscure challenger should be allowed to spend more to offset the incumbent's natural advantage of being well known. But only a few wealthy individuals can spend millions to get themselves elected to public office. The vast majority of candidates must rely upon campaign contributions, and in raising money for campaign purposes the well-known, famous or incumbent candidate usually has a substantial advantage over an obscure challenger. The veto, if it should be sustained, will tend to magnify this advantage instead of reducing it.

In expounding upon all the imaginary in-

equities associated with the bill, the President completely ignored the very real inequity which it would help to correct. The use of broadcast commercials has reached a point where it can be accurately said that some candidates are buying their way into office. The first purpose of the bill was to put a reasonable ceiling on this kind of spending. But the President ripped off the ceiling at a time when his own party has millions to spend for commercials and the Democratic opposition is in financial straits.

While the President refrained from condemning the "equal-time" repealer, which was also in the bill, it is widely assumed that his veto was also intended to discouraged television debates between the presidential candidates in 1972. If broadcasters have to give equal time to all the fringe candidates, they will not offer free time to the chief contenders for debates or other means of getting the issues before the public. Here again the President has knocked down a provision that could have substantially reduced the cost of at least some campaigns. The other significant provision that went down was a requirement that broadcasters charge candidates no more than the lowest unit fee of the station for comparable time.

Since the bill does have substantial merit, despite its shortcomings, and since the veto appears to reflect at least 90 per cent political motivation, we think Congress should override it.

NIXON SHOULDN'T VETO BILL ON CAMPAIGN TV

(By Charles Bartlett)

WASHINGTON.—A veto by the President of Congress' attempt to limit the costs of political television will be morally indefensible unless he begins a campaign of his own against the commercialization of American politics.

The situation is out of hand. All the candidates are saying with the poet Jeffreys, "It matters not how dear the spot." The only sanguine contenders are those with rich and indulgent fathers. The others court debt and commitments to obtain their crucial exposure.

This is the first election in which TV seems to mean almost everything, and Sen. John Tower, R-Tex., who argues strongly for the veto, has maintained that the medium is economical "in terms of dollars spent for voters reached."

But Tower took a contradictory line after he was attacked by colleagues for shipping a disproportionate share of the Republican campaign fund to Rep. George Bush, running for the Senate in Texas. His explanation: Texas is a special case because a candidate there needs to harness at least 40 TV outlets for statewide coverage.

UNFAIR ADVANTAGE

Republicans have tried to discredit the bill without conceding that they oppose spending limits because the money factor works in their behalf. They argue, for example, that the measure yields an unfair advantage to incumbents and this is true. The man reaching for a seat needs more exposure than the man who has one.

Also, as some in the White House argue, candidates who suffer in the final phase of a campaign at the hands of opponents who risk postelection censure for p eelection exposure that goes beyond the limits. The votes will be in before the recriminations begin.

But the system already favors incumbents and violations of the TV law, unlike violations of the Corrupt Practices Act, will be so glaring to the public that it may damage public figures who violate its restraints. In any case the law could impose some inhibitions.

Nixon cannot as president believe this autumn's spending free-for-alls are in the national interest. He cannot feel it is healthy for candidates in large states to be looking for $50,000 contributors.

The young generation will not respond to "papa politics," in which only candidates with rich fathers succeed, or to battles waged with TV spots. If the young are to be inspired by the political system, it must be held beyond the reach of scandal, commercialization and big contributors.

SENATOR PROXMIRE'S COURAGEOUS BATTLE AGAINST DEFENSE SPENDING

Mr. YOUNG of Ohio. Mr. President, recently the Washington Post published an outstanding article by the distinguished and eloquent Senator from Wisconsin (Mr. PROXMIRE) in which he highlights the dangers of excessive military spending.

Senator PROXMIRE's article started from the basic premise that for our Nation to remain free and strong, general purpose armed forces must be maintained and provided for. Proper maintenance and adequate provision of our military and naval establishments do not mean we must spend blindly without giving consideration to those instances of wasteful expenditures in the past. Those wasteful expenditures have cost us dearly.

Mr. President, I do not need to list the examples of major weapons systems upon which there have been fantastic cost overruns. They are known only too well to the Members of this body. In fact, the specter of the C–5A and F–111 will continue to haunt and disturb us for some time to come.

The facts are, Mr. President, the past decade of armament development consumed more money and came up with fewer effective weapons than in any time in our Nation's history. It has failed to produce military weapons which were second to none. Instead, it has produced, for example, unflyable heavy helicopters, costly yet defenseless helicopters, 4,000 of which have been lost in South Vietnam due to accidents or ground fire from VC forces.

The result has been that the hardware cart pulled the horse. We rushed headlong down the road to militarism for the power and the glory of generals and admirals, and for the boundless enrichment of the munitions industry. In some cases, the armaments industry offered the Armed Forces wonderful new tools they did not know they wanted and for which concepts and doctrines were lacking and for which in many instances there was no real need. Consequently, field headquarters in South Vietnam have become so fat with the people needed to man these new electronic wonders and so heavy with equipment they are practically immobilized. In the end the process may be actually reducing our military effectiveness.

Instead of averting our eyes from these glaring mistakes of the past, we must recognize them. We must learn from them. We should heed Benjamin Franklin's words,

Experience keeps a dear school, but fools learn in no other.

With this in our mind, with reason as our guide, we must cautiously and skeptically approach every request for a new weapons system. We must avoid committing anew old mistakes. We must strengthen our resolve with the thought that the necessities of a strong, ready, and capable defensive system do not require excessive spending.

This is particularly true when our citizens cry out for increased Federal aid for the problems of housing, transportation, education, health, and hunger. In the past we have been guilty of placing too much faith in those advocates of costly military boondoggles and their followers. We should not be guilty again of following them blindly in the future.

We must exercise a greater measure of fiscal responsibility than we have in the past. Only in this manner, can we avoid the fiscal and spiritual bankruptcy which will destroy our ability to meet pressing national needs.

I commend the distinguished senior Senator from Wisconsin for his timely article and for his many efforts to arouse both the Senate and the public to the fact that our military can no longer be given a blank check.

TRAINING COSTS LOWER AT FORT POLK, LA.

Mr. ELLENDER. Mr. President, on September 23 I addressed the Senate to comment on the situation facing Fort Polk, La.—page 33385. At that time I made the point and included reference material indicating that training costs at Fort Polk were among the lowest of any Army base in the Nation.

I am glad to say that, subsequent to my remarks, the Senate Armed Services Committee amended the military construction authorization bill for fiscal 1971 in an effort to deal with some of the problems facing this base. The committee also wrote a lengthy section concerning Fort Polk in its report on the bill and also had reference to the cost factors involved. Subsequently, the Senate Appropriations Committee, on which I serve, pointed out the needs facing Fort Polk in its report on the military construction appropriations bill for this fiscal year.

I ask unanimous consent that excerpts from both committee reports in reference to Fort Polk be printed at this point in the RECORD.

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

EXCERPT FROM REPORT NO. 91–1234 OF THE SENATE COMMITTEE ON ARMED SERVICES, SEPTEMBER 24, 1970

FORT POLK, LA.

The Committee takes note of the fact that no requests were forthcoming from the Army for improvements to the facilities presently serving Fort Polk, as has in the past been suggested by the appropriate Committees of the Congress. The needs facing this base, recently made permanent after a long series of activations and deactivations stretching over three decades, are particularly acute as to the base hospital and the situation in permanent troop housing. The Committee notes that 260 units of permanent housing were authorized by the last session of Congress in P.L. 91–142 and that $5.5 million was subsequently made available for this construction. It is to be regretted that the Army has not seen fit to obligate these funds at the earliest possible date. The Committee therefore has reauthorized this family housing by extending this authority which would otherwise expire in March of the coming year.

The Committee has studied the records concerning the history and mission of Fort Polk. It finds this base to be one of the few, if not the only potential training area available to the Army that is not subject to serious urban encroachment. Adequate land is already at hand to preclude future acquisition needs. The acreage in the Fort Polk reservation amounts to 99,698 acres owned outright by the Army and an additional 99,334 acres leased from other Government agencies. This represents almost one percent of the total land within the boundaries of the State of Louisiana. Obviously, this is a valuable resource to the Army's training needs and deployment program. The Committee feels it should be made use of to the fullest extent possible in light of urban pressures facing other major military installations.

During each of the international crises facing our nation from World War II to the present, Fort Polk has served as an invaluable training center to supply the manpower needs of the Army. Statistics indicate that the training costs at Fort Polk are considerable less than at other training centers.

The Committee has also examined the change in status of this facility over the last three decades. The Post was first activated in 1942, inactivated in 1945, reactivated in 1950, inactivated in 1954, reactivated in 1955 for large scale maneuvers encompassing seven million acres of land, inactivated in 1959; and reactivated in 1961. It has remained in active status since that year and, in 1968, was made a permanent post, with the designation of Fort Polk. On at least one other occasion, in 1955, the Army also changed its designation from a temporary status to that of a permanent base—a designation withdrawn less than four years later. This unstable and changing situation with regard to this major training facility has naturally caused economic dislocation and distress over a large area of northwestern, central, and southwestern Louisiana. It has acted against consistent economic development throughout the area it occupies. The Committee sympathizes with those affected by this situation.

The Department should take steps to resolve the status of this important installation at the earliest possible time in order that previously authorized construction may proceed.

EXCERPT FROM REPORT NO. 91-1318 OF THE SENATE APPROPRIATIONS COMMITTEE, OCTOBER 9, 1970

FORT POLK, LA.

In its consideration of the military construction appropriation bill for fiscal 1968, the committee approved the expenditure of $1,690,000 for improvement of training facilities at Fort Polk, La.

In taking this action, the committee commented at length upon the unstable history of this major training installation and expressed particular concern that 95 percent of Fort Polk's facilities were classfied as temporary and were of World War II vintage. The committe also noted that the excellent training areas available at Polk and the large amount of land already under Army control made this base particularly desirable for troop training.

The committee noted in its approval of $1,690,000 for facility improvement that it would be necessary to utilize and rehabilitate existing temporary structures until such time that Fort Polk was designated a permanent Army installation. The committee also pointed out that the history and physical attributes of the installation seemed to provide a "clear justification as to the feasibility of removing Fort Polk from its present interim status and declaring it a permanent installation." Shortly thereafter, in response to the committee's interest and directive, the Department of Defense did designate Fort Polk a permanent Army installation.

This designation increased the Army's facilities base for both the Regular Army and for expanded training during emergencies. The committee expresses surprise that no funds were requested by the Army for permanent and more adequate facilities in subsequent funding requests. This is particularly true concerning the need for housing and a new base hospital, needs of which the committee took particular notice with the directive that adequate funds should be requested to begin the improvements upon the base receiving permanent designation.

In subsequent appropriation bills, funds have been made available to the Department of Defense for the construction of 260 units of permanent family housing. In light of the inaction on the part of the Department in this area, the committee directs that these funds remain available until obligated for that purpose. The committee also reiterates its general concern over the continued use of temporary and obsolete facilities and expects that the Army and the Department of Defense will take steps to rectify this situation in the next fiscal year's request for military construction appropriation funds.

Mr. ELLENDER. Mr. President, although many references have been made to the low training costs which exist at this major training base, I have seen nothing comprehensive on this point. It is to me a very important feature and the Senate knows that I have always been concerned that our taxpayers get full value for the dollars spent.

Therefore, I directed my staff to investigate the comparative costs of military training at selected Army bases. Using figures prepared by the Cost Analysis Division of the Army's Comptroller, the study clearly indicates that overall training costs are considerably less at Fort Polk than at any other installation in the country.

Mr. President, I ask unanimous consent that a table prepared by my staff and headed "Comparison of Military Training Costs at Selected CONUS Bases" be printed in the RECORD.

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

COMPARISON OF MILITARY TRAINING COSTS AT SELECTED CONUS BASES

	Ft. Benning, Ga.	Ft. Bragg, N.C.	Ft. Gordon, Ga.	Ft. Jackson, S.C.	Ft. Lewis, Wash.	Ft. Polk, La.
Basic combat training (09B00)	$1,502.47	$1,437.37	$1,400.72	$1,296.30	$1,350.01	$1,313.18
Light weapons infantryman (11B10)			2,120.60	1,703.51	1,701.48	1,474.67
Infantry indirect fire crewman (11H10)			2,399.74	1,869.90	2,038.87	1,681.17
Infantryman direct fire crewman (11H10)			2,639.94	1,921.69		1,694.94
Wireman (36K20)				1,375.24		1,248.71
Wheel vehicle mechanic (63B20)				1,265.59		1,084.42
Light vehicle driver (64A10)				1,010.76		889.02
Clerk (70A10)				745.55		675.88
Clerk-typist (71B20)				824.43		672.84
Personnel specialist (71H20)				833.54		672.51
Supply clerk/man (76A10)				1,206.98		941.32
Cook (94B20)				1,402.75		1,214.43

Source: Cost Analysis Division, Office of the Deputy Chief of Staff, Comptroller Headquarters, U.S. Continental Army Command.

BERLIN NEGOTIATIONS

Mr. THURMOND. Mr. President, the United States is currently in the midst of a series of delicate negotiations with the Soviet Union on the question of the status of Berlin. This is a very difficult question because for our own part the status of Berlin is not clearly defined, particularly with regard to the Federal Republic of Germany. We are in Berlin as one of the four sovereign powers by virtue of our occupying status. For all practical purposes, West Berlin is a constituent part of West Germany. There is free economic movement back and forth, free commercial movement, free cultural movement. The laws of the Federal Republic of Germany are adopted en bloc by the West Berlin Parliament and the system of justice is likewise in agreement. As a matter of fact, the Constitution or Basic Law of the Federal Republic of Germany considers Berlin as one of the states of the Federal Republic.

The United States, along with France and Great Britain, possesses the ultimate veto authority over the application of West German law to West Berlin. As a result, we have technically suspended the provisions of the basic law which relate to the Federal Republic having ultimate sovereignty. For example, we do not permit the West Berlin deputies to the West German Bundestag to vote on substantive questions. Nevertheless, in 1952 we requested the Federal Republic to represent Berlin in foreign relations and we required the Federal Republic to include Berlin in all the treaties which it negotiates with foreign powers. Such treaties as regards to their applicability to Berlin, of course, remain subject to our veto.

This issue becomes paramount at the present time because the Federal Republic and the Soviet Union have negotiated a nonaggression treaty as part of Chancellor Willy Brandt's so-called Ostpolitik. Chancellor Brandt's policy is based upon a so-called theory of recognizing the realities of the world situation.

Mr. President, this treaty, as such, is an internal affair of West Germany, but it has tremendous implications for the future of NATO and for the whole defensive posture of the West against Communist aggression. It, therefore, becomes

a matter of great concern to those of us on the Armed Services Committee who are deeply concerned with our defense posture. Moreover, the United States is directly concerned because of our status in Berlin and our responsibility for seeing that the basic interests not only of the great powers but also of the Berliners are safeguarded. Although Chancellor Brandt is a Berliner himself, we must recognize that his interests as Chancellor of the Federal Republic are considerably different, and we must not allow ourselves to overlook the fact that the unique geographic problems of Berlin are of utmost importance in assessing any new relationship with the East.

I think that the American negotiators should bear in mind that West Berlin today is one of the realities which must be accepted by the Soviet Union if there is to be any meaningful relationship. The Soviet Union has never shown the slightest interest in acknowledging the reality of a free Berlin. The history of the Berlin problem is well known. The Soviets have made a policy of interfering with the free operation of Berlin whenever they wanted to put pressure on the West. It is interesting that, even at the very moment when the Brandt Ostpolitik is supposed to have charmed the Soviets into some new species of human beings, the Soviet and the Warsaw Pact forces have chosen to engage in the largest military maneuvers ever in East Germany. Even Rumania participates for the first time since the invasion of Czechoslovakia. With the maneuvers as an excuse, they have even been interfering with traffic on the Autobahn in a fashion reminiscent of other days. The Soviets seem to think that every time there are Berlin negotiations they can create illegal and disruptive problems and then, as a so-called concession, stop doing what they are not supposed to do.

If there are going to be any meaningful concessions in Berlin, I warn the American negotiators not to be satisfied with trivial and temporary concessions relating to the right of transport, telecommunications, or cultural exchange. These rights belong to Berlin without any concessions. We should not regard it as a sign of relaxation when the Soviets, and their East German puppets, agree to do what they are supposed to do.

Mr. President, I feel that the time has come for the realities to be recognized not only by the Soviet Union, but also by the United States, Great Britain, and France. While I think that it is in the best interest of all concerned for the United States to retain for now its ultimate sovereignty over Berlin, at the same time, I think we ought to go further in recognizing the reality of West Berlin's connection with the Federal Republic. We ought to insist, for example, that there be completely free political activity in West Berlin. We ought to allow the West Berlin deputies to vote on substantive matters in the bundestag. We ought to make it clear that our only reason for staying in Berlin is to guarantee the freedom of Berlin as regards the threat of Soviet intervention.

But it is not enough for the three powers to take such steps. If these realities are to be recognized, the Soviets must also recognize them. There must be no agreement on Berlin which does not include the Soviet recognition of Berlin's relationship to West Germany.

There is a strange contrast between East Berlin and West Berlin. The Soviets unilaterally relinquished East Berlin to East Germany long ago, at least in theory. They could do this because they still have 20 divisions in East Germany. However, they regard East Berlin as the capital of East Germany. The East Berlin deputies vote in the East German Parliament, which meets in East Berlin. All of this, of course, is completely illegal since technically the Four Powers have control over the whole city of Berlin and not simply over their respective occupation sectors. Nevertheless, if the Soviets are to be consistent, they ought to recognize the de facto relationship of West Berlin to West Germany. They ought to recognize the right of free political activity in West Berlin.

Let us see then whether the Soviets really want to come to some agreement. There can be no nonaggression pact if Berlin is not included because Berlin is far more vulnerable to Soviet aggression than the Federal Republic itself. If the Soviets are so eager for a treaty, let them first recognize the realities of Berlin.

I hope that the American diplomats who are negotiating these treaties will bear in mind the fact that the real need is for political recognition. The guarantee of right of access is not enough to indicate real political thaw on the part of the Soviet authorities. The Berlin problem has been with us for many years, and there is no urgency about reaching an agreement now. I urge our negotiators to proceed slowly unless there are real indications on the Soviet side of recognizing the realities.

PIONEER SUFFRAGIST

Mr. McINTYRE. Mr. President, as we currently debate the equal rights for women constitutional amendment, I thought Mrs. Helen Grenfell's earlier efforts were pertinent. Mrs. Grenfell, a suffragette, a pioneer for women's rights, an activist, a model for today's woman who fights for her rights, was born and raised in Concord, N.H. Memorable among the innovative ideas attributed to Mrs. Grenfell in her ceaseless fight for equality of the sexes is her statement:

The problems of life and citizenship will best be served by men and women working together.

I ask unanimous consent that an excellent biographical sketch of Helen Loring Grenfell, of Concord, N.H., be printed in the RECORD. The sketch appeared in the Laconia Evening Citizen on August 26, 1970.

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

PIONEER SUFFRAGIST

In this column yesterday, referring to the 50th anniversary of woman suffrage, we touched on our own unhappy experience supporting in the Constitutional Convention of 1912 a resolution to extend the right to vote to females. The measure was defeated by a wide margin. At that time, the report of the debate in the journal indicates, there were six states in which women could vote, although the only states named were Colorado and Utah. Colorado had a former Concord resident, Helen Loring Grenfell, holding high office. We met her during a visit she made to Concord, we heard her speak at Ford Hall in Boston and later were a guest at her home in Denver. Our knowledge of her remarkable public service influenced us to join others in the Constitutional Convention in an attempt to introduce woman suffrage in New Hampshire eight years before its adoption by the United States through the means of a Constitutional Amendment.

A compilation of the life and works of Mrs. Grenfell was made in 1939 for the Colorado State Historical Society, and the account of her career in that volume is convincing evidence that no one with a New Hampshire background achieved equal fame as a suffragist, or accomplished more as a public servant.

Helen Thatcher Loring Grenfell was born in Valparaiso, Chili, April 29, 1863. Her father, Charles Loring, was born at Barnstable, Mass., May 17, 1820. He was a descendant of John Howland of Mayflower fame. Her mother, Mary Frances Roby Loring, was born at Concord, where her father, Luther Roby, was publisher of the N.H. Statesman and also printed Bibles.

Helen Grenfell as a child lived in a house at Concord across the street from the state house. Helen attended her first school in Concord. Her teacher was Helen Ayers, who in later years taught in Denver city schools. The Loring family moved to Colorado, traveling by rail to Cheyenne, Wyoming, thence by stage to Central City, Colo. At the age of 16 Helen began teaching school at Erie, Colorado, later coming east to Albany, N.Y., to study at the State Normal Teachers' College.

In 1896 she was chosen superintendent of schools of Gilpin County, Colo. She occupied the position with such signal success that in 1898 she was nominated for State Superintendent of Public Instruction by all four political parties of Colorado, a state which had adopted woman suffrage in 1893. She was re-elected to the office in 1900 and again in 1902. In the latter election she was the only state officer on the Democratic ticket elected. She held a Master's Degree from the University of Denver, and certificates from other institutions of learning. She was active in the National Education Association, being elected its vice president in 1903, and was the first woman to whom the association accorded that distinction.

The Historical Society's biographical sketch says of her: "Her work for Equal Suffrage began at an early date. She campaigned for the cause in Colorado. Later her work in the National Equal Suffrage cause took her to the major colleges east of the Rocky Mountains. In 1909 and 1910 she spoke before joint sessions of the Nebraska and Wisconsin legislatures, at Carnegie Hall in New York City and Ford Hall in Boston (at the latter filling five consecutive engagements) having the enthusiastic support of the leading suffragists of America. She was intimately associated with Susan B. Anthony, Alice Stone Blackwell, Carrie Chapman Catt, Dr. Anna Shaw. Mrs. Grenfell was deeply interested in the fine things of life and her pleasure in meeting the leaders in thought was her greatest joy. She fortunately had many such opportunities, her visits with Edward Everett Hale, the poets Oliver Wendell Holmes, Henry W. Longfellow, William Cullen Bryant, were treasured in her memory."

When we visited Mrs. Grenfell and her husband, Edwin, in Denver, she had been drafted by Gov. Shafroth to serve on the State Penal Board. Mr. Grenfell was an executive with the Denver & Rio Grande R.R. We enjoyed seeing her in action at her office at the state house.

The Henry Ford Peace Expedition invited Mrs. Grenfell to join the peace party to Europe in 1914; because of other engagements she did not accept. However, four years later, President Wilson sent her on

a mission to London, and she sailed from New York on the S.S. Carmania March 29, 1918. The ship was followed by German submarines for days. A torpedo fired by a pursuing U-boat missed the Carmania's bow by about eight feet; it contacted instead the cruiser King Alfred, disabling the rudder and killing three on board.

Mrs. Grenfell spoke at many meetings in England and Scotland. Excerpts from newspaper reports of several are included in the Colorado Historical Society's book. It contains as well pictures of her being received by their majesties at Buckingham Palace May 16, 1918; with Lloyd George at 10 Downing St., another showing her seated with Mr. Asquith after luncheon at Parliament House, Mr. Balfour standing with Ambassador Page nearby. Other pictures: Mrs. Grenfell talking with women munition workers; Mrs. Grenfell speaking at an outdoor meeting in Glasgow; Mrs. Grenfell emerging from a submarine at Glasgow; Mrs. Grenfell chatting with a police woman in London.

The Historical Society compilation concludes with articles written by Mrs. Grenfell before her death in 1935, on women suffrage. A quotation from one is timely, in view of the national campaign this week by women liberationists for equal rights. Mrs. Grenfell said: "The writer, never having believed that the enfranchisement of her sex would create the millenium, has not been disappointed in the failure of women suffrage to make of life one grand sweet song. In spite of the revelation of woman's human limitations we have every right to believe that the problems of life and citizenship will be best solved by men and women working together."

ROBERT S. KERR LOCK, DAM, AND RESERVOIR

Mr. DOLE. Mr. President, on October 24, the dedication of the Robert S. Kerr lock dam, and reservoir will take place near Sallisaw, Okla.

This project stands as a monument to Senator Kerr's devotion to the comprehensive development of our water resources. Senator Kerr was aware of the need to preserve and protect our environment before it became a popular issue. Both as Governor and as Senator, he recognized that the reservoirs we construct and the levees and channel improvements that are made, all prevent floods and lessen the effect of severe droughts.

But his hope for our region went beyond flood control to the economic growth made possible by low-cost water transportation. The Arkansas-Verdigris Waterway is potentially the single most important element in the growth of the Arkansas River watershed. If the farmers in Kansas and Oklahoma have the opportunity to export their products at lower cost, both the farmers and the consumer will benefit.

An important feature which clearly demonstrates the foresight of Senator Kerr and other proponents of this project is the hydroelectric power capacity of the dams that are part of this project. Upon completion, the total hydroelectric power generated in this region will be in excess of 3 billion kilowatt-hours, enough to supply a city of a million people. At a time when we find ourselves facing an energy crisis, the increased power available from the Arkansas-Verdigris River project will prove invaluable.

I regret that I shall not be able to attend the dedication of the Robert S. Kerr lock and dam to honor those responsible for this project. But I know the benefits the Arkansas-Verdigris Waterway will bring are the greatest tribute to the untiring efforts of Senator Kerr and others who have lived with this project since its inception.

ARGUMENT THAT GENOCIDE CONVENTION MAY RESTRICT OUR FREEDOM OF SPEECH IS UNFOUNDED

Mr. PROXMIRE. Mr. President, many of the opponents of the Genocide Convention have claimed that the convention would infringe upon our right to free speech.

In his excellent testimony before the hearings of a subcommittee of the Foreign Relations Committee, Assistant Attorney General William H. Rehnquist successfully refuted this argument. He pointed out that article III, subparagraph c, which refers to the direct and public incitement to commit the crime of genocide, is the only portion of the convention which refers directly to the use of speech. This is the type of speech which the Supreme Court has ruled is not protected by the first amendment. This was established in *Brandenburg* v. *Ohio* (395 U.S. 444), which states that inciting to riot or inciting to violate the law may be punished when the purpose is to cause a violation of law and there is a probability of the violation occurring.

Obviously, derogatory comments concerning individuals of another nationality, race or religious group are in very poor taste. But, they do not constitute genocide as long as there is no intent to incite a person or a group to commit genocide.

Mr. Rehnquist's testimony clearly establishes that free speech will not be impinged upon in any manner by this convention.

The time has come for us to act positively and swiftly on this U.N. Convention. I urge the Committee on Foreign Relations to take action to see that the Genocide Convention is brought to the floor of the Senate in the near future.

INCLUSION OF TRADE BILL IN SOCIAL SECURITY BILL

Mr. MILLER. Mr. President, yesterday a majority of the Committee on Finance tentatively decided to include the trade bill, as passed by the House, in the social security bill, as an amendment. In fairness, I should point out that this decision was made with the clear understanding that amendments to the trade bill—which is now an amendment to the social security bill—may be offered and considered in executive sessions of the committee when the Congress resumes on November 16.

It seemed to me that such action was premature, and I therefore passed when the rollcall of the committee was called. Before taking such action, I want to know what the trade bill finally looks like after all amendments have been considered.

I fully recognize that, in the case of textiles, the administration has done everything possible to negotiate bilateral agreements to relieve the problem of greatly increased imports which have unquestionably had an adverse impact on employment. On the other hand, I have some reservations about some other features of the trade bill, and I hope these can be relieved as the committee goes over the entire matter following the congressional recess.

The implications of the trade bill, as passed by the House, are widespread. Today's Wall Street Journal contains an article entitled "Trade War Threat," which sets forth the conflicting views about the bill. The President of the American Farm Bureau Federation has also set forth some of his organization's concerns over certain features of the bill. I ask unanimous consent that these be placed in the RECORD.

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

TRADE WAR THREAT—RETALIATION IS FEARED IF UNITED STATES SHOULD ENACT PROTECTIONIST MEASURE

(By Ray Vicker)

BRUSSELS.—American soybean farmers may not know it, but they have a big stake in the protectionist trade bill now before Congress.

If the bill becomes law, soybean producers are apt to be among the economic casualties of a world-wide trade war. Britain, the six-nation Common Market, and Japan all aver that their trade with the U.S. would be hard hit by the protectionist measure.

A trade war would thus pit the U.S. against most of Western Europe and Japan. It could also push these nations toward greater trade with the USSR and with the Communist-bloc countries of Eastern Europe.

Interviews with trade experts here in this "capital" of the Common Market indicate that soybeans and vegetable oils rank high on the list of U.S. products facing possible retaliation. Other targets include U.S. aircraft manufacturers, feed grain and citrus growers, and computer makers. If Europe and Japan boycott these industries, it could mean the loss of a substantial number of jobs—an ironic development indeed since a prime goal of the trade bill before Congress is to protect U.S. workers.

SOME HOPE LEFT

There's still some hope that a trade war can somehow be headed off. If the trade bill, which is sponsored by influential Congressman Wilbur Mills, is watered down, the injury to foreign sales in the U.S. might be minimized—and retaliatory moves tabled. But that hope is steadily diminishing. And months of behind-the-scenes negotiating among American, British, Japanese and Common Market trade experts have failed to ease the growing tension.

Tomorrow and Friday Common Market officials will meet with U.S. officials in Washington to discuss trade policies. While the meeting was set up long ago as a routine affair, it now appears that it's developing into a last-ditch attempt by the Common Market to stress the seriousness of the impasse. Attempts are also being made to arrange a late October meeting between representatives of the Common Market, Britain, Japan and the U.S.

The problem is that the power to head off a trade dispute lies mainly with Congress rather than the Nixon Administration. Trade officials here fear Congress is listening to the pleas of protectionists in various industries for barriers against the wave of foreign imports. Congress apparently is paying far less attention to the plight of American exporters of soybeans and other products that would suffer possible retaliatory action.

TILES AND TENNIS BALLS

The Mills bill is extremely complex, but, among other things, it would establish quotas on American imports of textiles and shoes. Last year the Common Market countries—France, Italy, Belgium, Luxembourg, West Germany and the Netherlands—shipped $550 million worth of these goods to the U.S. In addition a "trigger" mechanism could bring import restrictions on 120 other items ranging from ceramic tile to bicycles and from automobiles to tennis balls. The trigger would be activated if imports attained more than 15% of the total U.S. market.

All told, the U.S. exports about $7 billion worth of goods annually to the Common Market nations alone. Application for Common Market membership are pending from Britain, Ireland, Denmark and Norway. Another six European countries are seeking some sort of tie with the Common Market. Hence there's a strong possibility that nearly all of Western Europe would be aligned in the anti-American camp in any trade war.

The New York-based British-American Chamber of Commerce, which has more than 1,200 U.S. and British concerns as members, warns that the Mills bill could adversely affect U.S. exports to Britain, which totaled nearly $3 billion last year. "Faced with new restrictions of this magnitude, it smacks of more than a little naivete to dismiss the virtual inevitability of massive foreign reaction of like magnitude," a spokesman for the group says.

A SETBACK FOR FREE TRADE

As often happens in any war, both sides aver that justice is on their side. European nations and Japan insist that the Mills bill represents a setback for the free trade trend under way since World War II. They see the U.S. as deliberately adopting a protectionism that could lead to retaliation overseas and counterretaliation at home that could damage the trade of all nations.

American trade negotiators reply that the Common Market, not the U.S., has been leading the way toward protectionism. These Administration aides claim the Common Market has adopted an agricultural program that restricts American sales to Europe. Moreover, the Common Market recently drew up preferential trade agreements with Mediterranean nations placing the U.S. at a disadvantage, these sources say.

Nevertheless, it's Congress, not the Nixon Administration, that is pushing the new trade bill. This week Secretary of State Rogers told the Senate Finance Committee that the bill is dangerous. He declared that if the bill were passed in its present form, "there would be grave damage to the sales of hundreds of American firms and to the jobs of hundreds of thousands of American workers."

Some Nixon Administration officials disagree. In testimony before the same Senate committee Secretary of Commerce Stans said he doubted the U.S. would lose any exports should the Mills bill be enacted.

Perhaps not, but within the British government there's considerable research under way to determine which American products should be targets for retaliation. Explains one bureaucrat: "There's no point in selecting an obscure item, if you are retaliating. You want to select a product that will provide the maximum hurt for the other side."

American goods that fall into that category include transport equipment such as aircraft, electric machinery, tobacco, wheat and other grains, various types of industrial equipment and nonferrous metals, trade experts say.

Naturally, when a reprisal target is picked, it must be one that won't hurt the importing nation when barriers are erected. Britain's tobacco imports from the U.S., for instance, can't be switched to some other nation very easily, now that it gets none from Rhodesia, once a major supplier. But other goods could be procured elsewhere.

Certain American farm products will doubtless be on most retaliatory lists. And soybeans are mentioned by nearly everybody.

Soybeans and meal were shipped overseas in record quantities by the U.S. in the year ended June 30. Total exports amounted to $1.5 billion, with the Common Market buying more than $600 million of that total. Substitutes for American soybeans and vegetable oils would be easy to find, say Common Market sources.

Even before the current fracas developed, the Common Market was considering application of a border tax on soya imports. Currently these products enter the Common Market duty free. Not long ago, Sicco Mansholt, the Common Market commissioner responsible for agriculture, declared that soya imports "are causing a distortion of the feedstuffs market within the community." He also charged that the rise in U.S. sales of vegetable oils in the Common Market has come partly at the expense of exports from underdeveloped countries such as the Ivory Coast and Senegal, producers of peanut oil.

American feed grains could also be hit hard. Cereal output has been steadily climbing around the world; Common Market nations could also increase their own production without much difficulty. Japan, another big importer of U.S. feed grains, could find other sources, declares a Japanese trade expert in London.

AMERICAN FARM BUREAU FEDERATION,
Washington, D.C., October 12, 1970.

As the largest general farm organization in the United States, the American Farm Bureau Federation represents the producers of every major agricultural commodity. Farm Bureau has long recognized the importance of maintaining national policies which will encourage the expansion of trade with other countries on a mutually advantageous basis.

In the United States the production of approximately one acre out of four is exported. If farmers are to prosper they must have access to foreign markets. Exports are important not only to farmers who produce for export, but also to those who would face increased competition in the domestic market if we were to lose our export markets.

At the same time, producers of some agricultural commodities understandably are concerned about excessive imports. Proponents of H.R. 18970 contend that this legislation would provide a mechanism for relief from excessive imports. Fresh tomatoes are an example of such a commodity. Presently tomato producers are being injured by the rapid rise in imported fresh tomatoes from Mexico. Since 1964 fresh tomato imports from Mexico have risen 41 percent and currently are 20 percent of our domestic consumption. Our intent here is to flag this type of import problem as one needing attention, rather than to endorse the specific mechanism in H.R. 18970.

The trade amendments before you contain several provisions that would expand trade and some provisions which are restrictionist in nature. Among these provisions:

We favor:

New Presidential tariff reduction authority
Liberalized adjustment assistance
Time limit provisions for Tariff Commission findings
Liberalization of escape clause provisions
Elimination of ASP
Strengthening the Anti-Dumping Act
More flexibility in applying countervailing duties

We oppose:

Textile import quotas
Import quotas on shoes
Mandatory quotas on oil

These amendments—taken in their entirety—are essentially protectionist in nature and inevitably would lead to retaliatory action by other countries. American agriculture stands to lose both present agricultural exports and trade expansion opportunities if other nations retaliate.

Our judgment is that these amendments are not in the best interest of agriculture or the economy of the nation as a whole. As a consequence, we cannot support these trade amendments.

Sincerely yours,
CHARLES B. SHUMAN,
President.

OUR PRESIDENTIAL COMMISSIONS MUST BE RESPECTED AND THEIR REPORTS SHOULD BE STUDIED

Mr. YOUNG of Ohio. Mr. President, recently, two Presidential commissions have handed to the President their verdicts on campus disorders and pornography. The appointment of commissions, and there have been about 200 Presidential commissions appointed, can serve a number of functions, one of which could be to delay tackling tough national problems.

Recent editorials and news comment in the Christian Science Monitor and the Washington Post, both leading newspapers of this Nation, examines the functions of Presidential commissions. They state that to be successful a commission must embrace a wide range of opinions and must constitute men and women of stature, with sufficient time to probe widely and render a thoughtful verdict.

Apparently due to concern or fear, the Vice President, as chief critic, started to criticize these reports before they were even handed to the President. He was attempting to disown the conclusions of these commissions which were not in accord with his own personal views. By attempting to throw mud on these commission reports he was, in fact, throwing mud on the men and women who produced them, men and women whom two Presidents selected and in the case of the Commission on Campus Unrest, whom President Nixon appointed.

Given the stature of these commissions and the fact that members of them were selected by our President, we should not be so quick to dismiss their reports. These reports must be studied closely and their recommendations understood and implemented.

I ask unanimous consent that certain editorials and columns published in the Christian Science Monitor and the Washington Post be printed in the RECORD.

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

[From the Christian Science Monitor, Oct. 10–12, 1970]

COMMISSIONS AND COMMISSIONS

Someone has quipped that a camel is a beast built by a committee. Vice-President Spiro Agnew hasn't thought yet of applying this description to a commission. But the furor over two recent presidential commissions does remind us that they have become a way of life in Washington.

When a president has a tough issue before him, and doesn't want to make an immediate commitment (or hopes public attention will go away) one device open to him is to appoint a commission. Sometimes the resulting study is exceedingly useful. Sometimes it gathers dust on a forgotten shelf.

In the past few years Washington has seen prestigious assemblages reporting on the draft, crime, the Kennedy assassination, rural poverty and hunger, violence and civil disorder, postal reform, housing and urban

problems, the guaranteed annual wage—and, just now, pornography and campus unrest.

Mr. Agnew lambasted the pornography commission's report, reminding one and all that only one member of the commission was appointed by President Nixon, and that he dissented. He also criticized the Scranton Commission on Campus Unrest, though this was set up directly by Mr. Nixon. What Mr. Agnew did make clear was that, with a different membership, a commission will produce a different report.

Despite the Agnew diatribes, commissions can be exceedingly useful. When President Johnson set up the Warren commission to investigate the assassination of President Kennedy, this helped greatly to allay public concern and suspicion. President Roosevelt utilized a commission to report on the Pearl Harbor disaster.

For a commission to be successful, it must embrace a wide range of opinion, must be constituted of men and women of stature, and must have sufficient time to probe widely and render a thoughtful verdict. Recent commissions have helpfully contributed to wise policy by focusing attention on American racism, by proposing a draft lottery, by producing a crime-fighting program, by probing college unrest, and by reporting on the overseas impact of American policy.

Testimony before a House sub committee shows that, as of last November, there were 1,519 advisory committees, commissions, boards, councils, conferences, panels and task forces, costing the taxpayer some $64.5 million. Of these, about 200 were presidential commissions of one sort or another!

[From the Christian Science Monitor, Sept. 26, 1970]

THE SCRANTON REPORT

(By Roscoe Drummond)

WASHINGTON.—The one-track, eyes-shut, mind-closed critics of the Scranton Commission on Campus Unrest accomplished at least one thing:

Stirred public interest in its report by attacking it so blindly before they knew what it says.

They gave the appearance of wanting to protect President Nixon from the findings of the commission which they feared would be overly critical of the administration.

PUNY POLITICS

What they actually tried to do was to shield themselves by trying to discredit the report ahead of its publication—this on the premise that the facts the commission found would somehow hurt their chances of election in November.

This is pretty puny politics. This is the kind of thing which feeds campus unrest because it shows the dark face of hypocrisy which rightly offends young people and should offend all of us. It shows that too many public officials try to avoid dealing with urgent problems rather than face them. It exposes how they can't abide getting all the facts—not just those facts which they want to believe.

President Nixon doesn't need to be protected by his pseudo friends who seem to think that the President didn't know what he was doing when he created the Scranton commission and named the "wrong" people to serve on it.

He knew what he was doing. He wanted diversity and this is why he appointed a retired Air Force general and a young Harvard graduate student. He wanted competence and open-minded leadership and he named as chairman one of his most trusted associates—the man who was his first choice as Secretary of State—former Gov. William Scranton of Pennsylvania.

PERSUASIVE FACTS

Mr. Nixon wanted the facts—all of them and unvarnished—and he knew he would get them.

The President wanted a commission of such stature that its words would be listened to by the whole nation, and of such independence that it could not possibly be moved to tailor its findings to please anybody.

The commission achieved remarkable unanimity despite the diversity of its makeup. I believe that what did most to produce this near unanimity was not the persuasiveness of argument but the persuasiveness of the facts which the commission uncovered.

There is a special meaning to the commission finding that the depth and breadth of campus unrest are vastly greater than is generally understood by most officials and the public. It doesn't mean that most students are violent-minded. That group is small and evil. It does mean that the vast majority of students, who want nothing to do with violence, are dissatisfied, and deeply disillusioned over how much isn't being done to make a better, a more worthy, a more compassionate America. They don't want to bury the American dream. They want to build it—now.

BETTER FOCUS

The commission's conviction that the nation must lift its sights means that in order to do so the President himself will have to lift his sights and give more vigorous, sustained, and heartfelt leadership to persuade middle America—the great political center of the electorate—that while the violent must feel the vigor of the law, the nonviolent, restless, vast majority of young people should feel the responsive will of the governing majority to do what is right and what is needed.

This kind of unrest isn't bad; it's good. It has elements of magnificence and nobility. At its best it deserves to be nurtured and cherished.

The Scranton commission report will help do this.

It isn't mounting an attack on anybody. It isn't condoning violence. It isn't centering blame on the police.

It is certain to yield many new insights and set the whole problem of student dissent into better focus. It is addressed to only two categories of Americans: everyone in the nation who is a public official.

Everyone in the nation who is not a public official.

It deserves to be heard and, with discrimination, heeded.

[From the Christian Science Monitor, Sept. 26–28, 1970]

TOWARD UNDERSTANDING

(By Erwin D. Canham)

WASHINGTON.—Service on President Nixon's Commission on Campus Unrest has come close to being the most stirring extra-curricular episode in my professional life. And that includes membership on President Eisenhower's Commission on National Goals in 1960.

The need for bridging the gap of understanding between the conventional culture and the "new" culture, largely shared by young people, is very serious indeed. It exists all over the world, but especially in an advanced industrial society like the United States.

VIOLENCE CONDEMNED

The contents of the Scranton commission's report are being very fully covered in news columns, on radio and television. What I should like to emphasize here is how a group of nine very different people, with no partisan political overtones whatever, came to grow together into a very closely agreed perception of the problem.

We nine have all sorts of difference in life experience, in race, in age, in style. But after we had looked at the facts, we had very little difficulty in agreeing, even in language. No one of us would have written our report in the exact terms in which it appears. But on the thrust and general thinking we were deeply in accord.

We are all fully in accord in condemning violence and lawbreaking. We are aware of the shortcomings of university administrations, and point them out. We recognize the operation of deliberate troublemakers, although we identify their limited scope. We describe many of the follies and oversimplifications of some protesters. But what is most important is our profound sense of the challenge and significance of the new culture.

The crisis, in our view, is one of violence on both sides—which must be condemned and prevented—and of understanding—which must be awakened.

We urge President Nixon to draw the nation closer together, rather than drive it farther apart. We feel this must be his own instinct, even if the immediate political advantage may seem to be to take a hard line. But a sharp distinction must be drawn between a hard line manifest as effective and wise law enforcement and a hard line which condemns, angers or even kills students.

VOTES AT WHAT COST?

The law must be enforced. But an anti-intellectual wave is easy to arouse in the United States today. It might gain votes in 1970. It would desperately harm the country in the long run.

At any rate, readers can ponder our report and recommendations for themselves, and reach their own conclusions. Ours came from our on-the-spot investigations and from direct exposure to many people, young and old. We also discussed and formulated our views for many long hours, pooling our observations and convictions.

We hope our report will not be made a political football, for petty advantage. We regret the political attacks which preceded its issuance, based on misinformation and misjudgment.

ENFORCEMENT NEEDED

We do not think we over-estimate the gravity of the crisis. We are aware of some very explosive situations on many campuses today. We recommend the most vigorous law enforcement to cope with them. These immediate sparks must be put out. But such sparks exist in the midst of a vast mass of tinder. It is the tinder that concerns us most, the misunderstanding between groups in American society, the divisions in a nation which is proudly diverse but should never be driven by chasms of misunderstanding and of hate.

Speaking for myself, I learned a great deal in these last few months. I learned more vividly than before why blacks feel themselves increasingly the victims of repressive—they say genocidal—policies even though their material conditions are improving in some ways.

Relatively, and in profound spiritual ways, their status has not improved that much. I learned why many young people also feel themselves repressed and alienated, even though objectively society is growing freer. I learned how their deepest goals express the unfulfilled American dream.

I learned that the American nation must move toward deeper mutual respect, away from violence, toward understanding.

[From the Washington Post, Oct. 8, 1970]

THE SCRANTON COMMISSION: SPECIAL REPORTS

The President's Commission on Campus Unrest: "The national interest requires the existence of institutions of higher learning that are excellent by any measure, that are not wedded to any political, nationalistic or racist ideology, but which unashamedly and without apology are identified with the Black communities and integrally bound up with the quest and struggle of Black Americans to establish themselves as an integral part of America's educational, economic, political and cultural life . . . Integration, as currently defined and carried out, appears to many

young Blacks to be a doctrine and practice of white supremacy. In their view, integration means the destruction of all things Black and the exaltation of all things white, and thus perpetuates the notion that only what is white-controlled, white-determined and white-led has validity and significance in America society."

One of the more poignant and depressing themes struck by the Scranton Commission's main report concerns the dangerous and all but intractable way in which general and particular issues—public and private, in a sense—have become intertwined, with the result that the campus and its administrators have inherited a cauldron of dissatisfactions over which the university itself has small control. Black consciousness, "youth culture," the war in Vietnam—these are among the principal phenomena that do not owe their existence to the university, but which profoundly affect almost everything that happens at the university now. In its main report the commission observes that "black recognition" was a principal object of protest on 232 campuses surveyed in 1969: "it was an issue on 59 per cent of the campuses and in 49 per cent of the incidents." The commission dwells at length on the extraneous (to the campus) causes of the developing black self-awareness and militancy and on the predictable effect they have had in relation to both the traditional or segregated black college (mainly in the South) and the newly activist white (or integrated) university.

All this serves as crucial background for its special report on the killings at Jackson State, a rapidly growing black college in Mississippi where "campus unrest" in the conventional sense has been minimal, but which is anything but a stranger to black-white racial tension, animosity and incident. In May of this year, when the killings occurred, there seems to have been any number of official and unofficial agents of disaster—of both races—willing to make matters worse, from the provocative rock- and obscenity-throwing students, to the unidentified black man who passed the word that "Charles Evers, Mayor of Fayette . . . and his wife had been killed," to the white Mississippi civil authorities—the state patrolmen, in particular—who finally administered something in the way of a massace—what the commission drescribed as a "28-second barrage of lethal gunfire partly directed into crowded windows . . . and into a crowd in front of Alexander Hall."

In its special report on Kent State, the commission outlines a similar *kind* of disaster, although there are substantial points of difference, one of them being that in the days preceding the killing of four students by the Ohio National Guard, more senseless and inexcusable destruction had been wrought by the Kent students themselves than by those at Jackson State. One says "the students themselves" and comes to a crucial point: not necessarily by the students *who were to be the victims of subsequent gunfire*. For both in the case of Jackson State and Kent State, the Scranton Commission declines to rest content with the convenient and accurate finding that (1) student behavior was provocative and intolerable and (2) so was the response of armed authority. It traces, in both episodes, the terrible lack of control and organization and restraint on the part of those responsible for dealing with the disorders and stresses what is surely the ultimate answer to those who believe the students got "what was coming to them"—namely, that those who should have been punished for larger depredations went about their business, while those who were for the most part innocent bystanders, were killed or wounded. In this, to be sure, the commission makes a valid observation about the complicity—inadvertent or not—of many of the victims' fellow students: "Those who wreaked havoc on the town of Kent, those who burned the ROTC building, those who attacked and stoned National Guardsmen, and all those who urged them on and applauded their deeds share the responsibility for the deaths and injuries of May 4." That the situation had been allowed to come to such a pass, the commission believes, represents a failure of the responsible authorities to exercise their power properly and swiftly. A quotation from the report on Kent State sums up a charge the commission also laid at the doors of the authorities in Mississippi.

"There were disorderly incidents; authorities could not or did not respond in time to apprehend those responsible or to stop the incidents in their early stages; the disorder grew; the police action, when it came, involved bystanders as well as participants; and finally the students drew together in the conviction that they were being arbitrarily harassed."

Precisely because the university itself can do so little to contain the larger social or political causes of student unrest and disorder, it becomes the more important that it—in concert with the more responsible and responsive civil authorities—lay plans in advance for measured and civilized steps to control the unruly campus. Sleepless Ohio Guardsmen, Mississippi state patrolmen armed with live ammunition and a set of feelings bound to prompt the response to the black students that came—and all this without either a plan, a clear chain of command or instruction, or any apparent awareness of the dangers. No students should have been killed at Kent or Jackson State—but some were. Some students should have been apprehended and/or punished—but by and large, they were not. Nobody can be for that.

PEACE INITIATIVE

Mr. DOLE. Mr. President, before the Senate recesses, I would like to point out that the American people have overwhelmingly approved President Nixon's new peace initiative.

This fact was made evident in a telephone survey taken for the Republican National Committee between October 8 and October 10, immediately after the President's proposal.

The survey shows that 67 percent of the American people approve of the way President Nixon is handling his job and only 25 percent disapprove.

Mr. President, I am not sure I know what that 25 percent expects, but I do know what the entire Nation is getting in the way of leadership, initiative, and progress.

As we go home for the next month, it is clear that the President has become a rallying point for the entire Nation.

A NATIONAL DAY OF PRAYER

Mr. PROXMIRE. Mr. President, last May a general practitioner in Jackson, Wis., proposed that there be a National Day of Prayer to ask God "to help us get back on His side." As the result of efforts by Dr. James E. Albrecht, President Nixon has proclaimed next Wednesday, October 21, as that National Day of Prayer.

In writing the President, Dr. Albrecht said this:

This prayer would be directed not to asking God to be on our side, but to ask Him to help us get back on His side: asking His blessings upon our leaders, upon us as a people; asking His forgiveness for our own shortcomings, and helping us to become the men and women He created in His image.

We should ask specifically for guidance "pouring oil on troubled waters," re-establishing better relationship with God. Over the years we have drifted away from reliance on God to a reliance on our own strength and wisdom only to drift into greater personal and community chaos.

Mr. President, I believe that Dr. Albrecht has focused attention on something extremely important: We as individuals must remember our Creator.

As an individual I endorse Dr. Albrecht's plan and the President's recognition of it. Prayer is a highly individual communication with God. Even where there is prayer in groups, theologians will say, the individual intent is all important.

I would hope that all those citizens of this free land who practice a religion would voluntarily and individually join next Wednesday in the National Day of Prayer. This is a way we can demonstrate that we are a godly nation without having the Federal Government interfere with the people's prerogatives.

Let us pray because we want to.

A VERY GREAT LADY

Mr. HATFIELD. Mr. President, I rise to pay tribute to a lady who may well be Oregon's most illustrious guest. Mrs. Mary McConnell Borah, now living in Beaverton, Oreg., will celebrate her 100th birthday on October 17, 1970. Such longevity in itself is a rare and noteworthy accomplishment.

But we are honoring a pioneer lady, who knew and mingled with great names in America: Presidents, from Teddy Roosevelt to his second cousin Franklin; Senators, Representatives, Governors, Ambassadors—she met them all. For she was the wife of one of the giants in the history of the U.S. Senate, certainly one of the greatest Senators ever to come out of America's Northwest, William E. Borah of Idaho.

"Borah of Idaho" for over 30 years in American politics and Government—that was a name to reckon with. It meant a rare combination of power and influence based on sheer strength of character on independence of thought expressed through some of the most persuasive oratory ever heard in the Senate.

If ever there was a living example of the unique value of the U.S. Senate, it was the career of William E. Borah.

He came from a large, sparsely populated Western State, the 43d to be admitted to the Union. Thus he had no political power base of great wealth or great population. It was the man himself who counted.

And he counted because his vision and political philosophy were great enough to embrace all of America, and what America's role should be in the world.

When he died in 1940, after 33 years in the Senate, much of the Eastern press recognized his individual greatness in spite of their hostility to his views on U.S. foreign policy.

Twenty-five years later, the British journalist Max Freedman wrote a moving tribute to Senator Borah on the occasion of the 100th anniversary of Borah's birth. In effect, it was also a somewhat melancholy eulogy of all the Senate greats, so

prominent in their day, and so quickly forgotten.

Long a member of the Foreign Relations Committee, Borah served as chairman for 9 years and remained its single most influential member until his death.

Wrote Freedman:

It is probably no exaggeration to say that no other Senator in this century has rivalled Borah in exerting so continuous an influence over foreign policy.

Many disagreed with Borah's views prior to World War II, but Freedman noted that "even in foreign affairs he was often a prophetic voice."

And he added what many Americans instinctively recognized about Borah:

It is wrong, however, to think of Borah only the context of foreign policy. On many domestic issues, he was a brave, independent and constructive spokesman for causes that have since found their way to the statute books.

The central theme of his philosophy was a concern for the rights of the individual, so easily threatened by the big state or the big trust or the big union. This scale of values did not blind him to the need for reform, but it did make him the enemy, unsparing and vigilant of all attempts to strengthen the state as an end desirable in itself.

Mr. President, it is indeed interesting to see how well this British observer caught the real source of Borah's enormous political strength, particularly in the great Northwest. This was why he was elected and reelected by the Idaho voters, regardless of party.

I cannot refrain from including one more memorable paragraph from Freedman's article:

Above all, Borah was an immense personal force. He did his own thinking, read political classics, and spoke in debate with a towering eloquence and distinction of phrase completely unknown in the Senate of our day.

Mine is a tribute to Mrs. Borah, yet it is impossible not to pay my respects first to her great husband.

Having attempted this, we should recognize as well how much Mamie Borah—as she was known to her friends—helped and contributed to his career.

She was indeed a pioneer, reared in Moscow, Idaho, 20 years before it became a State. Her father, William J. McConnell, was a leader in the statehood movement and became its first Senator and third Governor. She first met young Bill Borah during this era.

This promising lawyer, as the phrase goes, had been born in Illinois, educated in Kansas, and came to Idaho to carve out his career. Kansas' loss was Idaho's gain.

Theirs was an ideal match, in terms of personality and interest. Mamie Borah made no attempt to share the limelight with her husband. She did not look on herself as a kind of cocandidate. But so effectively did she complement him, that she was fondly referred to as "little Borah."

She was born to the role of helpmate to a renowned and very busy Senator. All the newspapers of the day referred to her as one of the better-known Washington hostesses, remarkable for her lively conversation and widespread interests.

As evidence of that liveliness in conversation, Mamie Borah remarked last year on her 99th birthday:

People are always wondering how I have achieved such a ripe age and I can only say I never felt the urge to partake of the grape, the grain, or the weed, but I do eat everything.

After Senator Borah died, she remained in Washington for a few years, then joined her sister and her family in Portland.

I referred to Mamie Borah as perhaps Oregon's most illustrious guest. We are indeed grateful and honored that she chose to live in our State.

I did not use the word "famous," since fame is a fleeting thing, and great men and their wives are soon forgotten.

I am, of course, speaking of a temporary and very fragile type of fame which rests on today's headlines and fads.

There is a more permanent type of fame, and the record of Senator William E. Borah is already accorded a prominent place in American history. Today we can also extend our thanks to Mary McConnell Borah for her contributions to the life and career of her husband.

FAMILY FARMERS

Mr. YOUNG of Ohio. Mr. President, poverty in agricultural and rural areas is a disgrace to our Nation. Thirty percent of American families live in rural areas. Farmers provide the basis for an estimated 14 to 16 million jobs in the marketing and processing industries. Three out of every 10 jobs in private employment are related to agriculture. Yet, there has been a continual decline in the farm population as more and more farmers have been moving to our overcrowded cities looking for a better living. The fact is that the average farmer earns $1.57 an hour compared with the industrial worker's average of $3.19 an hour. The net income of farmers in 1969 was only 3 percent over the net income of 20 years ago. Today, 10 million Americans live below the poverty line in rural areas. One out of every five rural citizens lives in poverty. It is a stain on our national conscience that at a time when we are able to send a man to the moon, one out of every four farmhomes is without running water and 1.5 million small farmers earn less than $5,000 a year.

In September 1968 in Des Moines, Iowa, candidate Richard Nixon said:

We will not plow under farmers while trying to help them . . . 74% of parity is intolerable in my book; farmers are entitled to better, and I pledge that in my administration they will have better.

Two years later, in August 1969, prices received by farmers declined 3 percent—the sharpest 1-month price drop in 22 years. At the same time, farm operating costs remained at near-record highs with the result that the parity ratio—an economic measure of fair prices for farmers—plummeted to 71 percent. If farm prices continue at this level for the rest of 1970, the average parity ratio will be the lowest for any year since 1933. Could there be some truth to the old saying that campaign promises are made to be broken?

THE GENERATION GAP

Mr. JORDAN of Idaho. Mr. President, I recently received a letter from Mr. L. G. Wilson, of Boise, Idaho, expressing his concern about the lack of understanding and actual fear being expressed in the form of a generation gap today. In his letter he enclosed a speech delivered before a Lion's Club by his niece, Miss Debbie Martin, a high school student, giving her views on what the term "the generation gap" means. Her speech, and the tremendous amount of practical knowledge in human and family relationships and technological advance, merit more than a moment's pause in a busy day. They are the words of one young citizen striving to be heard with all the reasoning and logic of her command in a world which fast drowns out the voices of constructive society. I commend her for these remarks and ask unanimous consent that they be printed in the RECORD as one small but significant voice for return and reconciliation.

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

THE GENERATION GAP

(By Debbie Martin)

Before I start, let me say that a Generation Gap cannot be pinned down to any one cause, but by many interchanging links. And be they large or small, they all do their part.

A Generation Gap certainly is not a new idea, but it always has been here, generation after generation, and will stay as long as there are an older, more experienced generation, and a younger, learning generation.

Why do we have a Generation Gap? Well, one major cause is the communication gap.

The way young people have so much time on their hands. There used to be chores that had to be done—getting firewood, milking the cow, etc. But now, mostly in bigger cities, everything is already done. For heat you use electricity or gas, and when you need milk, you buy it at the store. There just are no chores to be done anymore. Also, there aren't as many jobs to be had, because you have to be a certain age before you can join the union, or they always insist on experience, which is impossible without a job.

Now because of the lack of chores, the inability to get good regular jobs, the ideals and goals of the younger generation have changed so that they and the older generation are no longer talking about the same things.

There are more conveniences. Now almost every young person has a car, while a few years ago, only the adults had them.

Communication within the family has broken down—this is the main communication gap. There is not as much family entertainment as was ten to twenty years ago. Parents get their kids a babysitter when they go to the show or to a dance. Instead of introducing the younger generation to the grown-up world, they are keeping them from it. Then when the kids grow older, they go to the show by themselves, or with friends, or go to a teen dance. Maybe there weren't as many dances or shows, then as now, but then they went on picnics, or just enjoyed the dances that much more when they came along. There is now more individual entertainment. All you have to do is sit and turn a switch or push a button, and you've got

your favorite program, or you know what happened in Viet Nam half an hour ago.

There are teen dances. Nowadays there is at least one dance every week or two and the week there isn't a dance, you can always go to the show.

Now the younger generation is more involved with National and World problems then ever before, because of the TV and radios (mass media) that brings these problems out into the open. The young now are much better informed than ever before.

The world and national problems are fast coming to a head, the trees and animals, natural resources, are becoming extinct, pollution is becoming more and more eminent, and all these have to be dealt with—now.

Before, you could just put them off to the side, and then you wouldn't have to worry about it, within your lifetime. But now, if we don't do anything about it, in our lifetime, we will be sorry.

These problems are blamed upon the older generation, or the "establishment" by our generation, which undoubtedly is true, but I think the frustration of youth is: We cannot put it aside—it must be dealt with now—it can't be passed on to the next generation too many more times, because time is running out.

There seems to be a breakdown in authority. Where authority used to go from adult to young, it now is reversed in many instances. The adults used to set the ways and standards, and the young would live by them—but now it seems as though the youth are setting the standards and patterns, while the adults follow them.

Youth today (in general) always have some money. It used to be that money was really valued, because there was so little of it. But now, the young take it for granted. Here is a lack of communication, again, as brought out before.

There is a lot of leisure time, where everything is planned for a certain group, like teen dances. Where would today's youth be if they had a day or two within which they had to entertain themselves, with no TV, radio, stereo, etc.

Nationalism is becoming a problem among our youth, because we are somewhat a mobile community. (Not so much in this area in which we live, but more so in Los Angeles, for example, or San Francisco). When people move every 3–5 years, they never really get used to the customs of one place, when they are confronted with new customs, they never really develop any roots.

We have a growing lack of faith in the government. Everything that goes wrong, like the wars, the different pollutions, racism, and the steadily increasing overpopulation is blamed on the government.

And who really is the government? The people. We are the government. So we actually lack faith in ourselves.

Think about it.

CONTINUATION OF THE TURBO-TRAIN DEMONSTRATION

Mr. PELL. Mr. President, I congratulate Secretary Volpe on his recommendation to President Nixon that the Turbo-Train demonstration will be continued and expanded.

This past Monday, President Nixon announced in Stamford, Conn., that—

We are hopeful that within approximately 3 months the Department of Transportation and its Federal Rail Administration will be able to consummate an agreement with the United Aircraft Corporation and the Penn Central Railroad to develop an expanded demonstration.

As one who takes some paternal pride in the TurboTrain project, and as one who has recently written to the Secretary of Transportation urging that "the Department of Transportation should now be considering the expansion of the TurboTrain project rather than its elimination," I commend Secretary Volpe for his recommendation.

The only question which remains is the extent of the administration's financial commitment to an expanded demonstration project.

I have suggested to the Secretary of Transportation that an expanded demonstration would require an expenditure of previously appropriated and newly requested funds of $12 million. Those funds would be sufficient to upgrade the present two TurboTrains, to build a second generation TurboTrain service between Boston and Washington, and to provide two other second generation TurboTrains for service in corridors ouside of the Northeast Corridor.

Mr. President, I ask unanimous consent that the news article from the Providence Journal on Tuesday, October 13, and my letters to Secretary Volpe be printed in the RECORD.

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

OCTOBER 5, 1970.

Hon. JOHN A. VOLPE,
Department of Transportation,
Washington, D.C.

DEAR MR. SECRETARY: As you are probably aware, I am most concerned about public reports that the Department of Transportation is considering either eliminating or reducing its level of support for the Turbo-Train Demonstration in New England.

At a time when there is a massive restructuring in the railroad industry and at a time when census statistics reflect increased density in the Northeast Corridor, I believe the Department of Transportation should now be considering an expansion of the Turbo-Train project rather than its elimination.

In my mind it would be an eminently good public investment if the Department of Transportation not only refitted the present two Turbo-Trains and added the additional passenger units necessary to make the trains economically viable, but if it also built a third train set which could be used for high speed experiments between Boston and Washington and two other trains which could be used for experiments in other urban corridors. I estimate that this demonstration could be undertaken with an expenditure of $6.5 million in previously requested funds and $5.5 million in new funds.

There are a number of reasons why I believe the Department of Transportation should build upon the Turbo-Train Demonstration at this time.

First, an examination of the legislative authority for the demonstration program, I believe, reveals a basis for the continuation of Turbo-Trains as an expanded experiment rather than as a subsidized service.

The Turbo-Train demonstrations have not been brought up to the speed and frequency levels for which they were originally planned. The Turbo-Trains, due to numerous factors relating in part to various rulings, the manufacturer of the trains, and the bankruptcy of the New Haven and now the Penn Central Railroads, have been operating at an average speed of 62 mph rather than their top capability of 160 mph.

Despite the relatively low speeds of the trains, a minimum of nine trips a week, and very little advertisement and experimentation in ticket fares and service frequency, officials of your Department have indicated that they believe the demonstration to be completed because the New England public, with few other clean and punctual trains to ride, has demonstrated strong support for the two 144-seat Turbo-Trains.

In my opinion, the public's reaction to the Turbo-Train has been based more on the lack of any other decent passenger trains on the tracks in New England than it has been and I quote here the legislative authority for the program, on the "response to new equipment, higher speeds, variations in fares, improved comfort and convenience, and more frequent service".

While I personally have no doubt that the Turbo-Train Project has the capability to provide the experiment for which it was designed, I am not convinced that the Department of Transportation has fulfilled the legislative requirements for a full and complete demonstration of the Turbo-Train's potential. A comparison of service that should be provided passengers on ordinary trains to what is being provided on present trains is no substitute for a demonstration of the experimental service that can be provided on trains of the future, such as the Turbo-Train.

Second, since the Turbo-Train Demonstration has been underfinanced to date, the real value of the experiment has yet to be realized; and therefore, an additional expenditure of a small amount of new funds and unexpended funds of $12 million would reap very high benefits for public transportation at this point.

If the Congress appropriates the mere $900,000 that has been requested in the Office of High Speed Ground Transportation's $21 million budget request for fiscal year 1971 for the Turbo-Train, it will have appropriated since the outset of the project $9.2 million for the Turbo-Train Demonstration Project. As of October 22, 1970 according to public documents released by your Department, an estimated $6 million will have been spent of the $9.2 million appropriated for the Turbo-Train and approximately $3.2 million will remain for expenditure. If unexpended funds in other accounts of the Office of High Speed Ground Transportation budget are totaled, another $3.3 million will be found available for Turbo-Train expenditures for fiscal year 1971.

Not taking into account the fact that the Penn Central on its operating contracts with the Department has been reported to be making an average of $40,000 a month on the Turbo-Train and an average of $4.2 million a year on the Metroliners, the Department of Transportation should have available to it at least $6.5 million for the expansion of the Turbo-Train Demonstration Project in this fiscal year. Another $5.5 million could be requested in the Department's supplemental budget request for FY 1971.

Third, assuming the House of Representatives completes its action, at the end of this fiscal year the National Rail Passenger Corporation will begin to be organized by your Department. If the National Rail Passenger Corporation is to be more than an excuse for liquidating passenger train service, it will need to be able to develop the capacity to provide frequent, high speed service in the country's urban corridors. The capacity will be denied to the Corporation if the Department of Transportation aborts the only demonstration project capable of providing a basis of information and experience for a new thrust by the Corporation.

In sum, I believe that the past underexperimentation with the Turbo-Train Project, the impending restructuring of passenger service, the increased demand for high speed ground transportation in our urban corridors, and the present availability of funds for the Turbo-Train provides a substantial justification for the Department of Transportation to continue and expand the

Turbo-Train Demonstration Project; and I would urge you to do so.

I am most interested in receiving your views on this matter and in learning what your decision will be regarding the Turbo-Train's continuation. I look forward to hearing from you.

Warm regards.

CLAIBORNE PELL.

U.S. SENATE, COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C., October 14, 1970.

Hon. JOHN A. VOLPE,
Department of Transportation,
Washington, D.C.

DEAR MR. SECRETARY: I was very delighted to learn of your recommendation to President Nixon to expand the Turbo-Train project in New England.

I realize that budgetary constraints have a restricting impact on many of the Department's programs which should be expanded, and thus I can appreciate the significance of your decision to expand the TurboTrain demonstration.

You may be assured that I would be willing to support the Department in its request for additional funds which will probably be necessary for the expansion of the TurboTrain demonstration.

I am enclosing a copy of my recent floor statement which may be of interest to you.

Warm regards.

Sincerely,

CLAIBORNE PELL.

NEW YORK-BOSTON TURBOTRAIN WILL CONTINUE

STAMFORD, CONN.—The high-speed Turbo-Train, which travels once a day between New York and Boston, will be continued beyond its Oct. 22 termination date, President Nixon announced here yesterday.

Nixon, who was in Stamford to dedicate an Italian community center after making a trip to Hartford, said final details of the extension have not yet been worked out.

"We are hopeful that within approximately three months the Department of Transportation and its Federal Railroad Administration will be able to consummate an agreement with the United Aircraft Corp. and the Penn Central Railroad to develop an expanded demonstration," the President said.

He said the expanded demonstration might "involve additional cars, as well as changes in design to improve the dependability of the service."

He said the decision to extend the two-year demonstration was recommended by Transportation Secretary John Volpe, who accompanied the President to Connecticut, "be cause of our resolve to apply available space-age technology and expertise to earthbound problems."

The TurboTrain demonstration would have ended Oct 22 if the federal government had decided not to renew its option to lease the train from United Aircraft's Sikorsky Division in Stratford, which constructed it.

Transportation Department officials had said earlier the lease might be allowed to expire.

"In addition to conducting a successful experiment, proving that new, clean, fast, safe trains will be used by the traveling public," Nixon said, "we have also provided a service that has come to be accepted, used and counted on."

"The service provides jobs, it contributes to the economy, it is an experiment that succeeded to the point where it is now almost a necessity," the President said.

THE FARM BILL CONFERENCE REPORT

Mr. YOUNG of North Dakota. Mr. President, on behalf of the distinguished Senator from Vermont (Mr. AIKEN), who is necessarily absent today, I ask unanimous consent that a statement by him on the farm bill conference report be printed in the RECORD.

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

STATEMENT BY SENATOR AIKEN

Although the Farm Bill agreed to by the Senate and House Conferees is not perfect by any means, yet it is much better than the alternative of no new bill at all.

Therefore, it is my hope that the Senate will approve this compromise bill at the earliest possible opportunity since the uncertainty which would be created by further delay would be costly to the country and particularly to American agriculture.

I am sorry to miss the closing days before the recess but it could not be helped.

HONORING THE OHIO MENTAL HEALTH ASSOCIATION, INC., ON THE 40TH ANNIVERSARY OF ITS FOUNDING

Mr. YOUNG of Ohio. Mr. President, this month marks the 40th birthday of the Volunteer Citizens' Mental Health Movement in Ohio. The organization takes its place near the top of the other health endeavors longer organized and the need for care and treatment is not exceeded.

When the Ohio Mental Health Association, Inc., began in 1930, it was few in numbers. The large mental hospitals housed thousands with little hope for eventual discharge. Because these devoted people and the professionals saw that greater hope lay in treatment in the community, the hospitals began to have fewer patients. Much more care and treatment is being done in the community. Tax users are more and more becoming taxpayers, leading useful lives in home environments.

Congress, several years ago, recognized the community need. Comprehensive community centers have been funded. Ohio, through the cooperation and promotion of the Ohio Mental Health Association and others, is sharing in this. Our recognition did not come too late.

This anniversary calls up names of those prominent in the Ohio Mental Health Association. Their former president, the late Dr. Walter G. Nord, Lorain, and the president now serving, the Rev. Kay M. Glaesner, Springfield, must be mentioned. Long active and known over this country as foremost in helping the mentally ill is Mrs. Marion S. Wells, their executive director. Hundreds of others have and still serve in the growing Ohio Mental Health Association. It has chapters and members from every county in Ohio. Among those who have returned to the native State are many internationally prominent Ohioans who each year serve as honorary mental health chairmen. This year the well-known Milton Caniff holds this position.

THE TRADE BILL

Mr. MILLER. Mr. President, we who serve in the Senate are accustomed to occasional mistakes by news media in reporting what we say or do. I wish to invite the attention of the Senate, as well as the attention of the press, Eastern Establishment or otherwise, to a most unfortunate piece of reporting by the New York Times.

On October 13, the Times published a four-column story and headline charging that Secretary of Commerce Maurice Stans and Secretary of State William Rogers contradicted each other in testimony before the Committee on Finance on whether or not the trade bill then under consideration would result in retaliation against the United States by other countries. I can only hope that the error which was made represents loose reporting rather than deliberate editorial bias in a newsstory.

In referring to retaliation, Secretary of State Rogers was commenting on the possible impact of H.R. 18970 as it passed the House Committee on Ways and Means. When earlier in the day, however—and the transcript of hearing makes this quite clear—the same question was posed of the Secretary of Commerce, he responded by referring to the trade bill as submitted by the Nixon administration. Obviously, there is a considerable difference. In the one case, Secretary Rogers was referring to the bill which was reported by the House committee and includes many provisions not requested by the administration—and in fact is vigorously opposed by the administration. Secretary Stans, on the other hand, answered the same question in the context of the administration-supported bill. The following is a direct quote from the question put to the Secretary and his answer, followed by the story from the New York Times. In the spirit of fairness, I call upon the New York Times to correct their erroneous report.

Senator FULBRIGHT. While we do give away a good deal of rice, nevertheless, I was surprised that you would say there is not a favorable balance in agriculture any more. It has gone worse than I had thought.

Secretary STANS. Senator, I would debate very strongly the question whether there is anything in the Trade Bill, *as we have proposed it*, that would cause us to lose any sales of soy beans or other agricultural commodities.

Senator FULBRIGHT. You do not think there would be any retaliation by other countries if we passed the bill as proposed?

Secretary STANS. If we passed the bill *as proposed by the Administration*, I do not believe there would be any retaliation from any other country; that is correct.

I ask unanimous consent that the Times article be placed in the RECORD.

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

[From the New York Times, Oct. 13, 1970]

STANS AND ROGERS DISAGREE ON TRADE BILL—TESTIMONY BEFORE SENATE PANEL ON LEGISLATION'S IMPACT DIFFERS

WASHINGTON, October 12.—Two members of President Nixon's Cabinet disagreed, flatly and publicly, today over the probable impact of the foreign-trade legislation that is now being considered by Congress.

The Secretary of Commerce, Maurice H. Stans, told the Senate Finance Committee, "I question whether we would lose any exports" as a result of enactment of the trade bill.

The Secretary of State, William P. Rogers, on the other hand, predicted extensive retaliation by other countries, which would ban or

restrict American exports to a degree that would "cause serious harm to the United States."

The two Cabinet officials testified as the committee completed a two-day hearing on the bill.

The measure containing many restrictive provisions that were not endorsed by the Administration, has been approved by the House Ways and Means Committee but will not be voted on in the House until after Election Day.

In the Senate, a move is under way to attach the House committee's bill to a bill that increases Social Security benefits and enacts part of the Administration's welfare-reform program. The objective is to make the trade bill veto-proof, which it presumably would not be if it reached the White House as a separate bill.

If the Senate Finance Committee does not attach the trade bill to the Social Security bill—it is expected to decide on this tomorrow—an attempt will be made to attach it on the Senate floor when Social Security comes to a vote after the election recess.

The differing views of the trade bill expressed by Secretaries Rogers and Stans did not come as any surprise. This division of opinion within the Administration was made clear at the time of the House hearings and at various times since.

The forcefulness of the language used by both men was striking, however.

Mr. Stans, in lengthy dialogues with several Senators, spoke of the need to stop the loss of jobs for Americans that he said resulted from the United States' open-trade policies and restrictions on trade by other countries.

"We can no longer be the country of great wealth that can hold an umbrella over the development of other countries," he said.

Mr. Rogers, on the other hand, saw a greater danger to American workers from enactment of the House committee's bill.

If other countries chose to apply the same protectionist approach to United States exports "there would be grave damage to the sales of hundreds of American firms and to the jobs of hundreds of thousands of American workers," he said.

THE DRY CEREAL INDUSTRY

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Utah (Mr. Moss), who is necessarily absent, I ask unanimous consent that a statement by him be printed in the RECORD.

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

Mr. Moss. Mr. President, the Subcommittee for the Consumer recently completed hearings on the cereal industry. I would like to share with Senators some of the seemingly uncontroverted facts developed at those hearings:

(1) The promotion of dry cereals is a multi-million dollar undertaking with most of this money being spent for television advertising, almost all of which is directed at our children.

(2) Although recognized nutritionists have known for some time that most Americans do not eat a balanced breakfast, and that many, if not the majority, eat no more than a bowl of cereal and milk, there has been little effort on the part of the cereal manufacturers to see that a bowl full of cereal provides a sufficient share of the nutrients required for a healthy life.

(3) It is clear that the present advertising practices in the cereal industry mislead the American consumer. Although the constant message is "Eat ABC cereal and you will be healthy" the necessary caveat ". . . provided you eat an otherwise well balanced breakfast," is deliberately omitted from the advertising message. If this message is not misleading and deceptive due to its content, its omissions clearly make it so.

(4) There are significant differences in the amount of nutrients provided by cereals presently available on the market and present technology could be applied to enrich all cereals substantially and thereby increase the chances that a larger proportion of Americans would receive a balanced breakfast.

During the testimony Robert B. Choate, an engineer and a noted student of the dry cereal industry, presented a survey of the nutritional content of 60 cereals readily available in the marketplace. His testimony was most revealing. His chart shows dramatic differences in the content of various cereals with respect to nine recognized nutrients. Since individuals will have varying requirements arising from their own dietary habits, this chart is particularly helpful to the conscientious meal planner. The chart is based upon the assumption that a serving is one ounce. This assumption works well for most cereals but some light weight cereals will not weigh that much and thus the consumer must either serve more of the cereal or plan to make up the shortage elsewhere in the breakfast. The bar graph chart clearly indicates that the rank or cost of the cereal is not the only consideration. For example, cereal number 7 has more protein per serving than cereal number 1. If that is important for the particular family, they should choose number 7 over number 1. It can be easily used. All that is required is to consider the differences between the various cereals and then to make selections to complement the dietary needs of the particular family, based upon their own diet.

This testimony and chart are now available in the printed hearings and I hope that it receives careful attention and that study suggests that much more can and should be done to ensure that the consumer is able to make fully informed choices in the marketplace.

MRS. ALFRED I. DUPONT

Mr. THURMOND. Mr. President, on September 24 this Nation lost a great benefactor and a great humanitarian with the death of Mrs. Alfred I. duPont. Mrs. duPont was a great Southern lady who devoted her time and means to the advancement of education and culture. I had the honor of being a friend of hers and an admirer of her wonderful spirit and charm.

Mrs. duPont gave millions to various charities and educational institutions. There are thousands of people today who would not have received a college education or skilled training without her benefaction. She was an outstanding patriot and a fine American.

No matter what field you turn to, whether it is the encouragement of colleges, or museums, or funds to aid crippled children, Mrs. duPont left her mark and her mold upon the creative developments in that area.

I wish to extend my heartfelt sympathies in this time of sorrow to the duPont family and to her brother and my warm friend, Mr. Edward Ball of Jacksonville, Fla.

Many Americans have mourned her passing and many newspapers took note of this sad occasion to pay tribute to her memory. Mr. President, it is fitting that some of these tributes be incorporated in the RECORD of our proceedings and I ask unanimous consent that editorials and letters about Mrs. duPont from the Roanoke Times, Jacksonville Journal, Jackson County Floridan, Florida Times-Union, Orlando Sentinel, and the Richmond, Va. News Leader be printed in the RECORD.

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

[From the Roanoke (Va.) Times, Oct. 6, 1970]

TRIBUTE TO A GREAT LADY

The death Sept. 24 of Mrs. Alfred I. duPont took from the Commonwealth its most gracious and charitable lady. A number of years ago Miss Hattie Bell Gresham wanted me to meet her cousin, Jessie Ball duPont, because she wanted her to become interested in the Barter Theatre in Abingdon. The meeting was arranged and Mrs. duPont and I became great friends.

A native Virginian from the Rappahannock area, she leaned towards helping Virginians. It was her desire to avoid the limelight but I think now the people of Virginia should know of her great humanity and her great charity.

A few of the institutions which were recipients of her contributions are: Washington and Lee University, Hollins College, Mary Washington College, Emory & Henry College, Hampden-Sydney, the Virginia Museum, the Barter Theatre, the Jamestown Commission and many more.

Miss Jessie, as she was affectionately known by her friends, was a gracious and perfect hostess. I was honored to be a guest several times. The dinners were always scintillating, delicious, beautifully served and fun due largely to the quick wit and humor of Mrs. duPont.

At one of the house parties I received a call from Abingdon, saying that part of my old home had burned. My first thought was to rush back to Virginia. I sought Miss Jessie out to tell her I thought I should leave. She was very concerned but she said "The fire is out, isn't it?" I told her "yes." She said "Let me give you a little advice. You stay here two more days and you will miss all hysteria." I did as she suggested and I have always been grateful for her mature advice.

The State of Virginia should cherish her memory and honor her great generosity which so few people knew about.

To have known Mrs. duPont was to honor her, respect her and love her. I shall always personally cherish the happy times I had in her company.

ROBERT PORTERFIELD.
Director, Barter Theatre, Abingdon.

[From the Jacksonville (Fla.) Journal, Sept. 28, 1970]

MRS. JESSIE BALL DUPONT

The life of Mrs. Jessie Ball duPont, like that of her late husband, was one devoted to the welfare of others and to the progress of her states and her country.

Though she maintained a home in Delaware, her legal residence was Jacksonville and during the 35 years since Mr. duPont's death she had spent most of her time, along with her brother, Ed Ball, carrying on philanthropic plans and the development of the many duPont Florida interests.

It is estimated that Mrs. duPont gave some $55 million to various charities and educational institutions and there are countless thousands today who received a college education due to her gifts.

Mrs. duPont was a rare combination of the best of womanly charm and business astuteness. Born to wealth and position, she was a tireless worker herself and completely shared her husband's belief that the wealthy had definite responsibilities to society in general.

She was one of the last of her kind of the old time regal class, a great lady and a great humanitarian.

[From the Jackson County (Fla.) Floridan, Sept. 29, 1970]

MRS. DUPONT PAID TRIBUTE BY CITY

JACKSONVILLE.—Flags were ordered flown at half staff in Jacksonville Monday and today to mark the death of Mrs. Alfred I. duPont.

The 86-year-old widow of the man who built the Florida duPont empire died at her Wilmington, Del., home Saturday. Although a legal resident of Jacksonville, she had not been at her St. Johns River estate here since 1966.

Mayor Hans Tanzler signed a resolution ordering flags at half staff on city buildings.

"Her numerous philanthropies toward the betterment of community life in the city of Jacksonville are unparalleled," Tanzler said.

Mrs. duPont gave an estimated $55 million to educational institutions and charities since her husband died in 1935.

DuPont left an estate of about $25 million which has grown under the direction of Edward Ball, Mrs. duPont's brother, to a value estimated between $1.5 to $2 billion.

The approximately $9 million Mrs. duPont collected annually from the estate now will go to charities for crippled children and the elderly. Otherwise, under terms of duPont's will, the estate is not affected by his widow's death.

However, the seven trustees are required by a recent act of Congress to dispose of all except one of their 30 Florida National Banks or dispose of all properties except the banks.

The estate owns the Florida East Coast Railway, St. Joe Paper Co., another small railroad, at least one million acres of Florida pineland and considerable valuable downtown real estate in Miami and Jacksonville.

[From the Jacksonville (Fla.) Times Union, Sept. 29, 1970]

MRS. DUPONT'S LASTING MEMORIAL

When Alfred I. duPont died in 1935, his biographer, Marquis James, titled the final chapter of hs work, "A Life Is Ended, Its Work Not."

The phrase applies with even more force in assessing the influence for good in Florida of his widow, Mrs. Jessie Dew Ball duPont, who died Saturday at the duPont Wilmington, Del. home, "Nemours," at the age of 86.

In the 35 years since the death of her multimillionaire industrialist-financier husband at Epping Forest, their Jacksonville estate, Mrs. duPont not only took an active part in the management and development of the large and varied duPont holdings in Florida, but assiduously carried out and broadened the philanthropies he provided for in his will.

The list of beneficiaries of her gifts, made without fanfare, included scores of institutions in many states, but with understandable emphasis in her native Virginia and her adopted home of Florida.

Her husband in his will earmarked $1 million of his estate to set up the Nemours Foundation as a perpetual charitable trust, and to build the Alfred I. duPont Institute for aid to crippled children.

In addition to carrying out these projects, Mrs. duPont each year gave 12 percent of her large personal income to the foundation, and to the Florida Crippled Children's Commission and to similar commissions in other states. In addition to these central interests, she contributed an estimated $55 million to various other charitable and educational institutions.

Mrs. duPont, a former school teacher, gave generously to the University of Florida, which honored her by naming a building for her in the Human Development Center, but she was a strong champion of private, independent colleges, and in addition to helping many such institutions directly, she assisted many deserving young people to get their education there.

In the lives of the thousands she has helped, directly and indirectly, lies her truest and most lasting memorial.

[From the Orlando (Fla.) Sentinel, Sept. 30, 1970]

MRS. DUPONT, BENEFACTOR

A lady whose gifts benefited many groups and institutions in Central Florida died Saturday in Wilmington, Del.

She was Mrs. Jessie Dew Ball duPont, 86, widow of the late Alfred I. duPont who died in 1935.

Mrs. duPont not only looked after the management and development of the vast duPont holdings in Florida after her husband's death, but she supervised the philanthropies he had begun and expanded on them.

She gave generously to Rollins College and to other charitable and educational institutions in the Central Florida area and elsewhere. Many of her gifts were made anonymously.

Mrs. duPont had a policy of giving 12 percent of her great personal income annually to the Nemours Foundation, a perpetual charitable trust, to the Florida Crippled Children's Commission and similar commissions in other states.

Aside from that, during her lifetime she gave an estimated $55 million to various institutions. Her gifts helped many young people obtain an education.

Mrs. Jessie duPont was devoted to the cause of mankind. She used her wealth wisely and lovingly to bring hope, health and knowledge to countless thousands of individuals.

[From the Richmond (Va.) News Leader, Sept. 30, 1970]

MRS. ALFRED I. DUPONT

On Saturday, a distinguished lady left our midst. She was brilliant, warm, and exuded a contagious compassion for her fellow man. There are few worthwhile community endeavours in Richmond that have not benefited from her generosity. Indeed her benevolence extended throughout her native Virginia and throughout the United States.

A member of the distinguished Ball family, a native of the Northern Neck, a dedicated school teacher, a devout member of the church—Jessie Ball du Pont was the epitome of womanliness. Her rare and radiating charm became part of almost everything she touched.

Mrs. du Pont was an ardent believer in the value of education. Through a multitude of scholarships primarily for Virginia students, she enabled young men and women to become self-reliant and, in many cases, prominent members of their communities. A former school teacher and a graduate of what is now Longwood College, she was a benefactor of several colleges and universities—including Mary Washington, Swarthmore, Hollins, Washington and Lee, and the University of the South. She donated chapels libraries, and buildings to many campuses.

After the death of her husband, the late Alfred I. du Pont, she built, staffed, and maintained a crippled children's hospital on the grounds of their estate—Nemours—in Wilmington, Delaware. In Richmond the Crippled Children's Hospital, Sheltering Arms Hospital, the Virginia Museum and the Association for the Preservation of Virginia Antiquities are but a few of the organizations that enjoyed her friendship and support.

Mrs. du Pont was an honorable lady. The monuments she leaves are the countless persons whose lives she has enhanced.

FUTURE TRADE POLICY OF THE UNITED STATES

Mr. NELSON. Mr. President, in the near future, the Senate will have to make important decisions regarding the future trade policy of the United States. These decisions will have far-reaching effects both at home and abroad.

In order that Senators may be fully aware of the adverse effect the importation of certain commodities is having on selected domestic industries, I ask unanimous consent that the text of the statement I am submitting to the Committee on Finance on this problem be printed in the RECORD.

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

STATEMENT BY SENATOR GAYLORD NELSON ON AMENDMENTS TO THE TRADE EXPANSION ACT OF 1962, OCTOBER 14, 1970

Everyone pays lip service to the concept of free trade. All countries espouse its virtues as do the producers, sellers and buyers of goods, just so long as they are beneficiaries of the exchange. When any of them feel threatened or see the risk of serious damage, they quite naturally oppose unlimited free trade so far as their interests or those of their country are concerned. There is nothing wrong with that. It is a perfectly defensible position from the standpoint of those who are damaged. If in fact the concept of free trade were applied without limitation world wide, the economic disruptions would be catastrophic and political support for the concept would evaporate overnight. That is the very reason that no one advocates the immediate implementation of the concept of free trade in its purest sense.

The real question is how we can continue to expand and develop a world wide program of "freer" trade than we now have. That cause will not be advanced by creating trade isolationists out of large numbers of people who have had their industries and jobs quickly wiped out by massive flooding of markets with foreign imports.

The objective, it seems to me, is to expand the concept of free trade in an orderly fashion that does not dramatically disrupt the economy of a country, while at the same time, progressing toward the ultimate objective of making all products available world wide from the most efficient producers.

There are some quite obvious circumstances where the domestic producer is entitled to protection. For example, government subsidized exports, such as the well known case of dairy products, temporary flooding of the market by a foreign country or massive invasions of a market which threaten rapid elimination of a whole industry, or cases where a foreign country establishes unreasonable artificial barriers.

Some of these matters can and have been worked out by voluntary agreements at the executive level. This method has the virtue of flexibility but frequently does not work because of foreign policy considerations unrelated to the question of trade.

In my judgment trade respecting several products can be fairly managed to the mutual benefit of the trading countries by establishing a quota on a fair base period with flexibility for growth as the market grows and with limited Presidential authority to modify quotas in the interest of expanding trade.

The American mink industry is presently facing serious economic difficulties, in great part due to the absence of a reasonable limit on the importation of mink pelts.

In 1960, 5,937,000 mink pelts were consumed in the United States. Of these, 2,846,000 or 47.94 percent were imported. In the years 1966 and 1967, the United States imported over 11 million pelts (while only producing just over 12 million) which accounted for 54 percent of the domestic mink consumption. In total, from 1960 through 1969, nearly one-half of all pelts consumed

in the United States, or approximately 44 million pelts, were foreign produced.

The problems of the mink rancher due to inadequate quotas are not new. Already in 1967, I had pointed out that more than 40 percent of the nation's mink ranchers had been forced out of business since 1960. According to Walter Taylor, a past President of the Emba Mink Ranchers Association, there were 7,200 mink ranches in 1962 compared with 2,600 in 1970.

Thousands of Americans are dependent upon the mink industry for their livelihood. Yet, in 1970, pelt prices reached disaster levels. 90 percent of the 1969 crop sold as of September 1, at an average gross sales price of $11.14 which is 27.3 percent less than the auction average of $15.33 in 1969, and 42.8 percent less than the $19.48 average realized in 1966. While these prices have skidded, there has been no control over the importation of minks.

If the mink industry is to survive, then realistic and reasonable limits on mink imports are necessary. The House trade bill does not provide sufficient relief. It sets the duty-free limit at 4.6 million pelts which is one million greater than the quantity of pelts imported in 1969, and two million greater than the Department of Agriculture's projected figure for 1970. The National Board of Fur Farm Organizations has estimated that there would have to be a 77 percent increase in the present rate of imports before American mink ranchers would get any relief through the quota provision of the House bill.

Legislation that I have previously authored and am presently cosponsoring, would set reasonable limitations on mink importation. This legislation would allow foreign mink pelts to continue entering the United States duty free until the annual total equals 40 per cent of the domestic consumption in our country. All pelts imported after that point would be subject to a duty equal to 50 percent of their value.

Two further recommendations are appropriate. First, no more than one-third of the total pelts permitted in duty-free should be admitted in any calendar quarter. This requirement is necessary because foreign mink producers often flood the American market in December. Second, the Committee should seriously consider retention of the 1952 provision concerning the embargo on pelts directly competitive to mink or include such pelts in the mink quota.

The lack of a realistic limit on the importation of footwear has been a major cause of the current financial problems facing the domestic shoe industry.

In 1969, foreign-made footwear, amounting to approximately 200 million pairs, took over 25 percent of the American market. While domestic production in 1969 had declined by 52.3 million pairs compared with 1968, imports had increased by 20 million pairs.

Based on the first 8 months of 1970 (where shoe imports increased by 21.3 percent over the same period last year), the American Footwear Manufacturers Association has projected a total import of 237,200,000 pairs for 1970, which is a 35,200,000 increase over the 1969 level of imports. The significance of this increase can be seen when one realizes that in 1950, domestic production of shoes amounted to 522.5 million while imports amounted only to 6.1 million or barely one percent of the domestic market. Ten years ago, imported footwear amounted only to 26.6 million or under 4 percent of the American market. Even five years ago, shoe imports of 87.6 million occupied less than 14 percent of the domestic market.

Because the shoe industry is very dependent on labor costs, our American firms have not been able to compete fairly with foreign footwear firms. They have not been able to compete fairly because the American firm pays an average of $2.74 an hour while children, ages 12–14, are putting in 60-hour work weeks at footwear plants in Taiwan and Hong Kong, for as little as 12 cents an hour.

The time for setting reasonable limits on shoe imports is at hand. The Senator from New Hampshire, Mr. McIntyre, has offered legislation which I am co-sponsoring which would set realistic quotas. This bill would set the years 1967–1969 as the base period for imports. It would reduce imports from 200 million a year to approximately 150 million, or a fair percentage of the domestic market. It is time to achieve a fair trade balance—it is time to save the American shoe industry from being run out of business.

A third major industry that is being adversely affected by current import quotas is the dairy industry. Increasing dairy imports is one of the major factors contributing to the mounting pressure that is forcing farmers to leave dairying to seek a better return on their investment of capital and labor in other phases of farming and business.

Farmers have been told that if they seek better balance between supply and demand, the result will be improved prices. Yet, over the past five years, the number of dairy cows has dropped from 17.6 million to 13.8 million During the same period, dairy farmers reduced milk production by 11 billion pounds, from 127 billion in 1964, to an estimated 116 billion in 1969. During that same period of time, imports of dairy products, heavily subsidized by foreign governments, increased by more than 6 billion pounds. This increase along with inflated production costs, have wiped out any real price improvement for dairy farmers.

The answer that best suits the needs of the American dairy farmer would be the establishment of an overall quota for the total of all dairy imports based on the average imports in 1961–65, before massive dairy imports began. Only import quotas covering the whole range of dairy products will afford relief to the domestic dairy farmer.

The actions that I have suggested are not simply protectionist. Several domestic industries are faced with critical problems which in part can be relieved through the enactment of reasonable limitations on certain imported commodities. Hopefully, trade legislation that comes to the floor will contain the provision that the restrictions in the bill will be superseded by any voluntary agreements that may be negotiated. While there must be increased efforts towards expansion of international trade and the dismantling of barriers to free trade, there must also be increased efforts to set fair trade levels to relieve those domestic industries which are suffering economic hardship due to the current unfair trade situation.

SCHOOL FUNDS WITHHELD BY SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Mr. MONDALE. Mr. President, it has come to my attention that the Secretary of Health, Education, and Welfare has withheld some of the funds which were appropriated for this school year by the Congress and which have even been released by the Office of Management and Budget.

I have received desperate letters from school districts in my State whose title I funds have been held up. The result of this action to date has been extreme frustration and hardship for schools which are not yet sure of their entitlements for this year.

The effect on many of the programs which depend upon title I funds may soon be abandonment or severe cutbacks in services.

And the result for our children will be to once more be made victims of this administration's distorted priorities and their concern for bookkeeping over the education and welfare of our most needy children.

Mr. President, I cannot urge strongly enough the need to immediately release these appropriated funds and to allow the schools to go on with their work.

For the first time in the 5-year history of the Elementary and Secondary Education Act the Congress completed its educational appropriations work well before the beginning of the school year. This is all to be undone now by the delaying tactics of the administration.

The economic waste and the inefficiency of abandoned programs—not to mention the almost incalculable waste upon the children themselves—is absolutely intolerable.

I urge, once again, the immediate release of these funds so that our schools can return to their task of educating our neediest children.

Mr. President, to further illustrate the gravity of this situation, I would like to submit for the RECORD a few of the letters I have received on this crisis. I ask unanimous consent that they be printed in the RECORD.

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

JANESVILLE PUBLIC SCHOOLS
IND. DISTRICT 830,
Janesville, Minn., October 12, 1970.

Hon. WALTER F. MONDALE,
U.S. Senator,
Washington, D.C.

DEAR SENATOR MONDALE: We, as school people, appreciate the fact that Congress passed the Appropriations Bill for the Elementary and Secondary Education Act prior to the beginning of the fall term. Planning now should be more meaningful.

It is my understanding that the administration has not allowed the allocation of education funds. Thus we are still not able to effectively plan our program for the year.

I urge you to make our needs and wants known immediately to those who are holding back the funds.

Thank you for your assistance.

Sincerely,

DARWIN LOCHNER,
Superintendent.

INDEPENDENT SCHOOL DISTRICT NO. 318,
Grand Rapids, Minn., October 12, 1970.

Hon. WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.

Hon. JOHN A. BLATNIK,
Rayburn House Office Building,
Washington, D.C.

GENTLEMEN: Thank you for your positive assistance in passing the August, 1970 Appropriations Bill. You are to be commended on your action and we wish you to know that your support of the bill is appreciated.

We are now in the second month of the school year since the passage of the Appropriations Bill. Apparently, since the passage initially, little has been accomplished in releasing information and funds to the various state agencies. As a result of the delay of allocating monies there is an increased concern because a local educational agency is charged with the responsibility of maintaining and improving existing educational programs. A slow release of funds places additional pressure on us and puts us in a somewhat precarious position.

In essence we are asking you to make known to the proper sources a pressing need

to release the monies already passed to assist in fulfilling the educational objectives of the existing programs.

Thank you for your time and again your efforts will be appreciated.

Sincerely,

DONALD J. GORNOWICH,
Administrative Assistant,
Federal Programs.

MAYNARD PUBLIC SCHOOLS,
Maynard, Minn., October 8, 1970.

Hon. WALTER MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: As you are aware, the public school districts of Minnesota need the Title I and Title II funds to carry on their Educational programs for the 1970–71 school year.

We realize that the H.E.W. was without an administrator for sometime, but now that the position has been filled we believe the funds should be released immediately.

Most school districts in Minnesota are without sufficient funds to carry on their normal activity. Without the Federal program's monies we must write warrants and they do cost us money. Some schools may have to curtail Federal program activities.

The 89th Congress blessed us with these programs. This Congress must see that we get the money to carry out our present Federal programs.

Your usual prompt action will be greatly appreciated by all public school districts in Minnesota.

Thank you.

Very truly yours,

MILTON L. ANDERSON,
Superintendent.

INDEPENDENT SCHOOL DISTRICT 583,
Pipestone, Minn., October 9, 1970.

Hon. WALTER MONDALE,
U.S. Senate,
Washington, D.C.

DEAR MR. MONDALE: Shocking news has just reached my desk that I find extremely disturbing. Minnesota's (and I'm sure other states) Department of Education indicates that the Federal Government is withholding ESEA Title I money that Congress appropriated for this year's program. Specifically, only $4 million has been received of $23 million appropriated. We are led to believe that projects now operating must be curtailed or eliminated if the additional funds are not soon forth coming.

If this is allowed to happen, faith in our Congress and even in our President will decline sharply in the eyes of educators.

The Title I program at Pipestone is small, only $50,000, but it's $50,000 we can't find in our local budget if we are forced to either eliminate Title I activities or support them with local tax dollars.

Isn't there something that can be done about this?

Respectfully,

WM. BURKHOLDER,
Admin. Assistant.

MENTOR PUBLIC SCHOOLS,
INDEPENDENT DISTRICT 604,
Mentor, Minn., October 8, 1970.

Senator WALTER MONDALE,
Washington, D.C.

DEAR SENATOR MONDALE: The U.S. Congress passed the appropriation bill for Federal funds to finance our Title programs. However, the release of the major portion of the funds has been delayed by the administration for an unknown reason. The Federal government seems quite rapid when sending our numerous regulations and red tape which plague school administrators in trying to implement the programs. However, they are extremely slow at producing the money for adequate funding. This situation of uncertainty about funds, when we have already obligated them, and have programs in action, really panics school administrators. After all, Federal money belongs to the people. They are well aware of it when they pay their Federal income tax and all other federal taxes of the so-called hidden variety.

The Federal government must do more to finance education—especially on the elementary and secondary levels. The property tax payers are really "crying" and put a good deal of pressure on the school administrators to cut the budget.

Inflation is the real culprit. If we add nothing to the program, the budget rises rapidly anyway, due to nothing but inflated prices. Inflation is causing most of our problems. Many are to blame, but the Federal government must shoulder most of the responsibility. Thus the Federal government should hasten to help finance the public schools.

It is very important that the Federal funds for the Title program be released in full—and without delay. The pressure on school administrators is rising almost daily. We are calling for help!

Sincerely yours,

E. P. NEIBAUER, *Supt.*

ST. LOUIS COUNTY, OFFICE OF THE BOARD OF EDUCATION,
October 8, 1970.

Senator WALTER F. MONDALE,
Old Senate Office Building
Washington, D.C.

DEAR WALTER, As Director of Title I of the 1965 Elementary and Secondary Education Act for the St. Louis County Schools, I am writing to you urgently appealing for your assistance to implore the administration to release the education funds as appropriated by the Congress in August for fiscal 71's federally aided programs for our schools.

Statistics show that $4,000,000 was granted to the State of Minnesota contrasted to $16,000,000 in approved projects and the Minnesota total share is $23,000,000 as passed by Congress. This means that practically every school in Minnesota will have to make emergency decisions as to whether they can afford to continue these federally funded projects because of the serious need for funds which were allocated and expected as promised by Congress.

Another serious consequence in the delay of funds is that valuable materials geared to special needs currently needed in these programs cannot be purchased unless current funds are available.

It appears that the administration is playing politics and this charge should be relayed to him and his administration, because there is no valid reason for denying funds so critically needed. Since passage of ESEA school districts have projected programs which cost considerably in excess of the amount funded by Congress in the anticipation of receiving the federal portion to meet current requirements. As a result of so projecting programs school district have not only currently funded costs with local monies but have found it necessary to borrow money to meet the additional current costs of approved projects which included federal monies.

It is my information that funds are also being held up for Public Law 89–10, as amended, Title III, V and VI and the newer, Vocational-Technical Education Act, as well. Because of arbitrary holdbacks the administration in Washington should be charged with maneuvering public funds for political intent.

I would appreciate all efforts which you may exert to properly inform the administration authorities responsible for this delay.

Thank you kindly for your help.

Sincerely,

PETER X. FUGINA,
Supervisor.

ALEXANDRIA PUBLIC SCHOOLS,
Alexandria, Minn., October 8, 1970.

Senator WALTER MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: Our school district is very concerned that Title I funds have not been released to the State and, in turn, to the local school district. Our school has already made commitments to personnel and, more important, to the child; and it is unbelievable that the appropriations have been authorized but not released.

The Federally funded education programs have had a tremendous impact on our schools. I hope that we can continue to plan for the benefit of the disadvantaged child, but this can only be accomplished if the funds are made available now.

I am fully aware of the strong support you give education, and I am asking that you make the administration recognize the urgency in this matter.

Sincerely yours,

A. A. PACIOTTI,
Director, Adult Education.

McINTOSH, MINN.,
October 9, 1970.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR MR. MONDALE: Elementary and secondary school children who are entitled to the benefits of Federally funded educational programs may be seriously shortchanged this year unless the funds that are being delayed in the Office of the Secretary of Health, Education and Welfare are released soon.

For example: the four million dollars of Title I Funds granted to the State of Minnesota contrasts with sixteen million dollars in approved projects and a twenty-three million dollar share of appropriations passed by Congress. If the balance of the money due for Minnesota is not made available soon, schools operating programs will be faced with out-go and no income.

The school system in which I am teaching at present has been receiving Title I Funds for the past four years. I am personally interested in this educational program as I have seven pupils who are receiving special help and who are desperately in need of this. Please help us out in this situation by informing the Office of the President to instruct the HEW Secretary to release and distribute these educational funds immediately.

Thank you.

Sincerely,

MRS. GLADYS SCHLEICHER.

INDEPENDENT SCHOOL DISTRICT No. 535,
Rochester, Minn., October 9, 1970.

Senator WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR MR. MONDALE: Are you aware of the plight of the Title I programs?

We have just gotten our Title I Program well underway for this year but have learned from the State Department of Education that funds are being delayed in the office of the Secretary of Health, Education and Welfare. I hope you will exercise all of your influence to encourage President Nixon to release the funds which were voted by Congress.

The educational accountability stressed by the United States Office of Education cannot be maintained by state and local school districts if fiscal responsibility by the Federal Government is not accepted.

Wouldn't it be disastrous if we had to discontinue programs we have just begun?

Children's welfare is at stake! Your help is needed.

Yours truly,

WARREN W. ZIMMERMAN,
Principal.

COTTONWOOD, MINN.,
October 12, 1970.

Re Federal Aid to Education Program.
Senator WALTER F. MONDALE,
Washington,
District of Columbia.

DEAR SENATOR MONDALE: Recent actions by the Administration seem to show that President Nixon is not aware of the necessity for immediately releasing all of the Education funds for this year's Federally aided program for the nation's elementary and secondary school children.

The United States Congress passed the Appropriations Bill before the beginning of the fall school term for the first time in the five-year history of the Elementary and Secondary Education Act. This action was much appreciated as it would have provided school districts and State agencies with several weeks for preparation of programs and employment of personnel. However, the President has allowed the allocation of funds to be delayed, and school administrators have been unable to plan for the most effective use of Federal funds.

I am certain that President Nixon will instruct HEW Secretary Richardson to release and distribute the education funds if he is appraised of the need.

I would like to thank you for your support in passing the Appropriations Bill and for any aid you can give me in passing this information to the Office of the President of the United States.

Yours truly,

Mrs. ARDITH REISHUS.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR MR. MONDALE: I have been informed by the Minnesota Department of Education that only 20% of the funds alloted to Title I ESEA by Congress has been released to schools in Minnesota and that 80% is being withheld by HEW.

Bejou Ind. School Dist. No. 431 of which I am principal, was alloted $3624.00 for a project "Improving Reading Ability of 13 Title I Children". These children are one or more grades below the reading ability of their grade through grades 1, 2, 3, and 4.

If the remaining 80% alloted to this reading project is withheld, this project will have to be dropped leaving 13 children deprived of the instruction they need to compete in this age.

Therefore, I am appealing to you to influence HEW to release the funds necessary to complete this necessary project.

Sincerely,

MAURICE C. BURSHEIM,
Principal.

SLANTED NEWS

Mr. DOLE. Mr. President, I had the honor of being present at Kansas State University for President Nixon's address to the student body in the Alf Landon lecture series. I have previously expressed my pride and approval of both the President's remarks and the reception accorded him by the K-State students, so I shall not dwell on that point.

Frank Edmondson, a young newsman from station KLEO in Wichita, Kans., brought the content of the initial UPI bulletin on the President's appearance to the attention of his listeners and the president of UPI. However, in a colloquy shortly after the President's appearance, the distinguished minority leader (Mr. SCOTT) commented on the somewhat slanted coverage given the event by one of the major television networks. Apparently, that network was not alone among the news media in presenting an inaccurate view of the President's appearance.

I believe Mr. Edmondson's criticisms are fair and reflect a responsible approach to news coverage.

Mr. President, I ask unanimous consent that this KLEO editorial by Mr. Edmondson and his letter to the president of UPI be printed in the RECORD.

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

EDITORIAL

President Nixon spoke in Manhattan today. Those who listened to the speech on radio, on television and in person—witnessed a strong speech delivered by him. Hecklers tried to drown out the President—there were about fifty in all—but the spontaneous ovation by the majority of the 15,000 plus persons at the Ahearn Fieldhouse on Kansas State's campus drowned out the fifty easily. The enthusiasm was shared so much by the President, that at one time during the speech, he said this:

The destructive activists at our colleges and universities are a small minority . . . My text at this point reads: ". . . their voices have been allowed to drown out the responsible majority." That may be true in some places but not at Kansas State.

The comment was followed by a standing ovation.

However, the first national story on the speech released by United Press International showed quite a different side to the scene. Here is the story in its entirety:

MANHATTAN, KANS.—About 50 dissidents interrupted his speech with shouted questions and obscenities as President Nixon warned today that American colleges risk losing public support unless they curb violence by "destructive activists". Mr. Nixon made his strongest remarks so far about radical student dissent in a speech at Kansas State University. As the dissenters tried to shout him down, Mr. Nixon called on responsible students and faculty members to "stand up and be counted." And he urged the hecklers to be willing to listen to someone without trying to shout him down.

That United Press International news story didn't make this particular KLEO Newsman happy. A letter has been written by this reporter to be sent to the President of the United Press International, with copies also to be sent to President Richard M. Nixon, Governor Robert B. Docking, Senator Bob Dole, Senator James Pearson, Congressman Garner Shriver and other dignitaries in public office.

WICHITA, KANS.,
September 16, 1970.

Mr. A. MIMS THOMASON,
President,
United Press International,
New York, N.Y.

DEAR MR. THOMASON: Today President Nixon spoke at the Kansas State University Campus in Manhattan. I listened to the speech while driving to my job as newsman for KLEO Radio in Wichita. When I got to the station I wrote a news story concerning the President's speech. Enclosed is a copy of the story. I was very much enthused personally to hear: a) The President take a much firmer stand on campus violence and disrespect; b) the audience support him by numerous outbreaks of applause; and c) the audience purposely drown out the estimated 50 hecklers, who illegally brought a banner into the fieldhouse and rudely shouted obscenities at the Chief Executive. I commented on this in my news release, trying to remain un-opinionated at the same time. I feel the story is factual enough.

Then, in the next hour or so the United Press International's Ninth World in Brief (096 UPR) came over the wire. The lead story, which is also enclosed and which was to be read by stations all over America, was on the President's speech. In that nine-line story not one word was mentioned about the tremendous support the majority of the students and audience gave the President. Not one word was mentioned about the fact that they, by a ratio of 300 to 1, outnumbered the few boisterous, vociferous, rude dissidents. Not one word mentioned about the fact that the President was so impressed with the majority of the audience that he broke from the prepared text long enough to comment on the conduct. Not one word was mentioned that the hecklers quieted down considerably and that conversely, the President's enthusiasm increased toward the end just as considerably. Not one word was mentioned that there was but one other demonstration evident in the environs of the Fieldhouse where President Nixon spoke.

I fully realize that the UPI story was short. But I also realize that that story is just the type that gives those "dissidents" the fuel they need. The way the story came across made the whole speech sound like a verbal, shouting battle between Nixon and the hecklers, with the hecklers making a jackass of our President. That simply was not the case.

I am 24. I have long hair. I dig raucous music as well as Lawrence Welk as well as Grand Funk as well as Mantovani. I am a student. I have served three years in the Army. I hated the Army. I don't like the War. But you won't find me out-shouting a public speaker. You won't find me using every obscenity possible in public for shock value. You won't find me protesting illegally. You won't find me bombing buildings. You *will* find me in church, worshipping the God I love. You won't find me mixing my God's name with obscenities. But, you will find me a cross-section of a heck of a lot of students and young Americans who are fed up with the "dissidents" being given lead stories which falsely give them the victories in confrontations with police and public dignitaries. More and more in the future, you will be hearing from students like myself who are tired of the immature cacophonous, simpering, overgrown problem children being given every hand they need in undermining the very freedoms I believe in. This letter is my first. I promise, it shan't be the last if news leads as that in today's UPI log continue.

Sincerely,

FRANK M. EDMONDSON, Jr.,
KLEO News.

EDITORIAL

President Nixon, speaking at Kansas State University this noon, has spoken out against campus violence in America's universities. The President was harassed by a group of about 50 student hecklers, who managed to smuggle in a banner despite the rules against signs in the Ahearn Fieldhouse. The banner stated "How many more will you kill?" However, Nixon's most frequent interruptions were enthusiastic ones which encouraged the President notably in the latter pages of his speech. The President was interrupted several times by the audiences ovation supporting his criticism of the small group of hecklers. At one point the President was so encouraged by the support of the audience that he broke from the prepared text to add this comment.

"The destructive activists at our colleges and universities are a small minority . . . My text at this point reads:' . . . their voices have been allowed to drown out the responsible majority.' That may be true in some places but not at Kansas State."

The comment was followed by a standing ovation.

LEGISLATION REORGANIZATION ACT OF 1970

Mr. METCALF. Mr. President, with the successful completion of work by both Houses of the Congress on the Legislative Reorganization Act of 1970, representing the first major revision of congressional practices and procedures in 25 years, I feel that it is only fitting and just that special tribute be paid to the small group of dedicated and knowledgeable staff members who have, in a very real sense, played a major role in the accomplishment of this outstanding event.

First, I should like to mention Mr. W. De Vier Pierson, former chief counsel to the Joint Committee on the Organization of the Congress, and later special assistant to President Lyndon B. Johnson. Mr. Pierson's knowledge in depth, based upon his years of work with the joint committee and his willingness to give freely of his time and knowledge enabled him to render invaluable assistance in connection with this matter, neither expecting nor receiving remuneration for his services.

Proper recognition should be given to Mr. Walter Kravitz, senior specialist in American Government and congressional organization of the Legislative Reference Service of the Library of Congress. Mr. Kravitz worked closely with the joint committee and later with the House Committee on Rules in the development of the act. We were most fortunate to have the benefit of his experience and services.

To Dr. Eli E. Nobleman, a longtime member of the professional staff of the Senate Committee on Government Operations, and a man who has devoted many years to the study of the organization and operation of the Congress, special tribute is also due. His knowledge and understanding of the issues, as reflected in his carefully prepared report on the Senate bill, S. 844, as well as his wise counsel and guidance before and during the debate, were of immeasurable value, and demonstrate beyond any question the importance to the Senate of a dedicated, career professional staff.

Special recognition must also be given to Mr. James R. Calloway, chief counsel and staff director of the Senate Committee on Government Operations, whose wise counsel and long experience contributed greatly to the development of agreements in principle which played an important role in expediting consideration of and debate on the bill.

Finally, last but not least, special tribute must be paid to our outstanding Senate legislative counsel, Mr. John C. Herberg, and his exceptionally competent assistant counsel, Lawrence A. Monaco, Jr. Mr. Herberg with his usual dedication and consummate skill, drafted some of the most complex provisions of the bill applying to the Senate, in order to enable the accomplishment of our objectives. Mr. Monaco prepared large numbers of amendments with his usual skill and alacrity, standing by for instant service as the occasion arose.

To all of these fine gentlemen, Mr. President, I express my sincere gratitude for an important job well done.

ADMISSION OF FIJI TO THE UNITED NATIONS

Mr. FULBRIGHT. Mr. President, while others have criticized our Ambassador to the United Nations, Charles Yost, for suggesting that Fiji's application for U.N. membership be studied before being approved, I wish to commend him. I say this without any intention of reflecting on Fiji in any way. Indeed, I enjoyed a delightful visit there.

A lot of words, however, have been uttered viewing with alarm the growth of the United Nations and the imbalance between voting power and ability to contribute which is reflected in the General Assembly. As one who shares this concern I believe it is time that we stop talking about it and proceed with greater caution and deeper thought in the admission of new members. To the extent that Ambassador Yost is trying to move the U.N. in that direction, I wish to encourage him.

I ask unanimous consent that his statement on this question be printed in the RECORD.

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

STATEMENT BY AMBASSADOR CHARLES W. YOST, UNITED STATES REPRESENTATIVE TO THE UNITED NATIONS, IN THE SECURITY COUNCIL, ON THE APPLICATION BY FIJI FOR MEMBERSHIP IN THE UNITED NATIONS

Mr. President: Let me say, first of all, how happy I am to participate in this meeting of the Security Council which will, I am sure, recommend the admission of Fiji as the 127th member of the United Nations. There is no doubt, in the view of my Government, that Fiji is, in the words of Article 4 of the Charter, "able and willing to carry out the obligations" contained in the Charter.

This nation, which gains its independence today, has a population of more than 500,000 and a total land area of more than 7,000 square miles. Like its sister former British colonies, it has been well prepared to assume a seat in this Organization. It has had a large measure of internal self-government in recent years, and in the process has developed a responsible group of leaders. The Prime Minister, Ratu Sir Kamisese Mara, the former Chief Minister, is known to many of you here from his visits to the United Nations and his testimonies before the Committee of 24. I understand he will be here next week to take part in the UN's 25th anniversary celebrations, and we look forward to seeing him then. Let me repeat, it gives the United States Government and myself personally very great pleasure to welcome into the United Nations Fiji, a nation in our view entirely willing and able to fulfill the obligations of membership under the Charter.

Before we proceed further, however, I should like to recall to the Council the provisions of Rule 59 of our Provisional Rules of Procedure. That Rule provides, inter alia, that "unless the Security Council decides otherwise", applications shall be referred by the President to a committee of the Security Council upon which each member of the Council shall be represented.

Now that rule was not adopted by our predecessors frivolously or without good reason. It was and is in strict accordance with the intent of the Charter and was designed to enable the Council itself to carry out in a conscientious manner its responsibilities under Article 4 of the Charter, that is, to assure itself that the applicant is a peace-loving state which accepts the obligations contained in its Charter and is able and willing to carry them out. Unfortunately this rule, like some of the other principles and procedures wisely prescribed by our founding fathers, has fallen into abeyance and in recent years has not been applied as it should have been.

The United States believes that this is a mistake. We believe that the time has come, now that the United Nations has 126 members and will in a few days have 127, for the Council once again to pay strict attention to its responsibility laid down in the Charter in this regard, that is, to examine with care in each case whether the applicant is not only willing but able to bear the considerable burdens and obligations of membership. Certainly if the Council and the Assembly were so to deviate from the Charter as to admit in the future considerable numbers of states *not* able to carry the obligations of membership, not only would this amount in fact to a revision of the Charter but it would seriously weaken our organization. It would reduce its prestige, effectiveness and credibility just at the time when, as we have all been saying during this session, it most needs strengthening and the widest possible public support.

As members of the Council know, the United States joined, in the Security Council Committee of Experts, in proposals made by a number of its members for the reactivation of the procedures laid down in Rule 59. There was widespread endorsement of the proposal by both permanent and nonpermanent members. If no formal report to this effect has yet been submitted to the Council, it was because of an understanding that the Committee of Experts would act by consensus only. The United States considers it appropriate to raise the subject in connection with the first application for membership submitted since the establishment of the Committee of Experts by the Security Council in August of 1969.

Had there been any doubt about the suitability for membership of Fiji, to reactivate the procedure at this moment might have seemed invidious. However, since there is no doubt in our mind, or I believe in anyone else's, that Fiji should be admitted, this seems a particularly appropriate moment to reestablish the Charter procedure. We can do so on this occasion with the clear understanding that we are casting no doubt whatsoever on the fitness of the applicant and that our sole object is to correct for the future our own failure over a number of years to be faithful to the intent of the Charter and to the letter of our own Rules of Procedure.

I believe therefore that in accordance with Rule 59, the President should refer this application to a committee of the Council on which each member is represented. In order to expedite action on the application of Fiji, I should think that we might immediately meet as the committee of the whole, that we might very speedily adopt a report to the Council, which I am sure will be a favorable one, and that the Council might then take action to recommend Fiji for membership.

ADDRESS TO UNIVERSITY OF NEW HAMPSHIRE GRADUATING CLASS OF 1970

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Maine (Mr. MUSKIE), who is necessarily absent, I ask unanimous consent that a statement by him and an address by William Gardner, class president, be printed in the RECORD.

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

STATEMENT OF SENATOR MUSKIE

Mr. MUSKIE. Mr. President, on Sunday, June 7, I had the privilege of addressing the graduating class of 1970 of the University of New Hampshire. Another speaker at the commencement exercise was William Gardner, class president. I wish to share with Senators his thoughtful statement on the ideals and goals of the students of today.

ADDRESS BY WILLIAM GARDNER

Among us here this afternoon are many segments of our society—a society which all of us as individuals contribute to—a society which all of us would like to make better in our own individual ways. It is important then for all of us to try and understand, or at least listen to what each and every member has to say. This is terribly important today in a country that is becoming more and more polarized from within. We must learn to realize that it is a healthy period when people begin to take part in their Government's decisions, rather than automatically agree that all what our President does is right. It is important for all of us to realize that the Government should not be an impenetrable block which must either remain exactly the way it is or be completely altered by revolution. It must be flexible enough to accept our reforms. We must learn to tolerate and listen to the voices of all individuals for individuality is an American right and it is something we all treasure.

However, we cannot abuse it as some of us have. For within every society you will find the Jerry Rubins and the Abby Hoffmans who will stand at one extreme, and at the other you will find the Spiro Agnews and the John Mitchells who will cause just as much harm, for they, too, seem to lack the ability to listen.

I am just as disenchanted with the radicals as I am with those they criticize, but they all have their place in American society. We are fortunate that our country exists somewhere in between these two extremes and this is where our hope for the future lies. Many of us here today are not the radicals of our society, yet we are not the silent majority. We are just as outraged by the waving of the Viet Cong flag, the take-over and burning of university administration and ROTC buildings, and we are just as nauseated at the violence and discord that exists. We find ourselves somewhere in the middle not knowing where to turn. A writing by one of our classmates, Ed King, was shown to me a few days ago and I think it portrays where many of us stand and is identifiable to all.

My country is tearing itself apart before my eyes, and in its agony is tearing the world with it, and I am caught in the middle, for I can take no side. The radicals are trying to cure our society by destroying it and building it anew. The society, preoccupied with fighting the radicals for its survival, will not cure itself. And while these ideologies struggle, people are dying in a war in Indochina and dying of disease and starvation in the ghetto.

I had observed the anti-war demonstrations here in Durham for several years. I observed them with a mixture of frustration and disgust, for they were circuses, complete with parades, flags, bands, and the ever-present ringmasters. Only, instead of elephants, the parade had obscene posters and its contingent of freaks. The flags were red, black, and North Vietnamese. The bands were rock instead of brass. The ringmasters were there in force with the revolutionary equivalent of "Hurry! Hurry! Hurry!" Women's liberation was shouting "in this ring", while the blacks were shouting "and in this ring." . . . And at the same time the peacenicks were shouting "and in the main ring" and while the show went on, people died in Indochina and the ghetto.

The demonstrations were angry now, and in Ohio and Mississippi six students died. They weren't just body counts anymore. A beautiful young girl, who had placed a flower in a guardsman's rifle, died in the street—gunned down before the horrified eyes of the boy who loved her. Another young girl went looking for her dog, but found death instead. A young ROTC cadet, second highest in his class, lay dead—shot by the very men he may have someday lead. Another boy, wary of both military and radical alike, died in the street—a victim of both. In another city, a high school student walking home from work and a young father studying law were gunned down in a furious and senseless hail of police bullets.

Yet while a shocked nation mourned these six, hundreds of unarmed, faceless people died in Indochina and the ghetto.

The cry went up for a mass demonstration in Washington, and so we followed. But when we got to Washington, all we found was the circus, only bigger. People moved through the audience selling soda and peace buttons. The rhetoric, the music, the flags—they were all there, only the names were more famous.

The radicals had shouted, "Revolution! Destroy the society!" The society had responded, "Law and order! Destroy the radicals!" The radicals had attacked with bottles and bricks, and allegedly, with bullets. But society had counter-attacked with tear gas, clubs and bayonets and undeniably, with bullets.

Bewildered, desperate, we stand in the middle, caught between a revolution prepared to use any means to destroy this society, and a society prepared to use any means to preserve itself against revolution. We could not choose the society, for it was so busy killing to defend itself around the world that it would not fight the cancers which ate at it at home. We could not choose the revolution, for it was too busy trying to destroy the society than to look for a better replacement.

We tried to find the answer ourselves. We looked to democracy and found mob rule. We looked to socialism and found the destruction of the individual. We looked to totalitarianism and found tyranny. We looked to capitalism, and found the glorification of greed. We turned to our President and he called us bums.

We turned to man and his institutions, but they were too busy fighting to hear or to answer. And so we turned to God for some answers, a new way, and He said to us very simply, love, love your God and love your neighbor. But when we tried to love, our country called us cowards, traitors, and demanded that we join the killing in Indochina and if necessary in the ghetto.

And so, after demonstrating for five years against the war in Vietnam, our President answered by moving it into Laos and Cambodia. And so, for some, disgust and frustration turned to direct action and involvement, and this was the basic reason why students here at the University of New Hampshire called for a strike. But the people who participated did not want to destroy those rights that they were striking to protect or uphold, so every effort was made to allow those students who chose not to strike to fulfill their academic responsibilities.

Before I introduce the first student speaker, I would like to make one final remark.

Tomorrow many of us will no longer be students, reading books or discussing theories about our society. We will be living those books and living those theories. We will be a working part of it. But we must never forget the ideas we formulated here at the university and the ideals and goals we pledged for our generation. We must no longer be a society where hollow patriotism prevails in slogans such as "America, love it or leave it." "For the reluctance to admit that some things have to be changed, the intolerance of dissent, the attitude that anyone who disagrees with the men in power should leave the country, are the evils that we must overcome."

Throughout our school years we have been taught that America is the greatest country but now that we are graduated we have come to realize that the greatness is still far from complete. We have no faith in our ideals because we find it necessary to kill in order to preserve them. Each and every one of us has to decide what we believe in, what our goals are and follow them. We can say we believe in peace, that we believe in liberty, but we must now live those beliefs, even if it means our death; for to kill for what you believe in is merely death, but to die for what you believe in is the ultimate fulfillment of life.

We must continue until these goals are met and I pray we will be the generation which attains peace and not war, love and not hate, freedom and not repression, Woodstocks and not Vietnams.

HEADSTART FUND CUTS DEPLORABLE

Mr. PACKWOOD. Mr. President, I was greatly concerned and dismayed to learn that the Office of Child Development has recently set about notifying Headstart programs in Oregon and around the country of intended budget cuts ranging from 10 percent to 40 percent in both summer and year-round programs. OCD acted in response to the other body's decision to slash the fiscal year 1971 Headstart budget.

The House has approved only $321.3 million for Headstart—$4.7 million below last year's appropriation, and $17.7 million less than the President's requested $339 million—the amount needed to allow Headstart to continue at its current program level. Last year, Headstart received $326 million and served about 488,500 children. The House-approved cut would eliminate about 17,000 children from full-year Headstart programs and would result in the total elimination of many summer programs. I submit that such economies are indefensible in these times. If we are to make good on our unfulfilled commitment to equality of education and opportunity and the elimination of poverty in an age of affluence, we cannot afford to ignore the desperate needs of our Nation's children.

There is ample evidence that the early years are critical in determining the future health, education and social development of the child. There is also ample evidence of Headstart's success in providing comprehensive child development services to our neediest preschool children. The programs which have been initiated in Oregon served 2,462 children in 1970. They stand as a tribute to what can be done to insure that every young child, regardless of his background, has an equal opportunity to fulfill his potential for physicial, mental and social growth. In spite of inadequate funding, Headstart programs in Oregon have shown time and again that the cycle of poverty can be broken. The effectiveness of efforts such as these is due to the intelligence, determination and commitment of thousands of concerned citizens throughout the land. Working with too little money, housed in makeshift facil-

ities. Headstart parents and teachers have struggled and succeeded in proving that funds for early child development can make a difference. How, then, can we justify a reduced commitment at this time?

When Headstart was launched 5 years ago, its founders envisioned a comprehensive program which would meet a multitude of interrelated needs. Unfortunately, initial evaluations of the results emphasized cognitive and IQ gains to the exclusion of many other aspects of the program, and it is on this basis that Headstart has been largely judged. As we have begun to define our goals more realistically, however, it has become clear that some of Headstart's most significant achievements have occurred in other areas. In health care, for instance, a study by the Bureau of the Census revealed that more than 90 percent of the children enrolled in both summer and full-year Headstart programs in 1968 received medical examinations through Headstart. These examinations revealed a health problem in 35 percent of the children in full-year programs and in 43 percent of the children in summer programs. According to responses sent to the parents of children with health problems, 85 percent of those in full-year programs and 73 percent of those in summer programs received treatment.

The recently released Kirschner report—A National Survey of the Impacts of Headstart Centers on Community Institutions—reveals yet another role of Headstart as a change agent which has played a key part in influencing local institutions to become more responsive to the needs of the poor. According to the new Director of the Office of Child Development, Dr. Edward Zigler, this study is "one of the most important social documents of the past decade." The report surveyed 58 communities having Headstart and seven comparison communities not having Headstart, and the impact of the program was found to be tremendous—1,496 institutional changes were identified—1,055 in the field of education, and 441 in health. As Dr. Zigler comments:

> Where there was Headstart there was tremendous community movement in respect to two important institutions which bear directly upon the lives of children and their families.

The controversial Westinghouse report found the degree of parental involvement and approval of Headstart to be significant, and thus confirmed that the beneficial effects of the program extend far beyond the confines of the child development center itself. It also taught us more about what we can reasonably expect from a short-term summer program, and led to a greater emphasis on full-year Headstart.

It is apparent that a great deal has been learned in the past 5 years about the needs of the young child, and the potential of early childhood development programs to meet those needs. The creation of the Office of Child Development reflected our recognition that Headstart programs must be coordinated with other early childhood programs if they are to achieve maximum effectiveness. We are on the verge of a real breakthrough in the provision of services to insure equal opportunity to the Nation's children before they are crippled by the effects of poverty, discrimination, and neglect. And yet, appropriations for Headstart are threatened by drastic cuts.

I urge my colleagues to join with me in supporting our distinguished Appropriations Committee's recommendation to restore the $17.7 million which the House has cut from the President's Headstart request. Even this increase will meet the needs of only 31 percent of the children who could benefit from Headstart services. To do less would be criminal.

In the years ahead, however, we must set our sights even higher if we are to take full advantage of the lessons which Headstart has taught us. We can succeed in developing positive programs of great impact, but these efforts will not be enough unless they are accompanied by the full fiscal commitment required to meet the needs of all the Nation's disadvantaged young children.

IMPENDING WINTER FUEL SHORTAGE

Mr. MONDALE. Mr. President, all of us are now aware, and many of us were warning months ago, about the impending crisis of a winter fuel shortage.

While there are, admittedly, a number of factors behind this growing problem, a major factor—and the least excusable factor—is the insistence by this administration of maintaining quotas on oil imports. Especially damaging to the upper Midwest are the quotas on Canadian oil without which our own refineries cannot possibly meet the needs of the schools, factories, and other institutions for residual fuel oil. In fact, the administration last spring actually cut the allowable inputs of Canadian crude into this district by some 150,000 barrels a day.

Mr. President, the situation in Minnesota is particularly serious, and I must admit that I am not encouraged by the administration's faint hope for a mild winter. While I, too, would like to wish a mild winter for my State, this is not an occurrence upon which I care to place much faith, and I would be greatly more encouraged by more Canadian oil for our refineries and by more sensitivity to the needs of our consumers, taxpayers, and businesses who will pay the price this winter for what could be an avoidable fuel shortage.

I think the problem was particularly well summarized in a recent editorial of the Minneapolis Star, dated October 8, 1970. 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:

[From the Minneapolis Star, Oct. 8, 1970]

A WINTER FUEL SHORTAGE

Suddenly, it seems, the nation faces the prospect of a winter fuel shortage. We have the assurances of Paul W. McCracken, chairman of President Nixon's Council on Economic Advisers, that "No homes this winter are going to be without fuel." But the admission that some industries may have to curtail operations occasionally this winter makes those assurances shaky.

The American people will be justified in asking how a nation with such an abundance of energy resources could reach this point. Whatever system we have for meeting the energy needs of the people obviously isn't working the way it should.

Commerce Secretary Maurice Stans has announced the nation will undertake its first comprehensive study of the nation's mineral resources since 1950; another government commission currently is studying energy resources. We can hope that these studies will tell us what the resources are, what the needs are expected to be for a specified period and what steps are required to fill the gap, if any—call it a national energy plan.

In the meantime, we have to hope that the minimal Nixon administration response to the fuel crisis will be adequate and do as McCracken urged earlier—"pray for a benign weatherman this winter."

The administration's efforts have included steps to speed up the return of coal hopper cars, establishment of a joint board of top officers of several agencies to identify emergency problems and some changes in the oil import quota regulations which have been characterized as more important as a symbol than in substance.

Under normal circumstances, there is little justification for import quotas; with the nation facing a fuel shortage, they are outrageous.

A DEBT TO OUR PARENTS

Mr. DOLE. Mr. President, today, some of our young people are very critical of the United States. To them it seems that everything is wrong with the world and nothing is right. They blame their parents and grandparents for creating these problems and accuse them of not doing anything to solve them.

Recently, in a graduation speech, Dr. Eric A. Walker, president of Pennsylvania State University, quoted Northwestern University Prof. Bergen Evans, who had gathered some important facts about today's parents and grandparents. In just five decades—1919 to 1969—these people have increased our life expectancy, cut the working day, and vastly increased per capita output. They have cured diseases, greatly improved the standard of living, and fought three wars.

Dr. Walker's speech is significant in a time when criticism far outweighs gratitude. I ask unanimous consent that excerpts from the September 11, 1969, commencement address be printed in the RECORD.

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

MEET SOME REMARKABLE PEOPLE

923. Dr. Eric A. Walker, President of Pennsylvania State University speaking to a graduating class:

Not long ago an educator from Northwestern University by the name of Bergen Evans, a radio performer known to your parents, got together some facts about these two generations—your parents and grandparents. I'd like to share some of these facts with you.

These—your parents and grandparents—are the people who within just five decades—1919–1969—have by their work increased your life expectancy by approximately 50 percent—who while cutting the working day by a third, have more than doubled per capita output.

These are the people who have given you a healthier world than they found. And because of this you no longer have to fear epidemics of flu, typhus, diphtheria, smallpox, scarlet fever, measles, or mumps that they

knew in their youth. And the dreaded polio is no longer a medical factor, while TB is almost unheard of.

Let me remind you that these remarkable people lived through history's greatest depression. Many of these people know what it is to be poor, what it is to be hungry and cold. And because of this, they determined that it would not happen to you, that you would have a better life, you would have food to eat, milk to drink, vitamins to nourish you, a warm home, better schools and greater opportunities to succeed than they had.

Because they gave you the best, you are the tallest, healthiest, brightest, and probably best looking generation to inhabit the land.

And because they were materialistic, you will work fewer hours, learn more, have more leisure time, travel to more distant places, and have more of a chance to follow your life's ambition.

These are also the people who fought man's grisliest war. They are the people who defeated the tyranny of Hitler, and who when it was all over, had the compassion to spend billions of dollars to help their former enemies rebuild their homelands. And these are the people who had the sense to begin the United Nations.

It was representatives of these two generations, who through the highest court of the land, fought racial discrimination at every turn to begin a new era in civil rights.

They built thousands of high schools, trained and hired tens of thousands of better teachers, and at the same time made higher education a very real possibility for millions of youngsters—where once it was only the dream of a wealthy few.

And they made a start—although a late one—in healing the scars of the earth and in fighting pollution and the destruction of our natural environment. They set into motion new laws giving conservation new meaning, and setting aside land for you and your children to enjoy for generations to come.

They also hold the dubious record for paying taxes—although you will probably exceed them in this.

While they have done all these things, they have had some failures. They have not yet found an alternative for war, nor for racial hatred. Perhaps you, the members of this graduating class, will perfect the social mechanisms by which all men may follow their ambitions without the threat of force—so that the earth will no longer need police to enforce the laws, nor armies to prevent some men from trespassing against others. But they—those generations—made more progress by the sweat of their brows than in any previous era, and don't you forget it. And, if your generation can make as much progress in as many areas as these two generations have, you should be able to solve a good many of the world's remaining ills.

ADMINISTRATION AMBIGUITY ON VIETNAM

Mr. FULBRIGHT. Mr. President, the initial optimism which surrounded the President's statement of his Vietnam peace proposals appears to be fading rapidly. At first reading many of us, myself included, tended to interpret the speech as evidence of greater flexibility on the part of the administration and as possibly signaling the end of the President's effort to achieve a "Korean solution" in South Vietnam. Such interpretations may have been, in large part, a reflection of our long frustrated hopes.

On rereading the speech one is struck by its pervasive ambiguity. When this ambiguity, the subtle caveats, and the interrelation of the elements of the proposal are closely examined, little basis remains for expecting a postitive response from Hanoi. Furthermore, it seems apparent that this new plan represents a continued effort on the part of the President to bargain from strength and to extract unrealistic concessions from Hanoi.

Last Sunday the Outlook section of the Washington Post contained an article comparing the President's proposal with that put forward in September by the Provisional Revolutionary Government, formerly the NFL. This article, written by Leslie H. Gelb and Morton H. Halperin, former officials of the Defense Department, is the best analysis I have seen to date of the respective negotiating positions. I recommend that Senators give it their close attention, and I ask unanimous consent that it be printed in the RECORD following my remarks.

In the concluding section of their article the authors suggest that if the United States were prepared to agree to announce a firm deadline for complete withdrawal, Hanoi's agreement could be obtained to the return of American prisoners and to the safe withdrawal of our troops. Under these conditions they believe that a cease-fire and an agreement to maintain the status quo in Cambodia and Laos during the withdrawal period might also be possible.

The key to such a settlement, is of course, the President's willingness to consider announcing a date for complete U.S. withdrawal. Although the administration has thus far refused to explore what Hanoi might be willing to do in return for such a commitment, the American public is being led to believe that total withdrawal is the administration's goal.

Dr. Gelb and Dr. Halperin have, in my opinion, drawn precisely the right conclusions regarding the administration's position on this point:

If the administration indeed has a secret plan for total withdrawal anyway, it has every reason to go this route. The alternative is another two years of American casualties, destruction in Vietnam and the languishing of American boys in Vietnamese prisons. And in the end, we might find that we had totally withdrawn without even getting our prisoners back. If we do plan to be out by 1972, we will at some point want to negotiate certain minimum conditions. The time to do that is now.

The administration ought to answer this reasoning. Ambiguous statements and goals do not suffice as answers to those who demand to know why additional American lives should be sacrificed in Vietnam or why American servicemen should remain in North Vietnamese prisons.

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

TWO "OFFERS" ON VIETNAM ARE STILL FAR APART

(By Leslie H. Gelb and Morton H. Halperin)

Hopes for a political settlement in Vietnam have once more been raised. President Nixon has just presented a five-point plan. Three weeks earlier Mme. Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government (formerly the NFL), presented an eight-point plan. The two plans suggest that both sides are seriously interested in ending the war. The contrast in the plans shows that they remain far apart.

The Paris peace talks have been deadlocked for almost two years. Neither our side nor the Communist side has become strong enough in Indochina to force a negotiated settlement in Paris. While the U.S.-Saigon position has been strengthened militarily in South Vietnam, the Vietnamese Communists have reinforced their hold on Laos and increased their pressure on Cambodia. The Saigon government has not been able to broaden its political support. The Communist political organization remains intact in South Vietnam. The U.S. strategy of Vietnamization continues to confront Hanoi's strategy of de-Americanization through waiting and pressuring.

Stalemate in Indochina has been reflected by stalemate in Paris. The United States and Saigon have been insisting on two points: "free elections" under the auspices of the Saigon regime or "free decision" by groups including the Saigon regime and mutual troop withdrawals. Hanoi and the Provisional Revolutionary Government have been insisting on two contrary points: free elections run by an imposed coalition government and total and unconditional withdrawal of U.S. and Allied troops.

Has either side moved significantly from these positions? What are the real options open to the United States?

David Bruce, the chief American negotiator in Paris, called the Binh statement "new wine in old bottles." It is possible that the statement contains little that is new. The Communists themselves refer to it as an "elaboration" on their 10 point program of May, 1969. It could also be interpreted as hardening of their old position. They make a new demand for ending Vietnamization and now specifically exclude Thieu, Ky and Prime Minister Khiem from the future coalition government. But the bottle does contain a lot of new wine, and the brew does taste differently.

The concoction seems to be this: (a) If the U.S. is prepared to announce a date by which all our forces will be withdrawn, concessions can be made on other issues; and (b) since political arrangements will be made by the Vietnamese themselves, the United States need not agree in Paris to dump the present Saigon regime.

In other words, instead of the two previous priorities involving U.S. withdrawal and an American-inspired coalition government, the one remaining critical priority is for a specified full withdrawal date.

The key point in Mme. Binh's words is that the United States must "declare it will withdraw from South Vietnam all its troops and those of the other foreign countries in the U.S. camp by June 30, 1971." There is reason to believe this end point is negotiable. Last December, Hanoi was calling for full withdrawal in six months. At the same time, one of Hanoi's negotiatiors said that the important thing was that the United States "must accept the principle of withdrawal, then put it into practice." Now, it is especially worth noting that Mme. Binh did not use the word "unconditional."

What does the Communist side propose to give the United States in return for this withdrawal announcement?

With respect to the safety of our men, they "will refrain from attacking the withdrawing troops." This point seems small and obvoius now, but it was not too long ago that administration officials were maintaining that the Communists would never give such a pledge.

With respect to our POWs, the Communists will engage at once in discussions on "the question of releasing captured military men." This is still vague, but it is also an improvement on their old stand. The old ten-point program spoke of POWs as something "to resolve [in] the aftermath of the war."

With respect to the fighting in the South, they introduce the entirely new element of a cease-fire. After everything else is signed and sealed, "the parties will implement the modalities that will have been laid down for a cease-fire in South Vietnam." Talks on this question, then, can begin right away. Execution will have to wait. The message is silent on the "standstill" aspect of a cease-fire.

With respect to Laos and Cambodia, they repeat their usual language about "respect[ing] the sovereignty, independence, neutrality and territorial integrity of these two countries." This could be read as gambit to provide us with assurances that they will not seek to exploit our withdrawal and embarrass us by a quick Indochina takeover.

The Binh statement reiterates a number of other well-worn but important points: no reprisals in South Vietnam, a foreign policy of neutrality for the new South Vietnamese government and reunification of North and South Vietnam "step by step . . . without coercion. . . ." These may seem like small matters, but in fact they would greatly enhance the complexion of any overall final settlement.

The main concession, however, is that the Communists now seem to be disconnecting the above package from political demands. They are no longer demanding that Washington collude with them to impose a coalition government in South Vietnam. Such political matters, they apparently suggest, are to be left to negotiations among the Vietnamese.

They still want a coalition government. They say it will include "members of the present Saigon administration, except Thieu, Ky and Khiem." They still insist that only such a government can "organize general elections." But, these are issues for the Vietnamese themselves to decide after an American withdrawal announcement.

President Nixon's new plan did not respond specifically to the new Communist position. Instead, it presented some new wine of its own.

The keystone of the President's proposal is a call for an Indochina-wide cease-fire in place with international supervision and without increases in outside forces on either side. Our own government and probably the Laos government were certainly sincere in this proposal. As for Thieu, Ky and Lon Nol in Cambodia, their sincerity is hard to take for granted. Their agreement to this proposal was likely based on the assumption that Hanoi would never accept it.

Were Lon Nol to arrange a standstill cease-fire with the North Vietnamese, it would mean outright Communist control of most of Cambodia. Theiu and Ky might actually accept a stand-still cease-fire if this meant establishing their unchallenged rights in all the contested hamlets of South Vietnam. But if this were its meaning, it would be totally unacceptable to Hanoi.

White House sources made plain that the main reason for making this proposal at this time is their belief that U.S. and Saigon forces now control almost all of South Vietnam. This means we would support Saigon's claims to just about every piece of territory. In Vietnam, the odds are strongly against a cease-fire preceding a political settlement.

WITHDRAWAL POSITION

A second key part of the President's proposal is a slightly restated version of his position on withdrawals. It calls for an agreed timetable for mutual withdrawals if Hanoi accepts both a cease-fire and a political settlement. This could be read as a hardening of the old position, since Hanoi's acceptance of the cease-fire is a new condition.

Much more likely, it is nothing new. In his May, 1969, speech, the President pledged a complete withdrawal—if North Vietnamese forces withdrew and if there was a political settlement. Nothing in the President's speech gives evidence that he is no longer insisting on mutual withdrawal. This position, then, does not meet Hanoi's key demand that the United States accept the principle of a unilateral American withdrawal by a fixed date.

The third major element in the President's speech relates to a political settlement. It makes clear the President's willingness to accept a settlement worked out by the Vietnamese themselves and one that reflects "the existing relationship of political forces."

This would be fine if the Vietnamese were prepared to agree among themselves. But the Communists continue to refuse to deal with Thieu-Ky, let alone settle with them. And Thieu-Ky are not likely to compromise as long as they are assured of a continuing U.S. military presence in the absence of a settlement.

President Nixon's discussion of a political settlement also reaffirms his old position on free elections. This cannot be acceptable to the Communists as long as the Thieu-Ky government remains in power. The Communists are highly unlikely to risk their lives by coming out in the open and campaigning.

In sum, the priorities of the two peace plans remain far apart. The Vietnamese Communists insist on beginning with an announcement of a unilateral U.S. withdrawal by a fixed date and ending with the Vietnamese themselves working out a political settlement and a cease-fire. The United States insists on starting with a ceasefire and a political settlement and only then agreeing on a mutual withdrawal time table. The key to bridging these differences lies in what the United States intends to do in the absence of a political settlement.

If the administration indeed has a secret plan for total withdrawal anyway, it has every reason to go this route. The alternative is another two years of American casualties, destruction in Vietnam and the languishing of American boys in Vietnamese prisons. And in the end, we might find that we had totally withdrawn without even getting our prisoners back. If we do plan to be out by 1972, we will at some point want to negotiate certain minimum conditions. The time to do that is now.

The President's position on "Vietnamization," that is, our withdrawals in the absence of a settlement, remains unclear. On the record, Mr. Nixon states that the United States will withdraw only to the extent that Saigon can fill the gap. He again refrained from even suggesting that there would be any American withdrawals beyond the reduction to 284,000 by next spring previously announced and simply reaffirmed.

TWO-TRACK APPROACH

On the other hand, what appear to be inspired leaks suggest that the President understands the domestic political realities and will have most if not all American forces out of Vietnam by November, 1972. If the President does have a secret plan for complete withdrawal without a negotiated settlement, he should be interested in what has been called the two-track negotiations approach.

Under this approach, suggested, among others, by Henry Kissinger in the Foreign Affairs magazine article written just before he became President Nixon's national security adviser, the United States would negotiate with Hanoi only on the terms of our withdrawal while seeking to lay the basis for negotiations among the South Vietnamese on a political settlement.

An updated version of the two-track strategy still seems the only way to bridge the negotiating gaps. Following this approach, the United States would indicate privately to Hanoi that it was prepared to announce a firm deadline for the withdrawal of all American forces from Vietnam provided agreement could be reached on other matters.

At a minimum, the United States should insist on the prior return of all of our men being held prisoner anywhere in Indochina. We should also insist on an understanding that our troops will not be attacked.

Beyond these two minimal conditions, which Hanoi has suggested are acceptable, there are a number of possibilities. The United States might insist on an agreement to maintain the status quo in Laos and Cambodia while we were withdrawing. A cease-fire during this period is another possibility.

Hanoi's reaction to these various possibilities is difficult to predict, and we need not put forward only those alternatives that Hanoi is ready to accept. Its new eight-point plan, however, could open the way to serious negotiations on conditions that would follow an American announcement of a withdrawal deadline. We can follow this route only if we are prepared, under certain conditions, to commit ourselves to withdraw.

TWO CHOICES OPEN

What are the objections to this course? The administration has asserted that announcing a firm timetable would remove Hanoi's incentive to negotiate. However, under this proposal we would be negotiating precisely on the conditions of our withdrawal. Hanoi will have every incentive to negotiate.

More serious objections arise if the administration in fact has no intention of withdrawing all American forces from Vietnam in the foreseeable future. If the President means what he says, we will have American forces numbering perhaps 50,000, perhaps 200,000, in Vietnam indefinitely, propping up the current Saigon regime.

This is sometimes described as the Korean solution, but it will differ in important ways from the situation in Korea. There will be no armistice as there is in Korea. The fighting will continue and Americans will continue to die and be wounded. The destruction of Vietnam will continue. American soldiers will remain in Hanoi's prisons.

Moreover, Hanoi might well step up the level of fighting to put pressure on the United States to withdraw. The President has warned that he would respond by escalating the war. As long as any American forces remain in Vietnam, the danger of escalation and counter escalation will be present.

In the end, the real options open to the President come down to these two simple choices:

1. Commit ourselves to a firm withdrawal date, securing the release of our prisoners and whatever other terms we can get, thereby creating the condition for a political settlement among the Vietnamese. If these negotiations fail, we will have left behind a large, well-equipped South Vietnamese army which would get our continuing economic and military support but which might not be able to defend itself.

2. Keep a residual American force indefinitely in South Vietnam, assuring the survival of an anti-Communist regime but with continuing American casualties in Vietnam, the holding of our prisoners by Hanoi, dissension at home and the danger of escalation.

To state the options seems to us to dictate the choice.

THE VETO OF THE RADIO-TV CAMPAIGN SPENDING BILL

Mr. GRAVEL. Mr. President, no amount of flamboyant phrases or flowery fulminations by the Vice President will be able to obscure the true meaning of the President's veto of the milestone legislation designed to limit radio and television campaign spending.

This bill represents the most important and realistic reform in this field in generations. Senator PASTORE and the members of his committee worked diligently to break new ground in what we all ac-

knowledge to be a difficult area affecting the foundations of our political process.

The basic purpose of the bill is to make our elections more fair and more competitive. However, more fundamentally this reform measure is a vital link in our attempt to build a firm base for our political institutions and to restore respect for our political process which is the object of so much concern and cynicism.

The measure represents a good beginning at placing the emphasis in political campaigns on individuals rather than on money.

The President claims that the bill plugs only one hole in a sieve. But he knows as well as the rest of us that more and more, both candidates and political strategists mold their campaigns around the use of television. As the late Robert F. Kennedy's campaign manager once put it, "the picture tube is where the ball game is won or lost."

A recent poll by Roper reveals that 65 percent of the people view TV as the major source of news about national candidates. This bill would make access to television more equitable and fair to candidates of differing means.

The Republican National Committee started the fall with a cash surplus of $1½ million while the Democratic Party had a deficit of over $9 million. Could these facts have something to do with the President's veto?

President Nixon also gives us an early warning that he will again refuse to debate his opponent in 1972.

The New York Times termed the veto a "transparent and deplorable act of partisanship" and his reasons are both "glib and contradictory."

We have only one way to respond—by overriding this veto.

CASE AGAINST THE COMMISSION ON OBSCENITY AND PORNOGRAPHY

Mr. DOLE. Mr. President, last week Postmaster General Winton M. Blount added his voice to the growing criticism of the report of President Johnson's Commission on Obscenity and Pornography. In a speech to the National Association of Postmasters, Mr. Blount made one of the most convincing cases I have read against the findings and recommendations of the Commission.

Mr. President, I ask unanimous consent that Postmaster General Blount's speech delivered in Philadelphia on October 8 be printed in the RECORD.

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

REMARKS BY POSTMASTER GENERAL WINTON M. BLOUNT

On his recent trip to Europe, President Nixon made clear our Nation's desire to bring peace through strength. Last night, he underscored how peace can be brought through strength.

The President's proposals for a ceasefire and the convening of an Indochina Peace Conference are sincere and courageous steps taken in the service of peace. I join all Americans in supporting the President and in hoping for a positive response to these proposals. I think we ought to be mindful that these proposals are made from a position of strength; that we are not a country wailing for a truce. We are not suing for peace. We are dealing from a position of strength, just as we have in the Middle East.

But, as President Nixon said in his visit to the Sixth Fleet, the best use of American power is when it can be used to bring peace. That is what our goal is, and that is what we have done.

Hanoi knows that we are not a Nation on our knees; but the President has made clear, it seems to me, that we are a Nation tired of killing, a Nation tired of burying our children, and a Nation seeking in good faith for a meaningful truce.

For despite what the critics say, we are not a nation that glories in war; we know, as Remarque said, that death is not an adventure to those who stand face to face with it. But let it be clear that we are not now, nor will we be, a weak country. It is in our interests to have peace, but it is also in the interests of Hanoi to have peace—for if they reject it now, they may consign themselves to years and years of war.

President Nixon's actions in Cambodia showed that we are not a fearful Nation; his actions last night show that we are not a hateful Nation.

President Nixon is a man of peace, a man whose deepest feelings for peace were so eloquently expressed recently in Ireland: "The United States of America, and its President, want nothing more in this last third of the 20th century than to develop policies that will make it possible for the world to have what it has not had for all of this century, and that is, a full generation of peace."

Let Americans join with the President in his initiative in the pursuit of peace.

It is a pleasure for me to be here with you this evening. I have been doing a good bit of speaking recently, and as November grows near and the elections draw near I'm starting to feel more and more combative, and now that we've got politics out of the Post Office, there isn't anything I can do about it. I'm sure my restlessness is the lesser of the two evils—in fact, I know it is, because from all I've observed when there was contest between the requirements of postal service and the requirements of political service, the postal service took a back seat.

As you know, the law exempts the Postmaster General and the presidential appointees who determine national policy from these restrictions of the Hatch Act, and it has been the custom in the past for individuals in these positions to participate fully in campaigns on behalf of their party's candidates.

But because of this Administration's efforts to remove the last vestiges of partisan politics from the Postal Service, this matter has been discussed with the President. And this year, with the President's full approval, we intend to break with past tradition.

Neither I nor any Presidential appointee in the Post Office Department will become involved in such partisan political activity. Such activity would be inconsistent with the continuous effort we have made since entering office in January 1969, to dispel all politics and political considerations from the Postal Service. To do otherwise would be particularly inconsistent with the spirit of the Postal Reorganization Act recently signed into law by the President.

Present law also forbids political involvement by civil service employees. This law covers postal employees at every level and I fully expect the spirit as well as the letter of the law to be observed in this matter. I want to strongly urge you to carry that message to your people.

I think you chose an especially appropriate place to hold your convention this year. Either intentionally or by accident you've come to the birthplace of the United States Post Office Department and it seems fitting that your first convention under the new United States Postal Service should be held here in Philadelphia.

Philadelphia is the cradle of Liberty—the birthplace of those freedoms which created and which have sustained the oldest Republic in the world. Other nations have been astonished by our capacity to combine freedom and power, freedom and strength, freedom and greatness. Other nations have tried to copy us, but few have succeeded, because few have been able to duplicate the balance between personal freedom and civic sensitivity which has permitted America to tread the fine line between liberty and license for nearly two hundred years and not step over the line.

Some nations have looked for the strength of America in our defense budget. It isn't there.

Some have seen that strength in our economy—in our gross national product, but they also misread America.

A hundred and thirty years ago, de Toqueville said America was great because she was good, but I don't think that is a judgment we can make of ourselves today without risking the smug self-satisfaction that leads to stagnation.

I'm not a political philosopher but I think it is close enough to the mark to say that we are great because we keep our freedoms in good repair—we use them constantly in the service of what we perceive to be the common good, and in the constant search for what may be, in fact, the common good. The process is ongoing, and so long as it goes on, we will be a great people.

But it goes on in the service of certain values. The conflict is not an end in itself—it is a process designed to maximize certain values about which we have no dispute. And if we are reduced to debating these values, to debating whether these values have merit—whether they are desirable—then I think we are in some difficulty.

Today, we are engaged—whether we choose to be or not—in just such a debate. We are asked to place a price tag on human dignity and then to determine if the price is worth paying.

It seems to me that this is the nature of the debate over pornography. This is the issue defined by the report last week of President Johnson's Commission on Obscenity and Pornography.

The report took two years and cost two million dollars, and I think we should consider its findings. I don't think we should overlook all of it just because we don't like some of it.

It is of particular concern to you and me because we deal with the problem professionally. I know Chief Cotter discussed this matter with you on Tuesday and, of course, his people have considerably heated up the war against this problem.

I have discussed this matter in the past weeks—in Tennessee and in Missouri, but that was before I had an opportunity to read the report of the Johnson Commission.

In order of importance, the Johnson Commission recommended a massive program of sex education. It recommended that pornographic materials be legalized for adults who want such material. And it held, on the basis of its findings, that pornography had no demonstrable adverse effect on those who consume it, nor on the society of which they are a part.

There is nothing in human life more compelling than the sex drive, and there is nothing more vital to Western society than the expression of that drive through the getting and raising of a family. Freud held that the development of man's whole personality was the product of this drive, and most psychologists acknowledge that today in one way or another.

But, as important as this drive appears to be, and as critical as the healthy expression of this drive appears to be, there is nothing

in man's life so shrouded in secrecy, so confused by mumbo-jumbo and old wives tales as the procreative urge. And from this flows all manner of misconceptions and fears, of morbid curiosities and interests, and of mental and personality disorders.

The fact is that most Americans tend to be abysmally ignorant about sex. Some see it as a thing to be ashamed of. Others see it as a thing to be exploited. So it seems to me that a broad program or sex education, properly administered by trained administrators, and properly taught by specially trained teachers—I think such a program makes excellent sense.

I think a proper understanding here may push away the shadows of ignorance and exploitation which are the province of the pornographer.

The Commission also held that pornography, or what it calls explicit sexual materials, ought to be made available to those adults who want it. As you probably know, this was not a unanimous conclusion; there are dissenting opinions.

But I do not think the dissenting opinions are as of much interest as the majority report, nor are they as useful as a source of evidence to contradict the majority findings. Indeed, in light of the constant and candid admissions of its own shortcomings, it is difficult to understand the Commission's conclusion that pornography should be legalized. I want to consider some of these shortcomings.

The report states that "it was impossible during the brief life of the Commission to obtain significant data on the effects of the exposure to pornography on nonsexual moral attitudes."

In other words, we simply do not know, and the Commission does not know, and admits that it doesn't whether those who break the law in the acquisition and the use of pornography might be inclined to similar attitudes toward other provisions of the law.

It might be reassuring to be told, as we are told, that the average consumer of pornography is a white, middle-class executive type in his 30's and 40's—by implication a very law-abiding fellow—if we were not also told that the pornography business "tends to involve individuals who have had considerable experience with being arrested . . . that the business is avoided by persons with more concern for legitimacy and general reputation."

I think it is unfortunate that the Commission had no time to study the possible effects of the patterns of practice here on non-sexual moral attitudes. And I think it would be an unusual thing indeed to find that those who engage in illegal or borderline activities, with the aid of habitual lawbreakers, escape any effect upon their moral attitudes, sexual or otherwise.

The Commisison also confesses that time limitations prevented any adequate investigation of the long-term effects of pornography. It may be understandable then that "research . . . found no evidence to date that pornography plays a significant role in the causation of delinquent or criminal behavior. . . ." That is a curious choice of words—"a significant role"—one wonders if there was evidence of an "insignificant role," and just what is considered to be significant here. In any event, when long-term evidence seems so potentially vital, how are we to accept a recommendation for short-term action?

But these limitations are not the only difficulty with the validity of the report's conclusions. The statistics presented there raise all manner of interesting questions.

They suggest, for example, that 60% of adult American men consider pornography informative, and 24% of them consider themselves informed through this medium. The clear implication is that pornography has certain positive benefits and ought to be legalized on that account. Statistics show that 20 percent of the population have I.Q.s under 85, but you don't drop our state laws on education to promote ignorance in their behalf.

While 24 percent of the adults believe pornography is beneficial, a substantial consensus, according to the Commission report—which doesn't give an exact percentage—a substantial consensus feel that pornography should be denied to children. There is no explanation why something which is so beneficial, so educational, so therapeutic for adults should be considered so detrimental to young people.

But there are more interesting statistics. They suggest that nobody buys pornography. Instead it is virtually always given to them by their friends. Seven percent buy it, but over 72 percent have it given to them.

I think that is one of the most curious phenomena recorded throughout the report. But if we are to take statistics seriously, this is what we must believe.

Now I think it is important to know the manner in which some of these statistics have been collected. One survey involved watching people who went into a store dealing in sex-oriented material. To quote the report: "Trained observers attempted to classify each patron in terms of sex, age, ethnic group membership, type of dress and the presence or not of a wedding band."

One imagines devoted graduate students dancing around in the backs of dirty book stores trying to count the customers and see if they are wearing their wedding rings and consulting their handbooks on the physical characteristics of various ethnic groups to determine whether the subject is an Eskimo or an aborigine.

Well, of course, it is easy to poke fun at this. But I don't really intend to do that. What I do intend to do is to simply suggest that we are not ready to draw conclusions, and the major value of the Commission's report, beyond making a case for sex education, is to *prove* that we are not ready to draw conclusions. Any claim to the contrary is both wrong and irresponsible.

The Commission makes the standard nod to Denmark which seems to have become a tradition in discussions of this sort. In the front of the report they indicate that the policy records have registered a dramatic decrease in reported sex crimes over the past twelve years and that this decrease corresponds with legal changes which have made pornography available. On the other hand, statistics presented in the back of the report show that within two years after pornography became freely available in Denmark the number of rapes in Copenhagen had increased by seventy-nine percent.

As to the legalization of pornography in Denmark, it hasn't been legal for twelve years or anything like it. Textual pornography was legalized three years ago, and pictorial pornography was legalized last year, so the implication that there is a substantial body of material based on extended experience is misleading. And as the report admits, as pornographic materials have begun to flood the United States, there has been an increase in the rate of forcible rape in this country. Despite this, the Commission concludes that "for America, the relationship between the availability of erotica and changes in sex crime rates neither proves nor disproves the possibility that availability of erotica leads to crime." And it goes on to say that "the massive overall increases in sex crimes that have been alleged do not seem to have occurred."

Just how massive an increase in sex crimes must we have before we indict pornography? The reasoning here is incredible. What is "a massive increase," after all? It was 79 percent in Denmark. Is that sufficiently massive?

I think it is apparent that the Commission has concerned itself greatly with the rights of our adult population. And the result, it seems to me, is a classic example of how men of good will may differ in a way that permits no compromise. The Commission bluntly states: "We do not believe that the objective of protecting youth may justifiably be achieved at the expense of denying adults materials of their choice." I do not accept this. I believe that the sacrifices whatever they are, involved in ending the traffic in dirt are justified to protect our young people. Now I fully recognize that in true Puritan form it is someone else's pleasure that I am sacrificing, and not my own, but I think we can rise above principle and do that.

The Commission maintains that pornography should be available to adults and prohibited to the young, unless their parents want to give it to them. That is ridiculous. How can this material be kept from the young if it is permitted to adults? And what about those people, chronologically adults, who are mentally children. One out of five people in this country are of sub-normal intelligence. Should they be given pornography because they have reached a certain age?

I have not had access to the material—the actual pornographic material—which the Commission used in its deliberations, but aspects of the report strongly suggest that these people have no real conception of what pornography is.

The report states that: "Activities most frowned upon by our society, such as sadomasochism, pedophilia, bestiality, and nonconsensual sex, are also outside the scope of the interests of the average patron of adult bookstores and movie houses," and again, that "portrayals of sex that conform to general cultural norms are more likely to be seen, and portrayals of sexual activity that deviate from these norms are less likely to be seen."

Ladies and gentlemen, this may have been true when the Commission began its deliberations. I can assure you it is not true today. The pornography business is like any other business insofar as it responds—and must respond—to the laws of supply and demand. And the demand has moved from portrayals of what the Commission calls "portrayals of sex that conform to general cultural norms" to portrayals of precisely that behavior the Commission alleges to be outside the interests of the consumer of pornography—to sadomasochism, pedophilia—which is sexual misconduct with young children; bestiality—which is sexual misconduct with animals; and non-consensual sex—which is a euphemism for rape, of one sort or another. I think the Commission ought to reassess its findings on this score. Pornography does accelerate an inclination toward the bizarre.

Pedophilia, non-consensual sex, and sadomasochism are all forms of behavior involving, or conducing to the use of violence. The matter of violence and pornography has not been as much discussed in this country as it has abroad. It has been discussed at some length in Britain since the Moors murders that occurred there a few years ago.

The report of the Commission, if I read it correctly, recommends the legalization of pictorial or textual representations of "torture in the context of a sexual relationship." Presumably the sexual context legitimizes it. I find that frightening. I don't believe that the writers of the First Amendment really intended to protect the rights of some to torture others for the sexual gratification of third parties who get gratification from this sort of thing.

My answer to the Commission on that score would be straight to the point: If you want to set this nation on fire, you try bringing a law like that in America.

There is a large segment of our people who are concerned about depictions of violence in this country. Many of them make

the case that the problem is as great and as damaging as the problem of pornography. I do not know that that is true, but I believe it is; I believe that the two are linked in their effect on the nation, and I think we must move against both with equal resolution. I think it is inconsistent to outlaw stag films, while movies like "Bonnie and Clyde" or "A Man Called Horse" get General ratings.

I think it is inconsistent to want to keep the pornography of sex from our children while they get a steady diet of the pornography of violence in so much of their entertainment.

The Commission on Violence in Television Entertainment Programs headed by Dr. Milton Eisenhower, revealed one study that showed an average of 6.2 acts of violence per hour of television program time. That was in 1953. A similar study in 1962 showed that for every display of affectionate behavior shown on television four acts of violence were shown.

What has been the effect of all this? Look at our college campuses. As Frederic Wertham has said: "We are confronted in the mass media with a display to children of brutality, sadism and violence such as the world has never seen before. At the same time, there is such a rise of violence among our youth that no peace corps abroad can make up for the violence corps at home."

Violence, physical and spiritual, has become the opiate of too many Americans. We have become inured to physical violence and we continue that way at least partly because of our entertainment; now we are asked to legalize pornography and begin the more subtle process of becoming inured to spiritual violence. I don't think we ought to accept this. I think we can do better in America.

Maybe that's why I have such a strong objection to always seeing Denmark held up as an example. This isn't Denmark. This is America. There are still societies where they abandon deformed children to die, but we don't do it. We don't look out or down for guidance in this country—we look up; we always have. Our motto is "In God We Trust" not "Monkey See, Monkey Do." I believe in an America that sets a good example; not one that follows a bad example.

Finally, the Johnson Commission based its conclusions on a finding that "a majority of American adults believe that adults should be allowed to read or see any sexual materials they wish." Now either those individuals polled had no idea about what passes for "sexual materials"—or this finding is absolutely dead wrong.

While our legislative system doesn't always function with total perfection, it does generally reflect the will of the people. There are presently some seven anti-pornography bills pending passage in the Congress, but there have been over *four hundred* bills of this kind sponsored in this session of Congress. I think it would be amazing if the Congress of the United States were so thoroughly and completely out of touch with the people of the United States that they should be unanimously persuaded in one direction, while a majority of their constituents were persuaded in a direction diametrically opposed.

If it is true that a majority of Americans want pornography legalized, then I think they ought to vote men into office who will legalize it. But until that happens, until we have candidates running on a smut platform, until the people decide to embrace the politics of pornography, we are not going to raise legislation monuments to human degradation.

We are not going to put a price tag on human dignity—because human dignity is the essential meaning of America. It is priceless. We're not going to debate that. We're going to stand on it, and defend it.

CORPORATE RESPONSIBILITY IN A TIME OF CRISIS

Mr. FULBRIGHT. Mr. President, there has recently come to my attention an excellent statement entitled "Corporate Responsibility in a Time of Crisis," issued by the Businessmen's Educational Fund. I hope that the statement will be widely read throughout the business community and by the public at large. I 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:

CORPORATE RESPONSIBILITY IN A TIME OF CRISIS

(By Harold Willens)

(NOTE.—Harold Willens is a graduate of U.C.L.A. and a Marine Corps intelligence officer during World War II. Harold Willens is president of the Factory Equipment Supply Corporation in Los Angeles. He also serves on the Boards of Directors of Monogram Industries, Inc., and the Center for the Study of Democratic Institutions. In addition, he has for many years developed commercial real estate in southern California and is a past member of the Board of Directors of the Santa Monica Chamber of Commerce. Mr. Willens is chairman of the Businessmen's Educational Fund.)

About three decades ago, business began to take heed of public opinion: Corporations methodically sought to influence public attitudes, because these views were showing an alarming tendency to translate themselves into legislation considered harmful to corporate interests.

At that moment, corporate public relations entered a painful adolescence. Much of its "engineering of consent" was dubious: Did a company wish to strip a mountainside? Public relations was summoned to make the undertaking palatable to those who innocently preferred unstripped mountainsides. Was a company having an ornery time with its employees? Public relations was asked to mollify the discontented.

In such ambiguous circumstances one of the country's most important ideas was conceived, although it barely began to reach fruition for another score of years. It was the idea of corporate responsibility: the notion that a firm's obligations extend to the general welfare rather than being limited to providing a service or a product—and making a profit.

A 1952 Supreme Court decision further opened the door. The Court's judgment in the A. P. Smith case, originating in New Jersey, upheld the right of managers to contribute corporate funds to universities, stating: ". . . modern conditions require that corporations acknowledge and discharge social as well as private responsibilities . . ."

The A. P. Smith precedent set the style of corporate responsibility for some time. Since colleges and universities reflected the highest ambitions of the nation, gifts of money to them were a convenient and conspicuous way for companies to identify themselves with these same aspirations.

Soon the doctrine of stewardship appeared, with managers acting not merely as the agents of stockholders, but as stewards serving the interests of employees, customers, and the public as well. Even with this, the concept of corporate responsibility did not mature serenely. There were—and are—many to assert that firms had no competence except to make money for stockholders and no right to throw their weight around in other areas. Nonetheless, there was change—from a defensive, self-serving approach to one of mild civic participation and action, however modest, toward betterment of community and country.

Naturally there was much theorizing about the content and scope of corporate responsibility. Harvard Economist Carl Kaysen, now director of the Institute for Advanced Studies at Princeton, mused about the "soulful corporation." Adolf Berle speculated on the existence of a "transcendental margin." Business journals turned to semi-theological discussions of social conscience: Is it born with the corporate charter or is it a response to mundane pressures? Does it operate like the human conscience or is it a function of profit-and-loss statements?

Many of these arguments or ambiguities persist. But the idea that corporations have some responsibilities to the general welfare gradually triumphed. To be sure, acceptance of the concept must not be overstated—there was still much ambivalence and incompleteness, and implementation of noble policies often suffered grave lapses.

ON THE VERGE OF CHANGE

So this was the nature of corporate responsibility as the United States stumbled into the era of space exploration, war in Asia, rebellion in the streets, bloated military budgets, and inflation in the midst of recession. It was essentially a good-guy posture: passive, non-political, non-controversial, and still largely directed toward creating a favorable image.

Then began a rather swift change—still also incomplete, but with the prospect of lifting corporate responsibility above and beyond its beginnings as an amicable adjunct of business as usual, into the more creative realm of social invention:

The time was 1967. The issue was Vietnam. The initial instrument of this change was a new organization named Business Executives Move for Vietnam Peace, BEM, as it became known, was created by a small group of businessmen from various parts of the country, who came together in a season of hawks and doves to bring the rigor of business judgment and influence to bear against America's most tragic mistake: The Vietnamese War.

It was a step with little precedent. From the bulk of reportage then current, one might have the impression that Vietnam was a well-justified and well-conducted conflict which aroused the opposition only of students, pacifists, churchmen, and similar "soft-headed idealists." One was told about falling dominoes, and conspiracies in Moscow and Peking. One could assume that society's reasonable and responsible sectors were supporting our role in the distant struggle. And of course it was supposed that the business community was virtually unanimous in backing it. Businessmen tend to favor war, don't they, or at least condone it? Don't business profits increase in wartime?

These mistaken assumptions and warped stereotypes have long since been disproved. Nonetheless, many business executives certainly were behind the Administration, most of them giving consent by silence. But not all. BEM saw the war in another light: as a mistake of historical magnitude, as damaging to the economy as to our international standing. The organizers of BEM decided not to leave protest to the pickets; Business Executives *Move* for Vietnam Peace did just that: it *moved*, it charged straightway into the superheated center of the argument.

Within months more than 2,000 businessmen across the nation had aligned themselves with BEM. Advertisements began to appear. BEM presented itself before Congressional committees. Mail on corporation stationery landed on White House and Pentagon desks. Letters to the editor cited facts and tore apart Pentagon double-talk.

Meanwhile as the pace of debate quickened, American military costs continued to mount in men and money, and Vietnam became the

nation's most unpopular war. The victory-boasting of the Administration diminished, followed soon by apologies and promises to do better, and ultimately by President Johnson's decision not to seek a second term.

THE CRUCIAL QUESTION

This is not to suggest that BEM's appearance in the public fray made all the difference. Of course not. No one can accurately chart the ebb and flow of mass opinion or political decisions. But that BEM did make a difference—a significant difference—is not in doubt. The weight of protesting business authority as much as anything helped tip the balance, to turn the question from *how soon will we win this holy war* to *how soon can we extricate ourselves from this unholy mess?*

The job had just begun. Republicans replaced Democrats with a pledge of peace, but the war went on. Staggering Pentagon budgets and the persisting death counts in Vietnam contradicted earnest vows to get the war over. While BEM continued its efforts it was plain that additional and longer-range programs would be required to arrest American militarism.

LOOKING BEYOND VIETNAM

The Businessmen's Educational Fund came into being in 1969 expressly to bring to the attention of the industrial community, the public, and their representatives the appalling drift to a militarized state that is clear to any objective eye. BEF's focus transcends Vietnam, which it regards as the inevitable product of a misguided foreign policy. The essential objective of BEF is to widen and deepen the idea of corporate responsibility by establishing a channel through which businessmen, as such, can strive for more relevant national priorities and policies.

As part of its educational program, for example, the Businessmen's Educational Fund circulated to scores of thousands of executives the now-classic essay titled *The New American Militarism,* by General David M. Shoup, former Commandant of the United States Marine Corps. Said Shoup: "America has become a militaristic and aggressive nation. . . . Militarism in America is in full bloom and promises a future vigorous self-pollination—unless the blight of Vietnam reveals that militarism is more a poisonous weed than a glorious blossom." Taking up *Fortune's* editorial appeal for a fresh audit of the defense establishment, BEF began hammering away at the disproportion between legitimate defense needs and the apparently uncontrollable proclivity of miltary leaders to want everything in sight.

A. Ernest Fitzgerald, who lost his chief cost analyst job in the Air Force for revealing that billions of dollars were being wasted in cost overruns, was recruited as a BEF consultant to tell his story to businessmen throughout the country. Conferences, advertisements, publications and appearances on radio and television by BEF leaders all aim at exposing distortions in national priorities resulting from subordination of imperative domestic needs to the unappeasable appetite of the Pentagon.

There has been encouraging confirmation of BEF's essential arguments from *Fortune,* the *Wall Street Journal, Business Week* and from *Nation's Business,* publication of the U.S. Chamber of Commerce. Some kind of dent is being made, if BEF's mail and growth of membership are any indication. "You are doing the most important job in the country," writes an anguished public official. "If they won't listen to you businessmen, they won't listen to anyone," says a distinguished professor of economics. "At last a real show of responsibility," wrote a Midwestern manufacturer. Indeed on the surface a new dimension of corporate responsibility seems to be forming, far removed from product publicity and contributions to community chests. A distinguished U.S. Senator told us, "I think that BEF can do more than nearly any other group to help change the attitudes of our people toward our own mission in life, toward what kind of country we want this to be. I don't know of any more promising activity than the one you have undertaken."

So it almost sounds like a success story. A new kind of corporate responsibility appears to be emerging.

But it is not a success story, certainly not yet. In my view, it is more a record of failure than achievement. For blood flows unabated in Vietnam and has spilled over into Laos and Cambodia. The Pentagon continues to soak up a vast proportion of the national treasure. In all 50 states urgent tasks are left shamefully untouched. Uncertainty and bad feeling permeate the land. Repressive policies are more and more in evidence.

Perhaps it is foolish for a few worried businessmen to believe that something significant can be done toward "turning the country around." But I think the failure rests far less in holding to such a conviction than in a lack of nerve on the part of a majority of corporate executives.

Between them, BEM and BEF succeeded in rallying a tiny fraction of the nation's several million businessmen. Money was hard to come by. Most disappointing of all has been the reluctance of "big name" businessmen and industrialists to put their prestige and influence into the effort to curb the wanton extravagence of the Pentagon and bring the Vietnam folly to a swift end. And here, I am not grumbling about the unwillingness of industrial potentates to take part in BEM or BEF. The difference is between response—and responsibility. For there are many members of the corporate hierarchy who have fervently wished us well in our campaigns—only to add, "but I just can't become involved."

THE KEY TO LEADERSHIP

Yet that, of course, is what it's all about. *Involvement* is the name of the game, the very definition of corporate responsibility. And the sad fact was, and is, that few of our so-called industrial leaders have done any leading with respect to the truly momentous issues of our day: The profligate overarming of a nation with sufficient military might to destroy many times over any conceivable enemy or combination of enemies, the conduct of a vicious war against a foe that presents no plausible danger to our vital interests, the enlargement of that war into neighboring countries, the disastrous loss of confidence in our institutions, the consequent neglect of what might well become terminal disorders in our domestic society.

NO TIME FOR DIFFIDENCE

Why this reluctance to undertake a plain and necessary duty? Is it the fear of making common cause with unbecoming demonstrators? The lack of practice in speaking out boldly on matters that do not narrowly affect one's business, or seem beyond one's competence? The concern that stockholders or customers might be offended? A simple aversion to making waves? Is it worry of what will be said in the locker room at the Club? In all probability, it is a combination of such factors.

If the situation were not so truly critical—and there are few who now contend that it is not—it might be argued that it is just as well for businessmen to keep to their profit-and-loss statements. Businessmen originally embraced corporate responsibility only when the company's welfare seemed threatened by aroused public opinion. This is the parochial definition of corporate responsibility still retained by too many managers. It is much too skimpy to meet the challenge of a time of crisis.

The business community today is endangered by much more than confused or irritated neighbors. The system our industrial leaders so cherish is itself in peril, not from real or imaginary enemies on the other side of the earth but from within. A CBS poll has disclosed that a majority of Americans today appears willing to give up most of the Bill of Rights. In the ghettos, palliatives and promises take the place of the grand-scale action that is needed—and is altogether feasible. As things are going—or more accurately, as things are *not* going—these grim reflections on our history and priorities almost certainly will produce, in James Baldwin's words, "a fire next time." Surely the erosion of the Bill of Rights and the rebellion in our cities cannot be results that are wanted in the business community. But despite these widely-publicized dangers, the attitude of "let George do it" still prevails.

Some businessmen may be thinking that no one notices or cares about their non-involvement, their irresponsibility—there is no kinder word for it. They could not be more mistaken. *Fortune* has observed editorially that its own and other studies have shown how the general public "believes that business is too concerned with profits at the expense of public responsibility . . . Moreover, there is a growing *expectation* that business will take increasing responsibility for public well-being extending far beyond the normal demand for goods and services.

THE MISSION OF YOUTH

Most important, the next generation particularly is taking careful note. I am not referring to the young revolutionaries but to those from whom we hope to recruit the next generation of corporate leaders. For some time there has been a "flight from business" among this group. Now the flight shows signs of becoming a rout. Dismay with the unwillingness of businessmen to "get in there and swing" on such issues as militarization, Vietnam, repression, the decaying environment, is widespread even in such citadels of conventionality as the Stanford University School of Business, where I met with leaders of the recently formed Committee on Corporate Responsibility. From them I learned that most of those graduate students still interested in business careers seek above all an opportunity *to steady and redirect society from a corporate base*—through the exercise of the civic responsibility that is, as they see it, *inherent* in such enterprises. A letter following our meeting expressed the hope that businessmen and graduate business students throughout the country would begin working together to "oppose the war and strive for the sharp shifting of priorities we must have."

These sober young people, with their numerous peers elsewhere, are not to be dismissed as innocent idealists. On the contrary, they see clearly what their elders so often do not: that inaction is itself a form of action, and that silence in the face of enormities amounts to tacit approval. Too young to remember pre-World War II days, these candidates for the business world nevertheless know well the history of the compliant German and Italian industrialists 30 years ago, as their nations pressed forward into militarism, despotism and calamity.

Nor is the reproach of the young directed solely at the business world's indifference to Vietnam and the near-monopoly of the Pentagon over public resources. They see corporate responsibility extending into strong participation in the crusade for ecological sanity and into positive action to redeem a natural order that is almost beyond salvation. They ask why, if we are destined to live in an urban civilization, should public authority bear the sole obligation for repairing our decaying cities and attending to the needs of their deprived and discontented inhabitants?

These young people in fact see—properly, in my judgment—corporate responsibility in the most expansive terms ever, having to do with the very quality of life in our republic. Correctly, they see that the need is for inde-

pendent judgment by business on the pressing issues before us, outspoken advocacy accompained by action and leadership—most of all, leadership.

ACCEPTING THE CHALLENGE

At long last, this most necessary ingredient is beginning to appear. The following words are much the same as those used over and over again by BEM and BEF:

"An end to the war would be good, not bad, for American business . . . We have more than adequate data to demonstrate that the escalation of the Vietnam war has seriously distorted the American economy, has inflamed inflationary pressures, has drained resources that are desperately needed . . . and has dampened the rate of growth in profits . . . It is time the shareholders of America—the people—begin to call for an end to the squandering of American blood, morale and resources on what is in essence an Asian war of nationalism."

The speaker was Louis B. Lundborg, chairman of the board of the Bank of America, the world's largest private bank, and his audience was the Senate Foreign Relations Committee. We have been waiting a long time for Mr. Lundborg and his colleagues in the top tier of our corporate hierarchy to speak out.

Mr. Lundborg added that, regardless of who is responsible for the war, "the rest of us have gone along pretty supinely. If anyone is to blame, it is people like me for not speaking up and not speaking out sooner—for not asking, 'what goes on here?'"

And Thomas J. Watson, Jr., the chairman of IBM, has declared: "Our call to stop Communism anywhere—despite the price—drifted us into an unattainable goal in Vietnam . . . The lives of 40,000 of our men have been lost, vast resources have been wasted, and the morale of our youth eroded."

Messrs. Lundborg and Watson have said it all, God bless them! And others are beginning to speak as well. These men are now involved. I hope the contagion of intelligent involvement spreads on the wings of their words to many more in the nobility of American commerce. If enough business leaders lead, we may still find our way safely through the most hazardous period in our nation's history.

THE SENATE'S SUBSTANTIAL ACHIEVEMENTS TO DATE

Mr. MANSFIELD. Mr. President, today marks the 177th day the Senate has met since the second session of the 91st Congress convened on January 19. During that period of time the Senate has been in session around 1,170 hours and Senators have registered their views in a recordbreaking number of rollcall votes which, through yesterday, reached a total of 350. For protracted periods, the Senate has performed its business in two daily shifts, coming in early and often working until late at night, in order to move along the items on the legislative calendar. This has been a very hard-working Senate. Its legislative product has been very substantial and will become even more so before the adjournment of the Congress sine die.

Since January, there have been only a few brief respites. Now the Senate is on the verge of recessing for a month so that full attention may be turned to the election. Senators, no doubt, will wish now to join their Presiding Officer, the Vice President, who has been for many weeks not in this Chamber but in various parts of the Nation working to change the complexion of the Senate.

On November 16 the Senate and its Presiding Officer, I hope, will return and proceed to finish its work. Major bills to be completed before the Senate adjourns include such items as social security, farm legislation, occupational safety and health, equal rights, consumer legislation, and the remaining appropriations bills.

At this preelection recess point, I ask unanimous consent, Mr. President, to insert in the RECORD a summary of the Senate's substantial achievements to date.

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

SENATE LEGISLATIVE ACTIVITY, 91ST CONGRESS, SECOND SESSION

(By Senate Democratic Policy Committee)

Days in session, 177.
Hours in session, 1174:52.
Total measures passed, 729.
Public Laws, 152.
Treaties, 6.
Confirmations, 49,088.
Symbols: P/H—Passed House; P/S—Passed Senate.

Following is a brief summary of major Senate activity:

AGRICULTURE

Agricultural Act of 1970

Imposes an annual ceiling of $55,000 per crop on payments to producers of upland cotton, wheat, and feed grains; establishes programs for 1971, 1972, and 1973 for milk, wool, wheat, feed grains, and cotton; provides for participation in set-aside programs to establish eligibility for loans and price support payments; continues the present incentive price of 72 cents per pound for shorn wool and 80.2 cents per pound for mohair; on wheat, suspends marketing quotas and acreage allotments for 3 years and sets the face value of domestic marketing certificates at the difference between the parity price (currently $2.85 per bushel) and the average price received by farmers during the first five months of the wheat marketing year; promulgates a voluntary feed grain (i.e. corn, grain sorghum, and barley) program under which price support payments on one-half of the feed grain base will be the difference between the higher of (a) $1.35 per bushel or (b) 70 percent of the parity price (for corn) and the average market price for the first five months of the marketing year, but no less than 32 cents per bushel for corn (with corresponding rates on grain sorghum and barley); provides participating cotton farmers with loans (90 percent of the average world price for two previous years) and payments (the difference between the higher of 65 percent of parity or 35 cents and the average market price for the first five months following the beginning of the marketing year, but no less than 15 cents per pound); extends Public Law 480 provisions authorizing donations and long-term dollar credit and foreign currency sales of U.S. farm commodities to underdeveloped nations; continues the "Cropland Conversion" and "Greenspan" (long-term land retirement programs) at an authorized appropriation level of $10 million annually for each program; commits Congress to a sound balance between rural and urban America; and contains other provisions. H.R. 18546. House adopted conference report 10/13/70.

Almond marketing orders

Amends the marketing order law to authorize provision for paid advertising in marketing promotion activities under almond marketing orders; authorizes any such almond order to permit all or any portion of a handler's direct marketing promotion expenditures to be credited against his assessment under the order; and provides that inclusion of marketing promotion provisions in a marketing order shall not preclude similar provisions in a State order. H.R. 13978. P/H 7/6/70. P/S amended 9/21/70.

Apple marketing orders

Extended to apples those provisions of the marketing law which now authorize paid advertising to be provided for in marketing orders for cherries, carrots, citrus fruits, onions, Tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, olives, pecans, and avocados. Public Law 91–363.

Conservation and development projects

Authorized the Secretary of Agriculture to bear part of the cost of installing public fish and wildlife or recreational developments in so-called resource conservation and development projects but not to exceed one-half the cost of the land and minimum basic public facilities needed in connection with such development. Public Law 91–343.

Custom slaughtering

Amended the Federal Meat Inspection Act to permit custom slaughterers to engage in buying and selling meat and meat food products without losing their exemption as custom slaughterers; exempted from inspection requirements custom preparation for the use of the owners and their households of carcasses and parts of carcasses of (i) cattle, sheep, swine and goats slaughtered by their producers, and (ii) game animals; and permitted the Secretary of Agriculture to exempt custom slaughtering and processing performed by an inspected establishment. Public Law 91–342.

Dairy products donation

Amended the Agriculture Act of 1949 to provide that dairy products acquired by the Commodity Credit Corporation through price support operations may be donated, prior to any other disposition, for use in the United States in nonprofit school lunch and other non-profit child feeding programs, in the assistance of needy persons, and in charitable institutions, including hospitals. Public Law 91–233.

Egg products inspection act

Prohibits the distribution of unwholesome shell eggs or their use in food products and makes mandatory continuous inspection of egg product processing plants; applies regulatory provisions to intrastate as well as interstate and foreign commerce; provides for specific exemptions, identification of egg products not intended for human food, recordkeeping, and Federal-State cooperation; prohibits States from imposing requirements conflicting with the act or certain other Federal laws; requires imports to meet the same requirements as domestic products; makes the cost of inspection, with certain exceptions, a Federal Government expense, at an estimated cost of about $5 million annually; and prescribes penalties for violations under the act. S. 2116. P/S 2/2/70.

Emergency assistance to provide nutritious meals to needy children

Amended the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children not now being reached; authorized the Secretary of Agriculture to use $30 million of funds from Section 32 of the Act of August 24, 1935, to supplement funds heretofore made available to carry out programs during the fiscal year 1970 to improve the nutrition of needy children in public and nonprofit private schools participating in the National School Lunch Program under this Act or the school break-

fast program under the Child Nutrition Act of 1966. Public Law 91-207.

Forest service contract renewal without advertising

Authorized the Forest Service to provide for procurement and operation of aerial facilities and services for the protection and management of the national forests and other lands administered by it, including the furnishing, at the airbase, of facilities, equipment, materials and the preparation, mixing and loading into aircraft, and granted authority to renew twice any such contract without additional advertising. H.R. 11953. Public Law 91- .

Guam agricultural services

Continues through June 30, 1975, authority for the Secretary of Agriculture to maintain an agricultural program in Guam, which authority expired September 7, 1969. S. 2991. P/S 5/11/70.

Hawaiian papayas—advertising

Amended the Agricultural Marketing Agreement Act of 1937 to add Hawaiian papayas to the list of commodities for which paid advertising can be provided for in marketing orders. Public Law 91-384.

Inspection of imported livestock products

Provides for thorough health and sanitation inspection of all livestock products imported into the United States and imposes a charge to cover inspection costs. S. 3942. P/S 9/21/70.

International animal quarantine station

Authorized the Secretary of Agriculture to establish an international animal quarantine station within the territory of the United States, through which animals may be moved from any foreign country into this country to make it possible to improve livestock breeds; provided measures to prevent the introduction of and dissemination within this country of livestock or poultry disease or pests; and set penalties applicable to the bringing in of animals to the station or subsequent movement of animals therefrom to other parts of the United States contrary to regulations to be issued by the Secretary of Agriculture. Public Law 91-239.

Plant Variety Protection Act

Provides for the issuance of "certificates of plant variety protection" assuring the developers of novel varieties of sexually reproduced plants of exclusive rights to sell, reproduce, import, or export such varieties, or use them in the production (as distinguished from the development) of hybrids or different varieties, for a period of 17 years; establishes a Plant Variety Protection Office in the Department of Agriculture to administer the law; and exempts celery, okra, peppers, tomatoes, carrots, and cucumbers from the provisions of the bill. S. 3070. P/S 10/2/70.

Production research

Amended the Agricultural Marketing Agreement Act to authorize inclusion in marketing orders for commodities other than milk of provisions for production research supported by handler assessments and to make such research and development projects as now authorized by the Act, a purpose of the Act. Public Law 91-292.

Rural telephone bank

Creates a Rural Telephone Bank to provide supplemental financing for rural telephone systems and provides that the rural telephone account is to consist of such net collections from the 2-percent telephone loan program received after July 1, 1968, as may be necessary to provide for the Government's investment in the Bank. S. 3387. P/S 4/2/70. H.R. 7. H. Cal.

School lunch and child nutrition amendments

Improved and revised the child feeding programs conducted under the National School Lunch Act and the Child Nutrition Act of 1966 to provide better child feeding operations reaching all children, particularly the poor. The bill provided: authorization of appropriations 1 year in advance; school lunch apportionment based on lunches served 2 years prior; apportionment of nonfood assistance based on need; nutritional training and education and studies of food service requirements; direct distribution of foods to schools and service institutions; matching requirements (beginning at 4 percent and rising to 10 percent); free and reduced price (not more than 20 cents) lunch for any public school child in a household which has an income below the poverty level, determined by the Secretary of Agriculture; publicly announced policies regarding free or reduced price lunches; no overt identification of children receiving free or reduced cost meals; apportionment of funds to States based on the number of children aged 3 to 17 in households with incomes of less than $4,000 per year and to schools on the basis of need; Federal funding of 100 percent of the program costs; annual plans describing the proposed extended State lunch program; semiannual estimates of eligible children; monthly reports of the numbers receiving free lunches and reduced price lunches; special developmental projects; a National Advisory Council on Child Nutrition; an increased appropriation authorization for fiscal 1971 for the breakfast program (from $12 million to $25 million); and other changes. Public Law 91-248.

Special milk program extension

Permanently extended the authority for the special milk program which would expire June 30, 1970, at the current authorization level of $120 million. Public Law 91-295.

Tobacco allotments

Made permanent the authority for leasing of tobacco acreage allotments as provided by section 316 of the Agricultural Adjustment Act of 1938; subjected such leasing to the discretion of the Secretary of Agriculture and to a determination by him that it will not impair the operation of the marketing quota or price support program; provided for extension of such leasing authority; excepted specified tobaccos from section 316; and extended the maximum duration of leases to 5 years. Public Law 91-284.

Tomato advertising

Amends the Agricultural Adjustment Act to add tomatoes to the list of commodities for which paid advertising can be provided in promotional programs under marketing orders. S. 1862. P/S 1/30/70.

Wheat referendum deferrals

Permitted the wheat marketing quota referendum for the 1971 crop to be deferred until the earlier of October 15, or 30 days after the adjournment of Congress. Public Law 91-348.

Permitted the wheat marketing quota referendum for the 1971 crop to be deferred until not later than 30 days after adjournment sine die of the second session of the 91st Congress. H.J. Res. 1396. Public Law 91- .

Wheat research and promotion

Authorized the Secretary of Agriculture to enter into agreements with organizations of wheat growers, farm organizations, and such other organizations as he may deem appropriate to carry out a program of research and promotion designed to expand domestic and foreign markets and increase utilization for U.S. wheat. Public Law 91-430.

APPROPRIATIONS, 1970

Continuing appropriations

Continued appropriations through February 28, 1970. Public Law 91-193.

Made further continuing appropriations for the fiscal year 1970 to provide for authorized salary and compensation payments provided for in the Second Supplemental Appropriations Act, 1970. Public Law 91-257.

Foreign aid

Appropriated a total of $2,502,413,000 for foreign assistance and related agencies. Public Law 91-194.

Labor-HEW

Appropriated a total of $19,747,153,200 for the Departments of Labor and Health, Education and Welfare, and related agencies. H.R. 13111. President vetoed 1/26/70. House sustained veto 1/28/70.

Labor-HEW

Appropriated a total of $19,381,920,200 for the Departments of Labor and Health, Education and Welfare, and related agencies. Public Law 91-204.

Second supplemental

Appropriated $6,021,535,005 for the fiscal year ending June 30, 1970, for various program supplementals, pay increase costs due to comparability adjustments and resulting from the enactment of the Federal Employees Salary Act of 1970; and revised the ceiling on 1970 budget outlays. Public Law 91-305.

APPROPRIATIONS, 1971

Agriculture

Appropriated a total of $8,475,935,100 for the Department of Agriculture and related agencies. H.R. 17923. P/H 6/9/70. P/S amended 7/9/70.

Continuing appropriations

Continued appropriations through July 31, 1970. Public Law 91-294.

Continued appropriations through October 15, 1970. Public Law 91-370.

Continued appropriations through the sine die adjournment of the Second Session of the 91st Congress and increased from $300 million to $600 million the advance appropriation for the food stamp program and its availability to January 31, 1971. H.J. Res. 1388. Public Law 91- .

District of Columbia

Appropriated a total of $636,118,200 for the District of Columbia. The appropriated Federal payment is $108,938,000. Public Law 91-337.

Education

Appropriated a total of $4,420,145,000 for the Office of Education. Public Law 91-380. Congress overrode Presidential veto.

Independent Offices—Housing and Urban Development

Appropriated a total of $18,655,019,500 for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development. H.R. 17548. President vetoed 8/11/70. House sustained veto 8/13/70.

Interior

$2,028,524,700 grand total, new budget (obligational) authority and appropriations to liquidate contract authority. Public Law 91-361.

Legislative

Appropriated a total of $413,054,220 for the Legislative Branch. Public Law 91-382.

Public works—Atomic Energy Commission

Appropriated a total of $5,238,517,000 for public works for water, pollution control, and power development and the Atomic Energy Commission. H.R. 18127. Public Law 91-439.

State, Justice, Commerce, the judiciary, and related agencies

Appropriates a total of $3,108,074,500 in new budget (obligational) authority. H.R. 17575. Public Law 91——.

Treasury, Post Office, and Executive Office

Appropriated $3,004,711,000 in new budget (obligational) authority for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies. Public Law 91-422.

ATOMIC ENERGY

Atomic Energy Commission authorization, 1971

Authorized appropriations of $2,290,907,000 for fiscal year 1971 ($2,013,307,000 for operating expenses and $277,600,000 for plant and capital equipment). Public Law 91-273.

Western interstate nuclear compact

Gave congressional consent and approval to a compact between the States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming to enter the western interstate nuclear compact. S. 1628. Public Law 91- .

CONGRESS

Legislative Reorganization Act of 1970

Improved the operation of the legislative branch of the Federal Government by revising procedures of Congressional Committees, including changes respecting roll call votes, proxy voting, the filing of supplemental, minority, and additional views, availability of reports and hearings on matters prior to floor consideration thereof; permitting broadcasting of House Committee hearings, and recording of quorum calls and teller and roll call votes in the House; changing the name of the Senate Banking and Currency Committee to that of "Committee on Banking, Housing and Urban Affairs" and adding to its jurisdiction "Urban Affairs generally"; creating a Senate Committee on Veterans' Affairs; changing the composition of, and provisions for assignments to, Senate Committees; providing for standardization and means for making available to Congress budgetary, fiscal and related data; providing for minority staffing; designating the Legislative Reference Service in the Library of Congress as the Congressional Research Service and expanding its functions; creating a Joint Senate-House Committee on Congressional Operations to make a continuing study of the organization and operation of Congress and establishing under that committee's supervision, an Office of Placement and Office Management; forming a Capital Guide Service to give the public free guided tours of the Capitol; providing that in non-election years, Congress shall have a summer August recess; authorizing the construction of a dormitory and school for Congressional pages; and making additional improvements. H.R. 17654. Public Law 91-

Library of Congress—James Madison Memorial Building

Increased from $75 million to $90 million the authorization contained in the Act of 1965 providing for the construction of the third Library of Congress Building to be known as the James Madison Memorial Building and provided that nothing in the Act shall be construed to authorize the use of the building for general office building purposes. Public Law 91-214.

Library of Congress—office equipment and furniture

Transferred from the Architect of the Capitol to the Librarian of Congress the authority to purchase office equipment and furniture for the Library of Congress. Public Law 91-280.

Library of Congress security

Extended the present authority of the Library of Congress for policing the Library of Congress buildings to embrace the rental space it utilizes at certain other locations in Washington, D.C. Public Law 91-281.

Senate office space

Authorizes the Architect of the Capitol to acquire on behalf of the United States, the Plaza Hotel property in square 724 in the District of Columbia to be held to meet future office needs of the Senate. S. 3594. P/S 5/21/70.

Senate rules—Addition to rule XVI

Amended rule XVI of the Standing Rules of the Senate to provide that; "Every report on general appropriation bills filed by the Committee on Appropriations shall identify with particularity each recommended amendment which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session." S. Res. 413. Senate adopted 9/25/70.

CRIME

Comprehensive Drug Abuse Prevention and Control Act of 1970

Establishes a National Institute for the Prevention and Treatment of Drug Abuse and Drug Dependence within the Public Health Service of the Department of Health, Education, and Welfare; authorizes for formula grants $10 million, $20 million and $25 million for fiscal years 1971, 1972 and 1973, respectively; authorizes for project grants $20 million, $45 million, and $70 million for fiscal years 1971, 1972 and 1973 respectively; establishes an Intergovernment Coordinating Council on Drug Abuse and Drug Dependence; requires Federal agencies to establish programs for dealing with drug dependence among Federal employees; broadens certain authorities under the Public Health Service Act, which now relate only to narcotic addiction, so that they relate to drug abuse and drug dependence generally; establishes educational and special project programs; protects the privacy of individuals who are the subject of research; provides for control by the Justice Department of problems related to drug abuse through registration of manufacturers, wholesalers, retailers, and all others in the legitimate distribution chain, and makes transactions outside the legitimate distribution chain illegal; lists the drugs with respect to which controls are to be enforced initially, and establishes a procedure for classification of future drugs which create abuse problems; provides that possession of controlled drugs is a misdemeanor, except where the possession is for the purpose of distribution to others; imposes penalties for the manufacture or distribution of illicit drugs; imposes a mandatory minimum sentence of 10 years to life, together with a fine of up to $100,000, where an individual engages in a continuing criminal enterprise involving a continuing series of violations undertaken by him in concert with five or more other persons and from which he derives substantial income; specifies a number of administrative authorities for the Attorney General, authorizing research and education programs relating to law enforcement aspects of drug abuse, cooperation with State and local law enforcement authorities, administrative inspections, forfeitures, and execution of search warrants, including conditions under which authority to enter premises without giving notice of authority and purpose may be had; establishes a Presidential commission on marihuana and drug abuse to study marihuana use; provides for control of imports and exports of drugs subject to abuse through a system of registration of importers and exporters; authorizes the appropriation of sums necessary to carry out the Act; and contains other provisions. H.R. 18583. Public Law 91-.

Congressional assassinations, kidnap or assault

Makes it a Federal offense to kill or kidnap any Member of Congress or Member-of-Congress-elect, to endeavor or to conspire to commit such offenses, or to assault such an individual. S. 642. P/S 10/8/70. (Text also contained in H.R. 17825, the Omnibus Crime Control Act as it passed the Senate amended 10/8/70.)

Controlled Dangerous Substances Act

Authorizes Federal regulation and control over defined "controlled dangerous substances" to help manage the drug abuse problem and criminal traffic in drugs on the international, national and State levels and repeals essentially all of the existing narcotic and dangerous drug laws. The bill vests authority for control of the enumerated substances with the Attorney General and requires that he seek advice from the Secretar of Health, Education, and Welfare and from the newly-established Scientific Advisory Committee concerning certain matters; establishes criteria for the control and classification of drugs into several schedules based largely on the degree of their abuse potential, known effect, harmfulness and level of accepted medical use; provides requirements for registration of persons involved in the manufacture, distribution, and dispensing of controlled drugs; controls and restricts importation and exportation of controlled dangerous substances; designates offenses and penalties for unlawful manufacture, distribution, dispensing possession with intent to manufacture, distribute, or dispense, importation, exportation, and simply possession of controlled dangerous substances, and eliminates mandatory minimum penalties for all violations except for a newly-created and defined class of professional criminals involved mainly in the distribution, sale and importation of controlled dangerous substances; vests enforcement personnel of the Bureau of Narcotics and Dangerous Drugs with broader enforcement powers; provides, under certain conditions, for "no knock" search warrants for felonious violations; authorizes the appointment of a Committee on Marihuana to conduct a study on all aspects of marihuana use and also establishes a Committee on Nongovernmental Drug Abuse Prevention; authorizes the appropriation of sums necessary to carry out the Act; and specifies the date the act shall take effect. S. 3246. P/S 1/28/70.

Criminal Appeals Act Amendments

Designed to resolve serious problems which frequently have arisen with respect to the right of the United States to appeal rulings which terminate prosecutions other than by judgments of acquittal, or which grant motions to suppress evidence before trial or in subsequent proceedings ancillary to the trial, and to further that purpose amends the Criminal Appeals Act. S. 3132. P/S 10/8/70. (Text also contained in H.R. 17825, the Omnibus Crime Control Act, as it passed the Senate amended 10/8/70.)

Criminal Justice Act Amendments

Amended the Criminal Justice Act of 1964 (relating to representation of defendants financially unable to obtain an adequate defense in criminal cases in United States courts), by expanding its coverage from the arrest stage to appeals, post-conviction proceedings, and ancillary proceedings related to the criminal trial; provides for the creation of Federal defender offices operating under the guidance of the district and appellate courts, but independent of both the Federal judicial and prosecution systems; increases the hourly rate to $30 an hour for in-court work and $20 per hour for out-of-court work with a proviso that the rates may be altered to minimum local bar association rates; and changes various other provisions to improve the operation of the Act. S. 1461. Public Law 91- .

Executive protective service

Changed the name of the White House Police force to the Executive Protective Service; placed the force under the direction of the Director of the U.S. Secret Service; increased the scope of the Protective Service's duties to include protection of foreign diplomatic missions located in the metropolitan area of the District of Columbia and such other areas of the United States, its territories, and possessions, as the President, on a case-by-case basis, may direct; and provided that the size of the new Executive

Protective Service may consist of up to 850 members. Public Law 91–217.

Explosives—Illegal use, transportation or possession

Amends the Federal criminal explosives statute by broadening its scope, improving its effectiveness, and increasing its penalty provisions. S. 3650. P/S 10/8/70. (Text also contained in H.R. 17825, the Omnibus Crime Control Act, as it passed the Senate amended 10/8/70.)

Omnibus Crime Control Act

Makes a variety of amendments to title I of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90–351) that established the Law Enforcement Assistance Administration; authorizes appropriations of $650 million for fiscal year 1971, $1.150 billion for fiscal year 1972, and $1.750 billion for fiscal year 1973; revises the administrative management of the Law Enforcement Assistance Administration; relaxes in defined areas on a showing of need the matching requirements for discretionary and block grants; relaxes certain of the restrictions on the use of grant funds for salaries; authorizes waivers of the mandatory requirement that specified percentages of State planning funds be made available to local units; revises the provisions under which a part of each State's block action grant must be made available to local units: provides that each State must allocate an adequate share of the benefits of title I block grant funds to areas characterized by high law enforcement activity; establishes a new program for the construction, acquisition, and renovation of correctional facilities and programs; expands the law enforcement education programs; makes numerous changes in the administrative provisions of title I of the Act designed to increase the operational efficiency and staff capability of the Administration; establishes a federally subsidized plan of low cost life insurance for defined State and local law enforcement officers, patterned on the Servicemen's Group Life Insurance program, and to be underwritten by private life insurance companies; provides for an overall Attorney General's Annual Report on Federal Law Enforcement and Criminal Justice Assistance Activities, which would bring together information from crime control and related programs throughout the Government; and provides stricter sentences for criminals using firearms in the commission of Federal felonies. The bill also contains the texts of S. 3650 (pertaining to explosives), S. 2896 (pertaining to protection of the President), S. 642 (pertaining to protection of Members of Congress), and S. 3132 (pertaining to appellate review in criminal cases), as they passed the Senate on October 8, 1970. H.R. 17825. P/S amended 10/8/70. In conference.

Organized Crime Control Act

Embodied a comprehensive, integrated program designed to deal with the menace of organized crime in the United States; established, in addition to regular grand juries, special grand juries to sit in major population areas or elsewhere by designation of the Attorney General; unified and expanded existing Federal law dealing with the granting of immunity from self-incrimination in legislative, administrative, and court proceedings; dealt with recalcitrant witnesses; created a new false declaration provision applicable in grand jury and court proceedings; authorized the Attorney General to protect and maintain Federal or State organized crime witnesses and their families; authorized, subject to constitutional safeguards, the taking of depositions in criminal cases; provided a statute of limitations on determining the derivative evidentiary consequences of law enforcement conduct; respecting syndicated gambling—contained special findings dealing with the effect of such gambling on interstate commerce, made it unlawful to engage in a scheme to obstruct the enforcement of State law to facilitate an "illegal gambling business," as defined, or to engage in the operation of such a business, and provided penalties for violations, as well as providing electronic surveillance in aid of enforcement of these prohibited "business" activities; established, effective in 2 years, a Presidential Commission to conduct a comprehensive review of present Federal and State gambling law enforcement policies and their alternatives; made unlawful certain "racketeering activity" and provided penalties for violations; and provided for increased sentencing (up to 25 years) for defined dangerous adult special offenders; established Federal controls over the interstate and foreign commerce of explosives and provided penalties for violations; and established, effective in 2 years, a National Commission on Individual Rights to study and review Federal laws and practices relating to special grand juries and special offender sentencing authorized under this act, wiretapping and electronic surveillance, bail reform, and preventive detention, no-knock search warrants, and the accumulation of data on individuals by Federal agencies as authorized by law or acquired by executive action. S. 30. Public Law 91– .

Protection of the President

Designed to protect the physical safety of the President and the orderly functioning of his office by extending additional Federal protection for certain conduct to his specifically designated temporary residences and offices and to posted, cordoned off, or otherwise restricted areas where he is or will be visiting. S. 2896. P/S 10/8/70. (Text also contained in H.R. 17825, the Omnibus Crime Control Act, as it passed the Senate amended 10/8/70.)

DEFENSE

Air evacuation patients

Authorized subsistence, without charge, to officers of the uniformed services, civilian Government employees, and dependents, who are air evacuation patients. H.R. 9654. Public Law 91– .

Civil Defense Act

Amended the Federal Civil Defense Act of 1950 to extend from June 30, 1970, to June 30, 1974, the President's standby authority to deal with the effects of an enemy attack upon this Nation. Public Law 91–299.

Coast Guard authorization, 1971

Authorized appropriations of $100 million for the Coast Guard for fiscal year 1971 ($62,295,000 for vessels, $12,865,000 for aircraft, and $24,840,000 for shore facilities and aids to navigation and pollution control equipment). Public Law 91–261.

Coast Guard officers—Interservice transfers

Placed the Coast Guard on the same parity as their counterparts in the military departments by providing that the Coast Guard officers be included within the stipulation that the President may, within authorized strengths, transfer any commissioned officer with his consent from his service branch to, and appoint him in, another service branch. Public Law 91–392.

Coast Guard Omnibus

Revised titles 14, 10 and 37 of the United States Code to make more uniform the laws relating to the Coast Guard and the other Armed Forces. Public Law 91–278.

Coast Guard Reserve laws

Modified the law affecting the Coast Guard Reserve, the modifications generally not only being designed to meet the particular problems of the Coast Guard, but also to conform more closely to practices obtaining in the other Armed Services. Public Law 91–402.

Command of the U.S.S. "Constitution" by retired U.S. Navy Officers

Permitted a retired officer of the U.S. Navy to command the U.S.S. "Constitution," a historic naval vessel maintained "in commission, active status," and permanently berthed at the Boston Naval Shipyard. Public Law 91–394.

Cost-of-living allowances

Affirmed the computation of overseas cost-of-living allowances for uniformed services personnel; and validated the existing system which breaks down overseas cost of living allowances into two parts, one for housing and another for elements of the cost of living except housing. H.R. 14322. Public Law 91– .

Defense production act extension

(See Economy and Finance.)

Disposals from national and supplemental stockpiles

Authorized disposal from the national and supplemental stockpiles of various materials, as follows:

Asbestos: Chrysotile, 2,844 short tons. Public Law 91–329.

Bauxite: Surinam-type metallurgical grade, 2,600,000 long dry tons. Public Law 91–326.

Bismuth: 300,000 pounds. Public Law 91–318.

Cadmium: 4,180,000 pounds. Public Law 91–314.

Castor Oil: 18,500,000 pounds. Public Law 91–319.

Chromite: Refractory grade, 826,000 short dry tons. Public Law 91–328.

Cobalt: 40,200,000 pounds. Public Law 91–317.

Corundum: 1,952 short tons. Public Law 91–330.

Fluorspar: Acid grade, 212,637 short dry tons. Public Law 91–320.

Graphite: Natural Ceylon amorphous lump, 386 short tons. Public Law 91–327.

Magnesium: 12,000 short tons. Public Law 91–321.

Manganese, Type A: Chemical grade, 111,900 short dry tons. Public Law 91–322.

Manganese, Type B: Chemical grade, 65,800 short dry tons. Public Law 91–323.

Manganese Ore: Natural battery grade, 173,800 short dry tons. Public Law 91–331.

Molybdenum: 3,500,000 pounds, Public Law 91–333.

Shellac: 4,300,000 pounds. Public Law 91–324.

Tungsten: 100 million pounds. Public Law 91–325.

Headstones or markers for Medal of Honor recipients

Authorized the furnishing of headstones to mark the graves of Medal of Honor recipients regardless of the character of the discharge granted for their last term of service. Public Law 91–396.

Leave for uniformed services members in hostile fire areas

Extended until June 30, 1972, the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas. Public Law 91–302.

Marine Corps band

Removed the restrictions on the grades of the director and assistant director of the Marine Corps band (now limited to lieutenant colonel and captain, respectively) to eliminate an inequity in their promotion opportunities. Public Law 91–197.

Marine Corps officers

Permitted adjustment of the date of rank for Marine Corps major generals on the same basis that obtains for major generals in the Army and Air Force. H.R. 10317. Public Law 91– .

Memorial services

Provided for the furnishing of a flag and a reimbursement allowance for memorial services to be paid to next of kin in cases where the remains of deceased members of the Armed Forces are not recovered; limited to cases where death occurred subsequent to January 1, 1961; and placed a time limit of

2 years for filing of claims for reimbursement. H.R. 11876. Public Law 91– .

Military claims

Provided that the authority for payment of military claims under title 10 of the United States Code be increased to $15,000, the amount authorized for foreign claims, and that a similar provision for partial payment be provided for such claims. Public Law 91–312.

Military construction authorization, 1971

Provides construction and other related authority for the military departments, and the office of the Secretary of Defense, within and outside the United States, and authority for construction of facilities for the Reserve components in the total amount of $1,667,154,000. H.R. 17604. Public Law 91– .

Military procurement authorization, 1971

Authorized appropriations of $12,493,489,000 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles; $7,101,600,000 for research, development, test, and evaluation; and $334,000,000 for military construction authority for the Safeguard antiballistic missile system; continues the authority for merging military assistance financing for South Vietnam and other free world forces and local forces in Laos and Thailand, with the funding of the Department of Defense; authorized the personnel strengths for fiscal year 1971 for the Selected Reserve of each of the Reserve components of the Armed Forces; imposed certain limitations with regard to specific procurement actions; provided certain additional legislative authorities; and contained other provisions. H.R. 17123. Public Law 91– .

Naval flight officers' command

Amended title 10, United States Code, to permit naval flight officers, in addition to naval aviators, to be eligible for command of naval aviation schools, naval air stations, or naval aviation units organized for flight tactical purposes; provided eligibility for similar Marine Corps commands by naval flight officers of the Marine Corps. Public Law 91–198.

Officers' pay

Provided that enlisted members of a uniformed service who accept appointments as officers or warrant officers shall not receive less than the pay and allowances to which they were previously entitled in their enlisted status. H.R. 16732. Public Law 91– .

Power of attorney executed by an armed forces member missing in action or held as a prisoner of war

Extends the expiration date in a power of attorney executed by a member of the armed services who is either missing in action or is held as a prisoner of war to enable the wife or any other person designated as attorney in fact for the serviceman in a missing status, to continue to manage the private affairs for the family or for the services. S. 3795. P/S 9/28/70.

Savings deposit program for certain uniformed services members

Removed the $10,000 limit on deposits which may be made to the Uniformed Services Savings deposit program in the case of any member of the uniformed services who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict. Public Law 91–200.

Selection boards

Provided that the number of active duty officers who serve on selection boards for the grades of rear admiral to captain may be increased from the current number of nine, and removed the requirement that members of selection boards for nonactive duty promotions have a parmanent grade higher than those being considered for promotion, in order to make a greater number of officers eligible to serve on such boards. Public Law 91–199.

Transportation to home ports

Entitled a member of the Navy, Coast Guard, or Environmental Science Services Administration, whose dependents are residing at his home port to round trip transportation to the home port where he is permanently attached to a ship overhauling away from the home port. Public Law 91–210.

United States flags—presentation to parents of deceased servicemen

Provided that United States Flags may be presented to parents of deceased servicemen, in addition to flags presented to the surviving spouse or next of kin. Public Law 91–397.

War Claims Act amendments

Authorized payment under the War Claims Act of 1948 to members of the Armed Forces captured and held prisoner by the forces of North Vietnam, and to persons captured by North Korea while assigned to duty on board the U.S.S. "Pueblo", for the period of their captivity at the rate of $5 per day of captivity, and provided for payment to civilian American citizens held by the forces of North Vietnam at the rate of $60 per month. Public Law 91–289.

DISTRICT OF COLUMBIA

Adoption proceedings

Amended the District of Columbia Code so as to eliminate the requirements of consent to a proposed adoption from the father of a prospective adoptee born out of wedlock unless the birth is subsequently legitimatized according to the laws of the District. H.R. 13307. Public Law 91– .

Alcoholic Beverage Control Act amendments

Amends the Alcoholic Beverage Control Act in several respects; namely, in relation to the authority of the Alcohol Beverage Control Board to issue summons to secure testimony of witnesses in connection with the enforcement of the act; to make uniform the provisions of the act relating to the use of facilities of licensees offering similar service to their customers; to modify the limitations on the employment of persons by licensees in their businesses; to modify present law as to the classification of beverages, places of storage, and as to the prohibition of certain credit transactions; and to allow restaurants operating on the premises of a theater, symphony hall, opera house or other facility which has as its principal purpose the presentation of the performing arts to sell alcoholic beverages to seated or standing persons. H.R. 9017. P/H 5/11/70. P/S amended 10/12/70.

Anatomical Gift Act

Provided in the District of Columbia a comprehensive and uniform legal environment for organ donation and transplantation consistent with the recommendations of the National Conference of Commissioners on Uniform State Laws made in 1968. Public Law 91–268.

Bail Agency Act

Removed the ceiling of $130,000 on the annual authorization of appropriations for the District of Columbia Bail Agency. Public Law 91–232.

Blood components transfer

Authorized the Commissioner of the District of Columbia to determine that blood platelets and other blood components in general use in the States may be transferred from local licensed blood banks in which they are produced to licensed physicians, to District of Columbia hospitals, and to licensed private hospitals and other medical facilities within the District, thereby placing the District in the same position as the States, all of which permit the intrastate transfer of blood components within their borders. Public Law 91–256.

Cooperative Association Act amendments

Exempted from the District of Columbia laws regulating the loaning of money and interest rates cooperative associations formed under the District of Columbia Cooperative Association Act and their financing transactions with members. Public Law 91–385.

Court Reform and Criminal Procedure Act

Completely reorganized the present court system in the District of Columbia, including provision for a local court system for the adjudication of all local criminal and civil matters, and added a number of new judgeships, as well as providing for modern court administration; transformed the Legal Aid Agency into a Public Defender Service to provide legal counsel for up to 60 percent of all indigent criminal defendants and to aid the courts in establishing an effective court-appointed counsel system for the remaining 40 percent; expanded the Bail Agency and enables it to make recommendations to the courts on the full range of pretrial release conditions and to supervise persons released on non-financial conditions; replaced the existing three-judge juvenile court with an expandable Family Division; established a modern juvenile code; made various changes in criminal procedure and provided revisions in sentencing practice, including new sentencing alternatives for habitual criminals; contained an improved wiretapping and electronic surveillance law; provided for no-knock search warrants under certain conditions; permitted a pretrial detention alternative for certain dangerous defendants; authorized an additional $5 million Federal payment to the District of Columbia to defray the first-year costs of court reorganization and to aid in the payment for other crime control provisions of the legislation; and made other reforms. Public Law 91–358.

Criminal code amendments

Amends statutes relating to the possession of certain dangerous weapons and interference with firemen in the performance of their duties; and authorizes the Commissioner of the District of Columbia to enter into the Interstate Parole and Probation Compact. S. 3749. P/S 10/13/70.

Delegate to House of Representatives—Commission on D.C. organization

Provided a 12-member District of Columbia Government study commission, said Commission to report to Congress within 12 months those changes necessary in any facet of the organization and practices of the District Government, in the interest of the congressionally approved goals of economy, efficiency, and improved municipal services; provided a nonvoting Delegate to the U.S. House of Representatives from the District of Columbia, said Delegate to be chosen biennially by the qualified voters of the District, following nomination either (1) by a political party in a party primary, or (2) by the submission of a nominating petition signed by 5,000 voters or 2 percent of the total District electorate (whichever is less); and made technical amendments to the election laws of the District of Columbia. Public Law 91–405.

Disposition of certain property in Prince William County, Va.

Allows the District of Columbia to enter into an agreement under which the District in consideration of transferring a portion of the Featherstone Tract to Prince William County, Virginia, would be issued a permit or permits by the County authorities for the operation of a sanitary landfill in that part of the County known as "Cockpit Point." H.R. 18086. P/H 7/13/70. P/S amended 10/12/70.

Estates—Settlement

Updates and modifies procedures dealing with the settlement of estates in the District of Columbia in order that they may more accurately reflect current economic conditions and that those persons wishing to settle small estates may do so in an expeditious manner with a minimum of cost. S. 3747. P/S 10/13/70.

Exemption from attachment of wages for nonresidents of the District of Columbia

Eliminated a practice involving the attachment of wages of nonresident debtors through actions initiated in the District of Columbia courts whereby creditors, by suing in the District, have been able to evade an exemption that may be granted to a nonresident debtor by the laws of the State in which the debtor resides. H.R. 9548. Public Law 91– .

Fees

Vests authority in the District of Columbia Council, after public hearing, to set a variety of municipal fees, including fees for certain licenses and permits; license and user fees are presently fixed by statute, and many fees have not been adjusted over the years to reflect current costs for performing the governmental duties related to the activity for which the fees is charged. S. 3906. P/S 8/13/70.

Fraud—Strengthened laws

Strengthened the provisions of certain criminal laws in the District of Columbia relating to persons who defraud hotel, motel, or other commercial lodging proprietors by means of forgery, issuance of bad checks, or by departing without payment for the goods or services received. H.R. 10335. Public Law 91– .

Freeway airspace utilization

Authorizes the Commissioner of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia to allow fuller utilization of space by making available for private and public purposes such airspace as will not impair the full and safe use of freeways. S. 3647. P/S 7/30/70.

George Washington University charter amendments

Amended the charter of the George Washington University in order to confer upon the university the powers contained in section 5 of the District of Columbia Non-Profit Corporation Act, and to exempt the university from the operation of the local usury laws. H.R. 17146. Public Law 91– .

Health services improvement

Improves health services and regulatory functions of the Public Health Department of the District of Columbia; authorizes commitment of mentally ill persons, previously sent only to public hospitals, to other equally suitable health facilities; eliminates duplication of inspection of milk producers and dairy farms between the District and other jurisdictions within the Washington "milk shed"; provides for detection of tuberculosis for school children in the District through mandatory tuberculin testing of all children entering school for the first time; allows the District government to enforce liens against recoverable moneys as to persons under care at Glenn Dale Hospital, Maryland; allows physicians licensed in another State to obtain a license in the District, although once failing the District examination. S. 3648. P/S 7/30/70.

Housing revolving fund and unclaimed property act

Establishes in the District of Columbia a revolving fund for the development of housing for low- and moderate-income persons and families in the District of Columbia and provides for the disposition of unclaimed property in the District of Columbia. S. 3011. P/S 5/13/70.

Industrial safety act amendments

Provides for a more general application of the rules and regulations of the safety code of the District of Columbia to protect employees and restores the jurisdiction of the Industrial Safety Board to enforce the code. S. 2820. P/S 5/5/70.

Interstate agreement on qualification of educational personnel

Allows the District of Columbia to enter into contracts which should reduce or eliminate duplication of administrative effort in checking teacher records already evaluated by competent authorities in the States. S. 3944. P/S 10/12/70.

Joint tenancies—elimination of straw party deeds

Eliminates the common law requirement, which is presently applicable in the District of Columbia, that creation of a joint tenancy in real property by act of one of the parties thereto, must be accomplished through a third, or so-called straw, party. H.R. 13564. P/H 10/27/69. P/S amended 10/7/70.

Liability of hotels

Revises certain civil laws in the District of Columbia Code relating to the liability of commerical lodging proprietors for the property of their guests or patrons; the lien rights of such business establishments as to the property of their guests and patrons; and improves the procedures for the disposal of unclaimed personal property left with such lodging operators. H.R. 10336. P/H 2/24/70. P/S amended 10/13/70.

Metropolitan Area Transit Act

Grants congressional consent to the public acquisition and operation of mass transit bus facilities in the Washington metropolitan area and authorizes payments by the District of Columbia government to assist in maintaining reasonable fares for District residents. S. 1814. P/S 4/15/70.

Mortages and loans

Temporarily permits, through March 31, 1971, mortgages insured by the Federal Housing Administration and the Veterans' Administration to be made in the District of Columbia even when the effective rate of interest therein exceeds the 8 percent ceiling provided in the District of Columbia interest and usury laws. S. 3313. P/S 4/1/70.

Pay increase for police, firemen and teachers

Increased by an average of 13 percent retroactive to July 1, 1969, the salaries of police and firemen and Executive Protective Service; increased by an average of 13 percent, retroactive to September 1, 1969, the salaries of teachers; revised the personal income tax of District of Columbia residents and authorized a special Federal payment of $8 million to the District of Columbia to help defray the costs of the pay increases; and made other changes in existing law. Public Law 91–297.

Pensions for widows of retired policemen and firemen

Provides that the widow of a retired officer or member of the Metropolitan Police Department or the Fire Department of the District of Columbia who married such an officer or member after his retirement may qualify for survivor benefits under the Policemen's and Firemen's Retirement and Disability Act. H.R. 4183. P/H 7/14/69. P/S amended 10/12/70.

Policemen and Firemen's Retirement and Disability Act amendments

Provided increases in retirement benefits for officers and members retiring under the Policemen and Firemen's Retirement and Disability Act, as amended, as well as increases in benefits for survivors receiving or entitled to receive annuities under the act. S. 2695. Public Law 91– .

Protective eye devices

Requires students, teachers and observers in the District of Columbia to wear protective devices while participating in or observing certain cources of study or types of training in public or private facilities wherever there is a condition hazardous to the eyes in connection with educational or training programs. H.R. 9528. P/H/11/24/69. P/S amended 5/7/70.

Protestant Episcopal Church Vestry Act

Conforms applicable law to changes recently enacted by the General Assembly of Maryland with respect to the Protestant Episcopal Church to repeal those anachronistic sections of the so-called Vesery Act which deal with the internal organization and operation of the Church, but to leave intact those provisions which establish general corporate powers and which may affect title to property held by the church. S. 2336. P/S 8/13/70.

Public Assistance Act amendments

Limits those relatives required to give financial aid to recipients of public assistance to spouse for a spouse and parent for a child under age 21. H.R. 670. P/H 5/11/70. P/S amended 10/12/70.

Public-day-care services

Authorizes the District of Columbia Council to prescribe, within the limits of available appropriations, regulations establishing a program to provide public day care services for the care of children whose parents are working, seeking work, enrolled in training, absent from the home, or who are for other reasons unable to provide parental supervision. S. 3010. P/S 10/12/70.

Rental of space for District of Columbia agencies and activities

Enables the government of the District of Columbia to more efficiently lease privately owned space in buildings or in improved or unimproved property for the accommodation of District agencies and activities, thus allowing the District government to compete for space in the open market on the same terms as the Federal Government. S. 3649. P/S 7/1/70.

Revenue

Provides that the annual Federal payment authorization be established at 30 percent of the District of Columbia general fund tax revenues and authorizes a special one-time Federal payment supplement of $5 million for fiscal year 1970 to be used for law enforcement activities in the District. The new formula proposal would authorize a 1971 Federal payment estimated at $130.4 million or an increase of $25.4 million over the present annual $105 million authorization. S. 3903. P/S 8/13/70.

Snow removal

Provides a more effective snow removal law than the current law by authorizing the District of Columbia Council to make all usual and reasonable regulations requiring removal of snow and ice from paved sidewalks, with the costs of such removal to be assessed as a tax against the abutting property in case of noncompliance. S. 3748. P/S 10/13/70.

Tax exemption for International Telecommunications Satellite Consortium

Provided complete immunity from all District of Columbia taxation for the International Telecommunications Satellite Consortium (INTELSAT), its foreign participants, and any successor organization to INTELSAT. H.R. 14982. Public Law 91– .

Taxation of regulated investment companies

Conformed the provisions of the District of Columbia Income and Franchise Tax Act of 1947 to the provisions of the Federal Internal Revenue Code relating to the treatment to be given to dividends paid by regulated investment companies which qualify for the dividends-paid deductions under section 852(b)(2)(D) and section 852(b)(3)(A)(ii) of the Internal Revenue Code of 1954 to make clear that investment companies domiciled in the District of Columbia will be accorded treatment under the laws of the

District similar to that they are accorded under Federal law. Public Law 91-391.

Teachers' retirement amendments of 1970

Amended the District of Columbia Teachers' Retirement Act so as to provide the same retirement benefits for the teachers and other professional employees of the District of Columbia Board of Education as are presently afforded the classified employees of the Federal and District of Columbia governments who retire under the Civil Service Retirement Act as amended by Public Law 91-93. Public Law 91-263.

Vacation work permits for minors

Amends the present District of Columbia law with respect to the issuance of vacation work permits to certain minors, in order to expedite and encourage the issuance of such permits. H.R. 12671. P/H 7/28/69. P/S amended 10/12/70.

Validation of defects in land records

Validates certain deeds and acknowledgments recorded in the land records of the District of Columbia prior to January 1, 1969. H.R. 13565. P/H 10/27/69. P/S amended 10/13/70.

Voluntary admission of patients to Forest Haven institution

Authorizes voluntary admission of substantially retarded persons to the District Training School, whose name is changed to Forest Haven; requires that a prerequisite to such voluntary admissions be a financial arrangement with the District of Columbia on behalf of such persons when they or their relatives are financially able to pay for all or a part of the expenses involved; deletes certain archaic terminology in the present law and substitutes modern terminology in its place. H.R. 4182. P/H 4/28/69. P/S amended 9/11/70.

Water and sanitary sewer rates

Makes it possible for the District of Columbia City Council, by appropriate increases in the rates to be charged for water and sewer services, to meet operating costs and debt retirement need involved in furnishing these municipal services; and eliminates the maximum rate restrictions imposed on water and sewer rates and leaves the setting of such rates to the discretion of the District of Columbia Council on the basis of recommendations by the Commissioner. S. 3905. P/S 8/13/70.

ECONOMY AND FINANCE

Bank holding companies; Eisenhower silver dollar

Modifies the Bank Holding Company Act of 1956 to bring under its provisions those companies controlling one bank, in addition to those companies controlling more than one bank; amends the Coinage Act of 1965 to authorize (1) minting of cupro-nickel half dollar and dollar coins bearing the likeness of the late President Dwight David Eisenhower, (2) transfer of 3 million rare dollar coins from the Treasury to the General Services Administration (GSA) for sale to the public, and (3) minting of 150 million Eisenhower 40-percent silver dollars, to be distributed as 130 million uncirculated and 20 million proof coins at premium prices. H.R. 6778. P/H 11/5/69. P/S amended 9/16/70. In conference.

Consumer Products Warranty and Guaranty Act

Requires a supplier of a consumer product or service actually costing more than $5 who decides to warranty or guaranty his product against defect or malfunction to follow certain guidelines; requires a clear and conspicuous disclosure of the contents of warranties and guaranties and requires that a written warranty or guaranty must be designated a "full" or "partial" warranty; and provides remedies for failure to comply with certain provisions of the legislation. S. 3074. P/S 7/1/70.

Credit unions

Federal share insurance: Provided a Federal system of share insurance for savings in credit unions and the regulatory authority necessary to operate such a share insurance system; provided mandatory coverage for federally chartered credit unions for State-chartered credit unions and for credit unions operating under the Department of Defense jurisdiction if they elect to be covered and agree to comply with the requirements of the program; changed regular reserve requirements of Federal credit unions; authorized Federal credit unions to invest in other insured credit unions; and authorized certain Federal credit unions serving low income persons to accept funds from nonmembers S. 3822. Public Law 91- .

Independent agency status: Elevated the Bureau of Federal Credit Unions (currently in the Department of Health, Education and Welfare) to the status of an independent agency in the executive branch to be known as the "National Credit Union Administration," and provided for an Administrator to be the chief executive officer of the Administration and to function in close and constant cooperation with a newly created National Credit Union Board to consist of a chairman and one member from each of the Federal credit union regions, the Administrator and Board members to be appointed by the President by and with the advice and consent of the Senate. Public Law 91-206.

Defense production act extension; standby wage, price, salary and rent controls

Extended the Defense Production Act until June 30, 1972; provided for the establishment of uniform cost accounting standards for certain defense contracts to be promulgated by a five member Cost-Accounting Standards Board appointed by the Comptroller General who would be designated as Chairman of the Board; limited loan guarantees under the Act to a maximum of $20 million per contractor, except with congressional approval; and gave the President standby authority until February 28, 1971 to stabilize prices, wages, salaries, and rents at levels not less than those prevailing on May 25, 1970, except that adjustments can be made to avoid inequities. Public Law 91-379.

Defense production act temporary extensions

Extended the effectiveness of the Defense Production Act of 1950 to July 30, 1970. Public Law 91-300.

Extended the effectiveness of the Defense Production Act of 1950 until August 15, 1970. Public Law 91-371.

Disaster assistance

Provides a permanent, comprehensive program for Federal disaster assistance and strengthens the organization and administrative machinery needed to implement the program in an orderly and effective manner; enables the extension of needed emergency relief and recovery assistance to individuals, organizations, businesses, and States and local communities suffering from a major disaster; authorizes Federal assistance for private as well as public losses suffered in a major disaster which the President determines to be of "sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States, local governments and relief organizations in alleviating the damage, loss, hardship or suffering caused thereby and respecting which the Governor of any State in which such catastrophe occurs or threatens to occur certifies the need for disaster assistance under this Act and gives assurance of expenditure of a reasonable amount of the funds of such State, its local governments, or other agencies for the same or similar purposes with respect to such catastrophe"; consolidates into one Act and repeals the three major existing Federal disaster assistance laws; makes changes in the Small Business disaster loan program, Farmers Home Administration emergency loans, and Veterans' Administration loans. S. 3619. P/S 9/9/70. P/H amended 10/5/70.

Eisenhower dollar

Authorizes the minting of not to exceed 150 million silver dollars, of 40% silver content, to be minted only as uncirculated coins and proof coins and sold at a premium price, and authorizes the simultaneous minting of cupro-nickel dollars, expected to circulate as a medium of exchange, all bearing the likeness of the late President of the United States, Dwight David Eisenhower. S.J. Res. 158. P/S 10/15/69. P/H amended 10/15/69. Senate concurred in House amendment with an amendment in the nature of a substitute 3/19/70.

Eligibility of American Samoa banks for Federal Deposit Insurance

Establishes the eligibility of the banks in American Samoa for Federal deposit insurance by amending sections 3 and 7 of the Federal Deposit Insurance Act in accordance with the provisions governing U.S. territories. S. 3366. P/S 7/1/70.

Emergency Community Facilities Act

States congressional findings that many of the Nation's communities are unable to finance the construction of urgently needed public facilities and that there is an immediate need for such facilities to provide basic safeguards for the health and well-being of our citizens, to check widespread water pollution, and to provide an effective and practical method of combatting rising unemployment; reenacted the balance of the authorization for basic water and sewer facilities provided for in title VII of the Housing and Urban Development Act of 1965 and provided for an additional authorization of $1 billion; and extended for 1 year (until October 1, 1971) the time within which a community may qualify for a basic water and sewer facilities grant even though its program for an area-wide system, though under preparation, has not been completed. H.R. 17795. Public Law 91-431.

Federal National Mortgage Association

Clarifies the payment of certain accounts owed by the Federal National Mortgage Association (FNMA) to the Secretary of the Treasury in connection with the reorganization of the FNMA. S. 3207. P/S 1/30/70.

Foreign bank secrecy; credit cards; consumer credit reporting

Designed to provide law enforcement authorities with greater evidence of financial transactions in order to reduce the incidence of white-collar crime; required U.S. banks and other financial institutions to maintain records of financial transactions and keep copies of checks pursuant to regulations issued by the Secretary of the Treasury; authorized the Secretary to require reports on currency deposits or withdrawals by the U.S. financial institution involved and the party to the transaction; required persons who export or import currency or its equivalent in amounts greater than $5,000 or any one occasion to file reports in accordance with Treasury regulations; required U.S. citizens to keep records of their transactions with foreign financial agencies pursuant to Treasury regulations; extended to U.S. borrowers the restrictions on purchasing securities on margin whereas the existing law only applies to lenders; also prohibited the issuance of unsolicited credit cards except in renewal of, or in substitution for, an accepted credit card; limited consumer liability for a lost or stolen card to not more than $50, unless

there is a lesser liability under other applicable law or under an agreement with the card issuer, amended the definition of a card issuer to include not only the person who issues the card but also any agent of the issuer, sets penalties for unauthorized use of credit cards; also provided for fair credit reporting, by giving consumers access to all of the information in their credit files to enable them to correct inadequate or misleading information, requiring that whenever a person is turned down for credit or insurance or employment because of an adverse credit report, he must be given the name and address of the credit reporting agency, and establishing safeguards to preserve the confidentiality of credit information in credit bureau files and to protect consumers against an undue invasion of their right to privacy. H.R. 15073. Public Law 91——.

Gold and silver content

Amended the National Gold and Silver Stamping Act to protect consumers by providing a civil remedy for misrepresentation of the quality of articles composed in whole or in part of gold or silver. Public Law 91-366.

Public debt limit increase

Provided an increase in the permanent debt limitation from $365 billion to $380 billion, and provided for a temporary additional increase of $12 billion, making an overall limitation of $395 billion for fiscal year 1971. Public Law 91-301.

Public Works and Economic Development Act Extension

Amended the Public Works and Economic Development Act of 1965 to extend the authorization of funds for titles I through IV through fiscal year 1971, and authorized to be annually appropriated $770 million through June 30, 1971 ($500 million for grants for public works and development facilities and $170 million for other financial assistance; $50 million for technical assistance research and information; and $50 million for economic development districts). Public Law 91-304.

Purchase of U.S. obligations by Federal Reserve banks

Extended for 1-year, from June 30, 1970, to June 30, 1971, the authority of the Federal Reserve banks to purchase U.S. obligations directly from the Treasury. Public Law 91-360.

Savings bond—interest increase

Increase from 5 to 5½ percent the rate of interest payable on series E savings bonds. Public Law 91-388.

Securities Act exemption from registration for small businesses

Amends the Securities Act of 1933 to assist small businesses in raising capital by giving the Securities and Exchange Commission power by rule or regulation to increase the size of an offering of securities that may be made without compliance with the full registration requirements of the Securities Act from the present amount of $300,000 to $500,000. S. 336. P/S 8/13/70.

Securities Exchange Act—additional consumer protection

Amends the Securities Exchange Act to provide additional protection for investors by augmenting the provisions of Public Law 90-439 to encompass acquisitions of and tender offers for equity securities of insurance companies; to extend the act's full disclosure provision to acquisitions and tender offers of over 5 percent of a company's stock; to extend the substantive provisions which protect stockholders involved in cash acquisitions and tender offers to stock exchange offers; to give the Securities and Exchange Commission additional rulemaking power to deal with certain types of fraudulent, deceptive, and manipulative practices; and to give the Commission rulemaking power to differentiate between control persons and issuers in applying certain requirements of section 13(e) of the Securities Exchange Act. S. 3431. P/S 8/18/70.

Silver certificates

Authorizes further adjustments in currencies outstanding which were issued after June 30, 1929; permits the writeoff of Federal Reserve bank notes and national bank notes; and removes the limitation of $200 million on the aggregate face value of silver certificates outstanding that the Secretary of the Treasury is authorized by law to write off after he has determined that they have been lost or destroyed, or are held in collections, and will never be presented for redemption. S. 3825. P/S 6/17/70.

Small business amendments act

Authorizes the Small Business Administration (SBA) to participate in making loans with persons and organizations not normally engaged in lending activity as well as with banks and other lending institutions; authorizes the SBA to make interest subsidy grants to certain small business concerns; increases from $25,000 to $100,000 the limitation on economic opportunity loans; provides for payment of tuition costs for economically or socially deprived persons in courses in business management and authorizes counseling for economically or socially deprived persons seeking Government assistance relating to starting or continuing a small business; authorizes SBA to guarantee loans made by private lenders to small business investment companies; permits certain activities respecting minority enterprise small business investment companies; establishes an SBA program whereby SBA would guarantee any surety against up to 90 percent of its loss as a result of the breach of the terms of a construction surety bond and provides for technical assistance for small construction contractors; gives priority to those loan applications of small business concerns which SBA determines will further the development or utilization of new methods of pollution control and provides for economic disaster loans to those small business concerns (a) forced to upgrade their facilities because of new pollution control standards or because of the requirements of the Wholesome Meat Act or (b) which suffer from the pollution of streams. S. 4316. P/S 9/18/70.

Unsolicited credit cards

Regulated the issuance of credit cards, created liability for the unauthorized use of credit cards, and provided criminal penalties for certain unauthorized uses. S. 721. P/S 4/15/70. H.R. 16542. P/H 9/9/70. P/S amended 9/15/70. (Provisions incorporated in H.R. 15073. (Foreign Bank Secrecy; Credit Cards; Consumer Credit Reporting)—Public Law 91- .)

EDUCATION

Demonstration elementary school for the deaf

Authorizes the Board of Directors of Gallaudet College to maintain and operate, including necessary renovation, construction and equipment, the Kendall School as a demonstration elementary school for the deaf to serve primarily the National Capital region and authorizes the School to provide day and residential facilities for elementary education for persons who are deaf in order to prepare them for high school and other secondary study, and to provide an exemplary educational program to stimulate the development of similar excellent programs throughout the Nation. S. 4083. P/S 8/11/70.

Elementary and secondary education amendments

Authorized approximately $24.5 billion for fiscal years 1971 through 1973 for carrying out various educational programs; amended the Elementary and Secondary Education Act of 1965 (special educational needs of educationally deprived children; school library resources, textbooks, and other printed and published materials; supplementary educational centers and services; strengthening State departments of education; bilingual education programs; school dropout prevention; school nutrition and health services for children from low-income families); extended and amended impacted areas programs legislation; amended the Adult Education Act; enacted a "General Education Provisions Act" relating to the administration of education programs and the operation of the Office of Education; extended and revised provisions of present law relating to cancellation and repayment of loans under Federal student loan programs; created, as an independent act, the "Education of the Handicapped Act"; amended and extended vocational education programs; and made miscellaneous amendments to various education laws. Public Law 91-230.

Impacted areas aid

Authorized the Secretary of Health, Education and Welfare to make to local educational agencies emergency payments for the current school year to provide 100 percent funding for fiscal year 1970 for the education of 3-A children (children whose parents live or work on Federal property) under Public Law 874, the aid to impacted areas program; and authorized for this purpose the expenditure of $2.5 million out of existing appropriations. Public Law 91-237.

Land-grant status for College of the Virgin Islands and the University of Guam

Gives land-grant status to the College of the Virgin Islands and the University of Guam; authorizes endowment grants of $1,019,000 to the University of Guam and $714,000 to the College of the Virgin Islands; provides eligibility for annual grants to each college. S. 1148. P/S 4/15/70.

Library services and construction amendments

Extends authorizations of appropriations for programs authorized by the Library Services and Construction Act for 5 years, through June 30, 1976, and improves the administration, implementation, and purposes of such programs by lessening the administrative burden upon the States through a reduction in the number of State plans which must be submitted and approved annually under such act and affording the States greater flexibility in the allocation of funds under such act to meet specific State needs and by providing for special programs to meet the needs of disadvantaged persons, in both urban and rural areas, for library services and for strengthening the capacity of State library administrative agencies for meeting the needs of all the people of the States; for Title I (library services) authorizes $112 million, $117.6 million, $123.5 million, $129.7 million, and $137.2 million for fiscal years 1972 through 1976, respectively; for Title II (public library construction) authorizes $80 million, $84 million, $88 million, $92.5 million, and $97 million for fiscal years 1972 through 1976, respectively; and for Title III (Interlibrary Cooperation) authorizes $15 million, $15.8 million, $16.5 million, $17.3 million, and $18.2 million for fiscal years 1972 through 1976, respectively. S. 3318 P/S 9/21/70.

National Commission on Libraries and Information Science

Established a 15-member National Commission on Libraries and Information Science as an independent agency in the executive branch to develop and recommend overall plans for carrying out the national policy with respect to libraries and information science, and authorized $500,000 for fiscal year 1970 and $750,000 for fiscal year 1971 and each succeeding year to carry out the provisions of the Act. Public Law 91-345.

FEDERAL EMPLOYEES

Air traffic controllers

Changes the computation factor for determining civil service retirement benefits from 1.0 to 1.4 for each year of air traffic controller service and provides that the special provision apply only to air traffic controllers and "first-line" supervisors directly supervising such controllers; make a controller or a supervisor eligible to retire after completing 30 years of service regardless of age if he has at least 10 years of service in such a capacity. S. 3959. P/S 7/13/70.

Airport police forces pay

Increases the salaries of police officers at National Airport, Washington, D.C. and Dulles International Airport as follows: increases the trainee rate from GS–5 to GS–7 and the general officer rate to GS–7 and GS–8; Sergeant, GS–9; Lieutenant, GS–10; Captain, GS–11; and Chief, GS–12; all after the private trainee would be placed in step 5 of the grade; provides that no rate of basic pay shall be reduced by enactment of this Act. S. 3958. P/S 9/23/70.

Civil service retirement

Provides that when an employee retires he may elect to take a reduced annuity and provide a lifetime survivor benefit equal to 55 percent of his reduced annuity for his spouse in the event he dies before his spouse. S. 437 P/S 9/10/70. H. Cal.

Civil service retirement of temporary employees

Repeals section 115 of the Social Security Amendments of 1954 to permit social security-covered service of temporary and indefinite employees in the field service of the Post Office Department, temporary and indefinite employees of the Federal Deposit Insurance Corporation, temporary census-taking employees of the Census Bureau, employees on a contract or fee basis, persons receiving nominal pay of $12 a year or less, and patient employees in Federal hospitals to be counted under the civil service retirement system or other retirement system for Federal employees; becomes effective upon enactment and applies to employees and former employees who thereafter retire. S. 2984. P/S 9/23/70.

Federal firefighters

Extends to Federal employees whose duties "are primarily to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment" the same hazardous-duty retirement provisions of title 5, United States Code, now provided for certain Federal law-enforcement officers. S. 578. P/S 8/18/70.

Federal pay legislation

Provided 6-percent across-the-board increases for the salaries of Federal employees who are paid under statutory salary systems (the postal field service, the general schedule of the classified civil service, the Department of Medicine and Surgery in the Veterans' Administration and the Foreign Service) and employees paid under other salary systems (legislative employees; judges of the District of Columbia, Court of General Sessions, Court of Appeals, and Tax Court; and staffs of former Presidents), except wage board employees in the legislative, executive and judicial branches of the Government; and provided a 6-percent increase to military personnel under the provisions of Public Law 90–207; made pay retroactive to the first day of the first pay period which began December 27, 1969. Public Law 91–231.

Foreign service retirement adjustment

Brought the retirement benefits and financing of the Foreign Service Retirement and Disability System into line with those contained in legislation relating to the Civil Service Retirement System which became effective on October 20, 1969 (Public Law 91–93). Public Law 91–201.

Government Printing Office—overtime compensation

Authorized the Public Printer to grant employees paid on an annual basis compensatory time off from duty instead of overtime pay for overtime work. Public Law 91–369.

Government Printing Office—special policemen

Authorized the Public Printer or his delegate to designate employees of the Government Printing Office to serve as special policemen to protect persons and property in premises and adjacent areas occupied by or under the control of that office. Public Law 91–359.

Health benefits

Increased the amount to be paid by the Federal Government toward the cost of the premium charged for health insurance authorized by the Federal Employees Health Benefits Act from $1.62 (for self only) or $3.94 (for family coverage) for each biweekly pay period (which in practice is about 24 percent of the average cost of high option family insurance) to a permanent level of 40 percent of the average premium charged for high option coverage offered by the six largest insurance programs operating under the act; becomes effective January 1, 1971. Public Law 91–418.

Job Evaluation Policy Act

Improved position classification systems within the executive branch by establishing an orderly procedure for the study of ways to improve current classification with a view to the establishment of a comprehensive plan for the establishment of a coordinated system of job evaluation and ranking and by providing for the appointment by the Civil Service Commission of a special organizational unit within the Commission to prepare the plan and requiring the Commission to submit to the President and Congress within one year an interim report and to complete its activities within two years at which time it shall submit its recommendations to the President who shall submit recommendations to Congress. Public Law 91–216.

Protecting privacy and the rights of Federal employees

Prohibits indiscriminate executive branch requirements that employees and applicants for Government employment disclose their race, religion or national origin; attend Government-sponsored meetings and lectures or participate in outside activities unrelated to their employment; report on their outside activities or undertakings unrelated to their work; submit to questioning about their religion, personal relationships or sexual attitudes through interviews, psychological tests, or polygraphs; support political candidates or attend political meetings; makes it illegal to coerce an employee to buy bonds or make charitable contributions; prohibits officials from requiring an employee to disclose his own personal assets, liabilities, or expenditures, or those of any member of his family unless, in the case of certain specified employees, such items would tend to show a conflict of interest; provides a right to have a counsel or other person present, if the employee wishes, at an interview which may lead to disciplinary proceedings; accords the right to a civil action in a Federal court for violation or threatened violation of the act; and establishes a Board on Employees' Rights to receive and conduct hearings on complaints of violation of the act and to determine and administer remedies and penalties. S. 782. P/S 5/19/70.

Public Health Service officer transfer to Environmental Protection Agency

Affords to officers of the Public Health Service commissioned corps whose positions are transferred, or whose positions are materially related to functions being transferred, or whose positions are materially related to functions being transferred, to the Environmental Protection Agency an opportunity, subject to Civil Service Commission regulations, to transfer to competitive positions in the Agency. S. 4269. P/S 9/21/70.

Wage board employees

Provides an equitable system for fixing pay scales for prevailing rate employees of the Government by establishing one system of rules under one agency's jurisdiction to insure that Federal employees in the same area working for different agencies will be paid the same rate for doing the same kind of work, that the same criteria are used by one agency as by another in surveying prevailing rates to establish Federal wages, and that employees have adequate and fair representation within the groups vested with carrying out the established policies. H.R. 17809. P/H 9/9/70. P/S amended 9/10/70.

GENERAL GOVERNMENT

Alaska Native claims settlement act of 1970

Provides for final legislative settlement of the claims of the Alaska Native people to the lands which now comprise the State of Alaska and extinguishes all Native claims to said lands; provides as compensation for the extinguishment of these claims substantial land grants to both individuals and to Native village corporations; appropriates Federal funds of $500 million to be paid over a 12-year period; grants the Alaska Native people a right to share in revenues derived from the mineral resources of Alaska until $500 million has been received; provides for the organization of corporate enterprises to administer funds granted by the bill; protects subsistence resources used by Alaska Native people; and authorizes the Secretary of the Interior to dispose of oil and other leasable minerals on the public lands to dispose of oil and other leasable minerals on the public lands in Alaska by competitive bid where there is competitive interest in the lands to be leased. S. 1830. P/S 7/15/70.

American battle monuments commission

Provided that Commission members will be entitled to receive per diem in lieu of subsistence of $25 when in travel status in this country in connection with the work of the Commission and for official travel overseas the per diem allowance for the members will be $40 instead of the present $20 established in 1956. H.R. 18731. Public Law 91–

American Revolution Bicentennial Commission

Authorizes appropriations of $373,000 for fiscal year 1971, for the Commission's activities. S. 3630. P/S 6/26/70. H.R. 16408. P/H 10/14/70.

Bankruptcy Laws Commission

Established a Commission on the Bankruptcy Laws of the United States to study, analyze, evaluate and recommend changes in the Bankruptcy Act and to submit a comprehensive report of its activities and recommendations to the President, Chief Justice, and Congress within 2 years of enactment. Public Law 91–354.

Canal Zone Government: Cash relief payments

Amended the Canal Zone Code to adjust cash relief payments (to be paid from Canal tolls at no cost to the Federal Government) to noncitizen former employees of the Canal Zone Government whose services terminated prior to 1958 by providing for adjustment of future payments on the basis of cost-of-living under provisions of the United States Code pertaining to civil service retirement annuities; and extended the eligibility for cash relief payments to surviving widows of such former employees. Public Law 91–355.

Coalinga Canal, California

Changed the name of the Pleasant Valley Canal, a feature of the San Luis unit of the Central Valley project in California, to the Coalinga Canal. Public Law 91–336.

Commission on Obscenity and Pornography Findings—Rejection

Declared that the Senate rejects the findings and recommendations of the Commission on Obscenity and Pornography. S. Res. 477, Senate adopted 10/13/70.

Commission on Population Growth and the American Future

Established a commission to be called the Commission on Population Growth and the American Future to conduct and sponsor studies and research and to make such recommendations as may be necessary to provide information and education to all levels of government in the United States, and to the public, regarding a broad range of problems associated with population growth and their implication for America's future. Public Law 91–213.

Comptroller General of the United States

Assigns new responsibilities to the Comptroller General in analyzing and auditing Federal expenditures and reduces certain outmoded statutory auditing requirements relative to Government corporations and certain other special Federal operations; changes the name of the General Accounting Office to the Office of the Comptroller General of the United States; grants the Office authority to employ experts and consultants and subpena records which it is presently authorized to review; and provides authority for the Comptroller General to institute suit and to appear in court, with his own counsel in certain instances. S. 4432. P/S 10/9/70.

Disposition of executive records

Abolished the Joint Committee on the Disposition of Executive Papers and transferred its functions to the General Services Administration, operating in collaboration with the National Archives, and provided for the disposal of Government records insufficiently valuable to merit retention. Public Law 91–287.

Family planning services and population research activities

Makes comprehensive, voluntary family planning services and related information available to all persons in the United States desiring such services; provides greatly increased support for biomedical, behavioral, and operational research relevant to family planning and population; provides for development and dissemination of information on population growth; provides for coordination and centralization of the administration of family planning and population research programs conducted by the Department of Health, Education, and Welfare (HEW); authorizes $89.750 million in fiscal year 1971, rising in increments of $53.250 million per year to $307.750 million in fiscal year 1975 for a new 5-year program of grants and contracts administered by HEW; establishes an Office of Population Affairs in HEW, headed by the Deputy Assistant Secretary for Population Affairs, to exercise direct authority and control over family planning grant and population research programs operated by HEW, to coordinate and evaluate other HEW family planning and population-related programs, and to provide liaison with other Federal agencies carrying out programs in this field; requires HEW to submit to Congress a 5-year plan for extension of services to all persons having need of them, for research programs, and for training programs and provides for annual reports to Congress on progress under the plan. S. 2108. P/S 7/14/70. H.R. 19318. H. Cal.

Federal Property and Administrative Services Act amendment

Amends the Federal Property and Administrative Services Act of 1949, to remove a preference now accorded to the District of Columbia over State governments in the disposition of excess real property. S. 2867. P/S 10/1/70.

Fire protection contracts on public lands

Conferred on the Secretary of Interior authority parallel to that of the Secretary of Agriculture with respect to the suppression of fires on large areas of the public lands and allows him to enter into contracts for tanker aircraft, and for other kinds of aircraft, supplies, and services, for an entire fire season, and to renew such contracts not more than twice. Public Law 91–429.

Fire Research and Safety Act authorization

Authorizes to be appropriated to the Department of Commerce such sums as may be necessary for fiscal years 1971 and 1972 (not to exceed a total of $5 million) and such sums as may be necessary for succeeding fiscal years to carry out the purposes of the Fire Research and Safety Act of 1968. S. 3766. P/S 7/31/70. H.R. 16538. H. Cal.

Florida-Georgia compact

Granted the consent of Congress to an agreement between the State of Florida and the State of Georgia establishing a boundary between the States; authorized the Secretary of Commerce to survey the boundary and to authorize the appropriations for this work; and reserved to Congress the customary right to alter, amend, or repeal this act. S.J. Res. 165. Public Law 91– .

Franklin Delano Roosevelt Memorial Commission

Authorized $75,000 for the continued operation of the Franklin Delano Roosevelt Memorial Commission. Public Law 91–398.

Full Opportunity Act

Establishes full social opportunity for all Americans as a national goal, and declares this goal to be a continuing responsibility of the Federal Government, consistent with the primary responsibilities of State and local governments; describes the goal as embracing such areas as educational and vocational opportunities, access to housing and health care, and the provision of special assistance to the handicapped and other less fortunate members of society; establishes institutions and procedures for advancing this broad social goal, specifically: (1) a Council of Social Advisers in the Executive Office of the President; and (2) an annual Social Report by the President to the Congress; and establishes within Congress an Office of Goals and Priorities Analysis to submit an annual report to Congress setting forth goals and priorities in the general context of needs, costs, available resources, and program effectiveness. S. 5. P/S 9/10/70.

Government systems and equipment purchasing

Authorized the Administrator of General Services to determine the systems and equipment required for standard passenger motor vehicles (sedans and station wagons) to be completely equipped for operation, and to purchase such additional systems and equipment as he finds to be other than customary for standard passenger motor vehicles, without regard to the maximum price limitations established by law. Public Law 91–423.

"Johnny Horizon" symbol

Protected the symbol of Johnny Horizon (created by the Bureau of Land Management as part of an intensive public service antilitter program, with the theme: "This Land is Your Land—Keep it Clean") from unauthorized use and permitted the Department of the Interior to license its use for commercial purposes with the provision to collect royalties. Public Law 91–419.

Land claims

Permits a resolution by judicial determination of a dispute between certain private persons and the Federal Government as to the ownership of specific tracts of land in the Palo Verde Irrigation District, Riverdale County, California by providing that the defendant-claimants to the lands shall have available to them the same legal and equitable defenses that would be available under the laws of California if the plaintiff, in this case the United States, were a private party. H.R. 15405. Public Law 91– .

Land conveyance, Eglin Air Force Base, Florida

Authorized the Secretary of the Air Force to donate, grant, and convey to the Board of Public Instruction of the county of Okaloosa, Florida, all right, title, and interest of the United States in and to approximately 135 acres of land; such land shall be used for the construction of school facilities in the vicinity of Eglin Air Force Base to alleviate the severe overcrowding of schools in that area. Public Law 91–347.

Micronesian claims and Micronesian Claims Commission

Implements an Executive Agreement, dated April 18, 1969, between Japan and the United States providing compensation equivalent to $10 million to inhabitants of the Trust Territory of the Pacific Islands who suffered damages during the second World War; authorizes the adjudication of claims of Micronesians arising during the war and those arising during the post secure period from actions of members of the armed services or employees of the U.S. Government; establishes a Micronesian Claims Commission responsible for determining the validity of the claims that may be filed; and authorizes the appropriation of $25 million over and above funds regularly appropriated for the trust territory to make payments on claims adjudicated by the Commission. S.J. Res. 211. P/S 10/8/70.

Mountain standard time zone

Authorized the Secretary of Transportation to place El Paso and Hudspeth Counties, Texas, in the mountain standard time zone. Public Law 91–228.

National Foundation on the Arts and the Humanities Act amendments

Authorized $40 million, $60 million, and $80 million for fiscal years 1971, 1972, and 1973, respectively, for the National Foundation on the Arts and the Humanities, provided that from the sums appropriated for any fiscal year, not less than $65,000 shall be allotted to each State and that any funds remaining after such an allotment shall be distributed among the States in equal amounts; and made other amendments to the Act. Public Law 91–346.

National Science Foundation authorization

Authorized appropriations to the National Science Foundation for the fiscal year 1971 in the amount of $537,730,000 out of money in the Treasury not otherwise appropriated and $2 million in foreign currencies which the Treasury Department determines to be in excess to the normal requirements of the United States. Public Law 91–356.

Oil and gas leases

Conferred discretionary authority on the Secretary of Interior to prevent, administratively, termination of certain oil and gas leases on Federal lands and to reinstate terminated leases under certain limitations and conditions. Public Law 91–245.

Payments in lieu of taxes for former Reconstruction Finance Corporation properties

Extended for 2 years from December 31, 1968, the period for which payments in lieu of taxes may be made to State and local taxing authorities by the Federal Government with respect to certain real property on which payments were authorized by Public Law 388, 84th Congress, and repealed the authorizing statute at the end of that period. H.R. 4599. Public Law 91– .

Plymouth-Provincetown Celebration Commission

Created a commission to develop suitable plans for and conduct of the celebration in 1970 of the 350th anniversary of the landing of the Pilgrims at Provincetown and Plymouth, and authorizes $100,000 for the Commission's work. S. 2916. Public Law 91– .

Pornographic mail

Protects a person's right of privacy by providing for the designation of sexually oriented advertisements and for the return of any such unrequested advertisements at the expense of the sender; provides that the following notice be printed on the cover of such advertisements: "The Enclosed Material Is Sexually Oriented Advertising, And May, If Unrequested By The Addressee, Be Returned To The Sender Unopened At No Cost To The Addressee"; provides that any unrequested sexually oriented advertisement may be returned to the sender at no cost to the addressee who shall pay return postage plus a service charge of not less than 50 cents, such charge to be determined by the Postal Service; provides that a sender who fails to mark the cover or who refuses to pay the postage or service charge will be subject to a civil penalty of $5,000 for each such failure; and grants jurisdiction to the United States district courts to hear civil actions to collect any such civil penalty. S. 3220. P/S 9/23/70.

Postage counterfeiting

Strengthened the law relating to the counterfeiting of postage meter stamps or other improper uses of the metered mail system. H.R. 14485. Public Law 91– .

Postal reorganization act

Established the United States Postal Service as an independent establishment within the executive branch; provided that all powers of the Postal Service shall be directed and exercised by an eleven-member Board of Governors, nine of whom shall be appointed by the President (no more than five of whom may be members of the same political party), the Postmaster General to be appointed a governor by the nine, and the Deputy Postmaster General to be a governor chosen by those ten; established a thirteen member Advisory Council to advise the Postal Service on all aspects of postal operations; authorized collective bargaining over wages, hours, grievance procedures, seniority rights, promotions and other matters subject to collective bargaining in the private sector, with final and binding arbitration to resolve impasses in lieu of the right to strike; provided that right-to-work laws shall be applicable to postal employees; made postal employees members of the Postal Career Service, which shall be a part of the Civil Service; prohibited political influence in the selection or promotion of postal personnel; empowered the Postal Service to raise up to $10 billion through the issue of bonds; required that postal rates to afford the annual revenues necessary to operate the Postal Service be recommended to the Board of Governors by an independent five-member Postal Rate Commission, subject to veto by a unanimous decision of the Board or by the Courts; prescribed an annual appropriation of approximately 10 percent of the postal budget to be phased out over a 12-year period; and provided an 8 percent salary increase to postal employees to be effective retroactively to the first day of the first pay period that begins on or after April 16, 1970. Public Law 91-375.

Postal service

Makes technical changes in the references to certain provisions of law relating to the postal service which are codified in the United States Code; made no substantive changes in law. S. 3396. P/S 3/4/70.

Program Information Act

Provides for the publication of a catalog of Federal assistance programs, which catalog shall identify the program, describe the program structure, provide financial information, state the obligations on the part of the recipient receiving assistance or support, identify the appropriate officials to contact, provide a general description of the application process and identify closely related programs; and provides for quarterly revision, publication and distribution of the catalog. S. 60. P/S 10/7/70.

Sea Grant College and Program Act Amendments

Provided for further funding of the National Sea Grant College and Program Act through fiscal year 1973, authorizing $20 million, $25 million, and $30 million for fiscal years 1971, 1972, and 1973, respectively. Public Law 91-349.

Smithsonian Institution

Additional members of Board of Regents: Authorizes the appointment of three additional citizen regents to the Board of Regents of the Smithsonian Institution, increasing the membership of the Board from 14 to 17 members. H.R. 14213. P/H 12/16/69. P/S amended 8/18/70.

Facilities construction: Authorizes the Board of Regents of the Smithsonian Institution to plan and construct museum support and depository facilities; limits the authorized appropriations to $500,000; specifies that the proposed museum facilities be constructed on land presently within the metropolitan area of the District of Columbia; and limits the use of the appropriated funds to preliminary planning and design of the facilities. S. 209. P/S 7/17/70.

Museum programs authorization: Authorizes $1 million for each of fiscal years 1972, 1973, and 1974 for purposes of the National Museum Act of 1966, and an additional $300,000 for each of those fiscal years for museum assistance programs to be allocated equally among specified museum assistance programs of the Smithsonian Institution, the National Foundation on the Arts and the National Foundation on the Humanities. S. 704. P/S 8/7/70.

Tennessee Valley Authority Revenue bond financing

Increased from $1.75 billion to $5 billion the amount of revenue bonds which TVA may have outstanding to finance additions to its power system. H.R. 18104. Public Law 91– .

Trust Territory of the Pacific Islands

Increased the authorization from $50 million to $60 million for the fiscal year 1971 and authorized $60 million for fiscal years 1972 and 1973 for the Trust Territory of the Pacific Islands for civil works and administrative programs. S. 3479. Public Law 91– .

Use of personal checks to pay postal services

Permits the acceptance of checks and nonpostal money orders on payment for postal charges and services; relieves postal employees of personal financial liability for accepting personal checks from postal patrons in the course of business; provides penalties for presenting bad checks and bad postal money orders in payment for postal charges and services. S. 3397. P/S 3/4/70.

HEALTH

Air pollution compacts

Mid-Atlantic States: Gives Congressional consent and approval to a compact between the States of Connecticut, New Jersey, and New York to enter into an interstate compact on air pollution and grants consent to the Commonwealth of Pennsylvania and the State of Delaware to join in such compact. S.J. Res. 53. P/S 6/2/70.

Ohio-West Virginia

Gives congressional consent to the interstate compact on air pollution between the States of Ohio and West Virginia and grants consent to the Commonwealth of Pennsylvania and the State of Kentucky to join in the compact. S. 2707. P/S 2/2/70.

Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970

Establishes a National Institute for the Prevention and Control of Alcohol Abuse and Alcoholism within the Public Health Service, through which the Secretary of Health, Education, and Welfare shall coordinate all Federal health, rehabilitation, and other social programs related to the prevention and treatment of alcohol abuse and alcoholism and administer the programs established by the bill; provides for extensive Federal assistance to State and local programs in order to promote effective treatment and rehabilitation programs for alcoholics throughout the country; authorizes for formula grants to States $20 million, $25 million, and $30 million for fiscal years 1971, 1972, and 1973, respectively, and for project grants to State and local agencies $60 million, $100 million, and $160 million for fiscal years 1971, 1972, 1973, respectively; requires the utilization of all existing Federal legislation providing for Federal or federally assisted research, prevention, treatment, or rehabilitation programs in such fields as health, education, welfare, and highway safety in order to effectively reduce the incidence of alcohol abuse and alcoholism throughout the Nation. S. 3835. P/S 8/10/70.

Cancer conquest

Expressed the sense of Congress that the conquest of cancer is a national crusade to be accomplished by 1976 as an appropriate commemoration of the two hundredth anniversary of the independence of our country and that sufficient funds be appropriated to carry out said crusade so that the citizens of this land and other lands may be delivered from the greatest medical scourge in history. H. Con. Res. 675. P/H 7/15/70. P/S. amended 8/28/70. House agreed to Senate amendments 9/30/70.

Clean Air Act and Solid Waste Disposal Act Extensions

Extended the authorization for the Clean Air Act and Solid Waste Disposal Act programs for 60 days through August 31, 1970, at their present level. Public Law 91-316.

Extended the authorization for the Clean Air and Solid Waste Disposal Act programs for 90 days through November 30, 1970. S. 4319. P/S 9/1/70.

Communicable disease control

Authorizes a 3-year program of project grants to States and local governments for continuing assistance in eliminating diseases that are susceptible to vaccination or communicable disease control programs; and authorized $60 million for fiscal year 1970, $75 million for fiscal year 1971 and $90 million for fiscal year 1972. S. 2264. Public Law 91– .

Community mental health centers amendments

Improved and extended for 3 years the Community Mental Health Centers Act; authorized for construction grants $80 million, $90 million, and $100 million for fiscal years 1971, 1972, and 1973, respectively; authorized for grants for initial operation of community mental health centers $45 million, $50 million, and $60 million for fiscal years 1971, 1972, and 1973, respectively; extended the program for facilities and services for alcoholics and narcotic addicts for 3 years and authorized therefor $30 million, $35 million, and $40 million for fiscal years 1971, 1972, and 1973, respectively, and reduced the authorization for fiscal 1970 from $25 million to $15 million; added a program of special facilities, personnel and services for children and authorized therefor $12 million, $20 million and $30 million, for fiscal years 1971, 1972, and 1973, respectively. Public Law 91-211.

Developmental disabilities services and facilities construction amendments of 1970

Extended for 3 years and amended the Mental Retardation Facilities Construction Act of 1963; authorized $60 million, $105 million, and $130 million, respectively, for fiscal years 1971, 1972 and 1973 for grants for services and facilities for persons with developmental disabilities; authorized the Secretary of Health, Education, and Welfare to use up to 10 percent of appropriations for formula grants for projects of special national significance to assist the developmentally disabled; provided for formula grants for State and local planning, administration, and technical assistance, for construction, maintenance, and operation of facilities, for provision of services, for training of specialized personnel, and for developing and demonstrating new or improved techniques of service and authorized therefor $15 million, $17 million and $20 million for fiscal years 1971, 1972 and 1973, respectively; and established a National Advisory Council on Services and Facilities for the Developmentally Disabled. S. 2846. Public Law 91–

Family practice of medicine act

Authorizes a 5-year program of grants through fiscal year 1975 to medical schools to operate separate departments devoted to teaching and instruction in all phases of family practice, to construct facilities appropriate to carry out family practice training programs whether as a part of a medical school or as a separate outpatient or similar facility, to operate or participate in special training programs for paramedical personnel in the field of family medicine, to operate or participate in special training programs for medical personnel to head departments of family practice or otherwise teach family practice in medical schools; authorizes grants to public or private nonprofit hospitals for the operation of special professional training programs in family medicine for medical personnel, for the construction of facilities appropriate to carry out these programs whether as part of a hospital or as a separate outpatient or similar facility, to provide scholarships, fellowships, or stipends to medical personnel, and for special programs for training paramedical personnel in the field of family medicine; authorizes for grants to medical schools and hospitals appropriations of $50 million for fiscal year 1971, $75 million for fiscal year 1972, and $100 million each for fiscal years 1973, 1974, and 1975; enables the Secretary of HEW to assist medical schools, graduate schools, universities, hospitals, and other public or private institutions in more effectively dealing with the problems of malnutrition and for such programs authorizes $32 million for each of 5 fiscal years beginning with fiscal year 1971; establishes within the Department of HEW a National Information and Resource Center for the Handicapped and for its operations authorizes $300,000 for fiscal year 1971 and thereafter such sums as may be necessary. S. 3418. P/S 9/14/70.

Health service corps-establishment

Amends title III of the Public Health Service Act to provide for the establishment of a National Health Service Corps within the Public Health Service of the United States and provides that it shall be the function of the corps to improve the delivery of health services to persons living in communities and areas of the United States where health personnel, facilities, or services are inadequate to meet the health needs of the residents of such communities and areas. S. 4146. P/S 9/21/70.

Health Training Improvement Act of 1970

Extended for 3 years and improved the Allied Health Professions Personnel Training Act of 1966 and authorized for fiscal years 1971, 1972 and 1973 $90 million for construction, $45 million for basic improvement grants, $125 million for special improvement and special project grants, $30 million for traineeships, $3 million to encourage full utilization of allied health profession, $15 million for scholarships, $12 million for work-study, and $18.5 million for loans. S. 3586. Public Law 91–

Medical facilities construction and modernization amendments

Authorized $1.29 billion in grants to the States for construction or modernization of hospitals and other health facilities for fiscal years 1971, 1972, and 1973; established a new 3-year program of guaranteed loans to cover up to 90% of the cost to private nonprofit agencies for medical facility construction or modernization and a program of direct loans for construction or modernization of public facilities and for such loans authorized $1.5 billion for fiscal years 1971, 1972, and 1973, but not more than $500 million per year; provided a new 3-year $20 million per year program for project grants to assist in the modernization or construction of emergency rooms in general hospitals and transportation systems; provided for reports on the health consequences of the use of marihuana; and made other legislative changes. Public Law 91–296.

Medical Library Assistance Extension Act

Extended for 3 years the current program to provide financial assistance for the construction of health library facilities; to support training of health librarians and other information specialists; to expand and improve health library services through the provision of grants for library resources; to support projects of research and development in the field of health communications, and related special scientific projects; to support the development of a national system of regional medical libraries; and to support selected biomedical scientific publications projects; and authorized for funding these programs $63 million for fiscal years 1971 through 1973. Public Law 91–212.

Migrant health services

Extended until June 30, 1973, the authority of the Public Health Service Act to improve health services and the health conditions of domestic agricultural migratory workers and their families, and provided for this purpose increased funding authorizations of $20 million for fiscal year 1971, $25 million for fiscal year 1972, and $30 million for fiscal year 1973. Public Law 91–209.

National Air Quality Standards Act

Amends the Clean Air Act to require designation of major air quality control regions within 90 days; set procedures to achieve air quality standards that would insure the protection of health and after standards and goals are set, the States will have 9 months to develop a plan to implement the standards; require that implementation plans be designed to achieve conformance with air quality standards within 3 years; allow States to adopt even stricter air quality standards than those set by the Federal Government; authorize regulations to require that new industries meet emission performance standards based on the latest control technology, processes, and operating methods; provide for civil—$10,000—and criminal—up to $50,000 and 2 years—penalties for violations and authorizing pollution abatement orders; require that national emission standards also apply to vessels and aircraft, provide that 1975 model cars must achieve at least a 90-percent reduction in polluting exhaust from the 1970 standards, and impose penalties up to $10,000 per vehicle; require a warranty of 50,000 miles on a vehicle's emission system performance and authorize the Secretary of Health, Education, and Welfare to have cars road tested and recall those produced if they do not meet standards; authorize certification of low-emission vehicles for research and development purposes and for Federal acquisition of such vehicles for demonstration purposes; authorize $125 million in research for fiscal 1971, $150 million for 1972, and $175 million for 1973 for research relating to fuels and vehicles; authorize research concerning health effects of air pollution and authorize therefor $15 million for long term contracts to carry out investigations; provide 3-to-1 funding to States and for the option assignment of Federal personnel in place of cash grants; permit citizens to file suits to enforce standards, authorizing $725 million for 3 years for enforcement, grant assistance, and administration; establish an Office of Noise Abatement and Control within the Department of Health, Education, and Welfare; create a Federal low emission vehicle procurement program to stimulate development and production of such vehicles. H.R. 17255. P/H 6/10/70. P/S amended 9/22/70. In conference.

Poison Prevention Packaging Act

Amends the Federal Hazardous Substances Act to provide for child-resistant packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting any hazardous household substance; authorizes the Secretary of Health, Education and Welfare to determine those substances to be specially packaged and to establish packaging performance standards; sets penalties for failure to conform to those standards; and creates a technical advisory committee to advise the Secretary. S. 2162. P/S 5/11/70.

Public Health Cigarette Smoking Act

Prohibited all broadcast advertising of cigarettes after January 1, 1971; strengthened the warning on cigarette packages by changing it from "Caution: Cigarette Smoking May Be Hazardous to Your Health" to "Warning: The Surgeon General Has Determined That Cigarette Smoking is Dangerous to Your Health"; prohibited States from regulating cigarette advertising; and suspended until July 1971 a Federal Trade Commission rule which would require warnings in print cigarette advertising. Public Law 91–222.

Public health training

Amended the Public Health Services Act to extend for three additional fiscal years the authority to make formula grants to schools of public health and authorized therefor $9 million, $12 million and $15 million for fiscal years 1971, 1972 and 1973, respectively; to extend through fiscal year 1973 project grants for graduate or specialized training in public health and authorized therefor $14 million, $15 million and $16 million for fiscal years 1971, 1972, and 1973, respectively; to extend for two fiscal years project grants for traineeships for professional health personnel therefor $16 million and $18 million for fiscal years 1972 and 1973, respectively. Public Law 91–208.

Regional Medical Programs and Comprehensive Health Planning and Services Act of 1970

Extended the regional medical programs for 3 years through fiscal year 1973 and authorized a total of $525 million for regional medical programs; $247 million for demonstrations relating to health facilities and services, $1,013,500,000 for comprehensive health planning, and $60 million for health surveys and studies; added "kidney disease" to the original three programs covered—heart disease, cancer and stroke; created a National Advisory Council on Comprehensive Health Planning Programs; facilitated the group practice of medicine; directed the President to make a study pertaining to the health and safety hazards presented by environmental pollution and make pertinent reports to Congress. H.R. 17570. Public Law 91–

Water Pollution Compact

Potomac Valley Conservancy District compact amendments: Granted the consent of Congress to the States of Maryland and West Virginia and the Commonwealths of

Virginia and Pennsylvania and the District of Columbia, as signatory bodies, for certain amendments to the compact creating the Potomac Valley Conservancy District and establishing the Interstate Commission on the Potomac River Basin. Public Law 91-407.

HOUSING

College Housing Debt Service Grants

Provides an additional $2.6 million authorization for college housing interest subsidy grants, thereby making the total available for fiscal year 1971 $6.8 million. S.J. Res. 196. P/S 5/15/70.

Emergency home finance act

Increased the availability of mortgage credit for the financing of urgently needed housing; authorized $250 million to subsidize the interest on loans made by Federal home loan banks to savings and loan associations and other member borrowers of the Federal Home Loan Bank Board (FHLBB) system, and required the FHLBB to establish a maximum "spread" between the rate charged by the home loan bank and that charged by the savings and loan association, thus passing maximum benefits to the home buyer; expanded the scope of the Federal National Mortgage Association (FNMA) to include conventional as well as Federally insured and guaranteed mortgages in its secondary market operations; established an identical secondary market institution through the FHLBB for conventional and Federally insured and guaranteed mortgages; contained new Government National Mortgage Association (GNMA) special assistance authority amounting to $750 million and transferred another $750 million from the congressional authority to Presidential authority, and removed the existing par purchase restriction on the use of the $2 billion balance of funds now under congressional authority of the GNMA, thus making available for immediate use a total of $2.750 billion for Federally assisted low and moderate income housing; established a new interest subsidy program for middle-income housing through FNMA; renewed the authority of the Secretary of Housing and Urban Development to set the maximum allowable interest rates for FHA and VA mortgages; made technical changes designed to assist savings and loan associations to increase their deposits and thus make more mortgage funds available to the housing market. Public Law 91-351.

Federal housing administration's insurance authority extensions

Extended until November 30, 1970, certain Federal Housing Administration insurance programs, which were to expire on October 1, 1970. H.J. Res. 1366. Public Law 91-432.

Extended until December 1, 1970, certain Federal Housing Administration insurance programs slated to expire on November 30, 1970. S.J. Res. 242. Public Law 91- .

Housing and Urban Development Act of 1970

Contains, generally, a 3-year extension of existing Federal housing, programs, principally Federal Housing Administration programs, urban renewal, model cities, and public housing; provides a 1-year authorization of $4,203,500,000 for housing programs; and makes significant changes in existing public housing urban property insurance, new community, and mass transit programs; funding levels for housing assistance programs are designed to be adequate to meet the national housing goal of 6 million assisted housing units to be constructed or rehabilitated in 10 years. S. 4368. P/S 9/23/70. H.R. 19436. H. Cal.

Loans to lessees of nonfarm rural land

Authorizes the Farmers Home Administration to make rural housing loans under title V of the Housing Act of 1949 to lessees of nonfarm rural land. S. 3330. P/S 8/28/70.

Paraplegic housing program

Authorizes the Veterans' Administration to make direct loans to eligible disabled veterans for assistance in acquiring specially adapted housing as defined in chapter 21 of title 38, United States Code. S. 3775. P/S 8/28/70.

INDIANS

Chemehuevi Tribe

Authorized the disposition of funds appropriated to pay a judgment in the amount of $996,834.81 awarded to the Chemehuevi Tribe of Indians in Indian Claims Commission dockets which funds were appropriated April 30, 1965. Public Law 91-417.

Cherokee, Chicasaw, Choctaw and Seminole Nations of Oklahoma

Provided that when a member, or the descendant of a member, of the Cherokee, Chickasaw, Choctaw, and Seminole Nations of Oklahoma dies without a will and has no heirs, his interest in any trust or restricted land, or in the rents therefrom, will escheat to the tribe. Public Law 91-240.

Cherokee Tribe, Oklahoma

Authorized the sale to the Cherokee Tribe of Oklahoma of 38.5 acres of land for $2,258.80, said land to be used by the tribe to continue industrial development. H.R. 15624. Public Law 91- .

Choctaw Tribe, Oklahoma

Repealed the act of August 25, 1969, with respect to the final disposition of the affairs of the Choctaw Tribe, Oklahoma. Public Law 91-386.

Coeur D'Alene Indian Reservation

Authorizes the Secretary of the Interior to approve the sale, exchange, or encumbrance of tribal lands and to sell or exchange, individually owned trust lands or interests therein held in multiple ownership to other Indians if the sale or exchange is authorized by the owners of at least a majority of the interests in such lands. S. 3487. P/S 9/1/70.

Confederated bands of Ute Indians

Provided for the disposition of funds approved to pay a judgment in favor of the Confederated Bands of Ute Indians in the Court of Claims, and a judgment in favor of the Ute Tribe of the Uintah and Ouray Reservation for and on behalf of the Uncompahgre Band of Ute Indians in an Indian Claims Commission docket. Public Law 91-420.

Confederated Tribes of the Umatilla Indian Reservation

Authorized the Confederated Tribes of the Umatilla Indian Reservation to use a $2,450,000 judgment recovered against the United States in the Indian Claims Commission, and accumulated interest. Public Law 91-259.

Confederated Tribes of Weas, Piankashaws, Peorias & Kaskaskias

Provided for a per capita distribution of 3 judgments by the Indian Claims Commission totaling $2,049,273, that have been recovered on behalf of the Confederated Tribes of Weas, Piankashaws, Peorias and Kaskaskias and provided that any per capita share the Secretary of Interior is unable to deliver within two years shall revert to the Peoria Tribe. Public Law 91-364.

Eastern Band of Cherokee Indians, North Carolina

Authorized a conveyance to the Eastern Band of Cherokee Indians of North Carolina, of any Federal lands within the Cherokee Reservation that may become excess to the needs of the Bureau of Indian Affairs. H.R. 16811. Public Law 91- .

Educational facilities for Indian children

Authorizes the appropriation of $27,400,000 annually for each of fiscal years 1971, 1972 and 1973 to aid public school districts near Indian reservations in the construction of classrooms, housing and other necessary educational facilities for Indian children attending these schools. S. J. Res. 144. P/S 5/19/70.

Five civilized tribes and Osage tribe of Oklahoma

Amends certain Federal laws relating to the administration of the affairs of members of the Five Civilized Tribes and of the Osage Tribe in Oklahoma to remove a hiatus brought about by the adoption in Oklahoma of a constitutional amendment establishing a new judicial department for that State. S. 2362. P/S 4/30/70.

Five civilized tribes of Oklahoma

Authorizes the Secretary of the Interior to convey to certain individual members of the Five Civilized Tribes interests in former restricted lands that were acquired by the United States pursuant to the Oklahoma Indian Welfare Act of 1936. S. 1498. P/S 4/27/70.

Five civilized tribes of Oklahoma

Authorized each of the Five Civilized Tribes of Oklahoma (Cherokee, Choctaw, Creek, Seminole and Chickasaw) to select its principal officer in accordance with procedures approved by the Secretary of the Interior. S. 3116. Public Law 91- .

Fort Belknap Indian irrigation project, Montana

Authorized the Secretary of the Interior to transfer title for the facilities of the Brown unit of the Fort Belknap Indian irrigation project to the owners of the lands served by the unit; provided that the landowners assume responsibility for operation and maintenance; cancelled all outstanding operation and maintenance charges and deferred construction charges on the project. Public Law 91-251.

Fort Belknap Indian Reservation, Montana

Amends the Act of March 3, 1921, which provided for allotment of lands on the Fort Belknap Reservation, to provide for the reservation of all minerals for the benefit of tribal members in common. S. 786. P/S 5/15/70.

Fort Berthold Reservation, North Dakota

Authorizes the mortgaging of tribal land on the Fort Berthold Reservation acquired after the date of enactment of this legislation and provides that resulting funds are to be used to buy lands within the reservation to improve the tribal land base. S. 774. P/S 5/11/70.

Hopi Indian Tribe, Arizona

Gave the governing body of the Hopi Tribe the authorities it needs to develop the Hopi Industrial Park. Public Law 91-264.

Hualapai Tribe, Arizona

Authorized the use of a judgment recovered against the United States by the Hualapai Tribe of Indians in Indian Claims Commission Docket No. 90. The net amount available is $2,974,612. Public Law 91-400.

Inter-tribal Council, Inc., Miami, Oklahoma

Authorizes and directs the Secretary of the Interior to convey without consideration 114 acres of surplus Federal land in Oklahoma to an organization known as the Inter-Tribal Council Incorporated, Miami, Oklahoma, which will encourage labor-oriented industries to locate on this acreage, thus raising the socioeconomic level of the tribal members residing in the area through the creation of jobs and better housing. S. 886. P/S 5/15/70.

Lac du Flambeau band of Lake Superior Chippewa, Indians, Wisconsin

Conveys the beneficial interest in 40 acres of federally owned land to the Lac du Flambeau Tride of Wisconsin, subject to valid existing rights-of-way and the right of the State of Wisconsin to use the fire observation tower located on the land for so long as needed and provides that the Indian Claim Commission will determine the extent to

which the value of the beneficial interest conveyed should or should not be set off against any claims against the United States Government determined by the Commission. S. 1751. P/S 4/30/70.

Loans to Indian tribes

Provided authority for the Farmers Home Administration (FHA) to make loans to Indian tribes for the purchase of land within their reservations; permitted any tribe to mortgage its land as security for such a FHA loan; permitted the tribe to waive immunity from suit without its consent as a part of its loan agreement; excepted trust lands from the FHA Act provision that land mortgaged to secure a loan shall be subject to local taxation; permitted the title of land acquired with loan funds to be taken in trust; provided that in addition to making direct loans from its direct loan account the FHA may insure loans to tribes made by commercial lending institutions; specified that the eight Indian Reorganization Act corporations in Alaska are eligible for loans to buy land although they do not have reservations. Public Law 91–229.

Makah Indian Tribe, Washington

Gave to the Makah Indian Tribe in the State of Washington 719 acres of land that were set aside by Executive order in 1893 as a reservation "for Ozette Indians not now residing upon any Indian reservation." H.R. 9311. Public Law 91–

Potawatomi Indians

Authorized the use of a judgment against the United States recovered by the Citizen Band of Potawatomi Indians of Oklahoma in an Indian Claims Commission Docket, the net amount available being $723,111. Public Law 91–401.

Quapaw Indians, Oklahoma

Extended for an additional period of 25 years from March 3, 1971, the restrictions, tax exemptions, and limitations affecting lands of the Quapaw Indians in Oklahoma that were extended to that date by the act of July 27, 1939. Public Law 91–290.

Reno-Sparks Indian Colony, Nevada

Grants to the Reno-Sparks Indian Colony in Nevada the beneficial interest in and to 28.38 acres of land the colony has been using and occupying since the land was acquired by the Federal Government by purchase from private individuals for use as homesites for nonreservation Indians, and authorizes the governing body of the colony, with the approval of the Secretary of the Interior, to make long-term leases of land to members for homesites, dedicate lands for public purposes, contract for public facilities and other services, enact zoning, building, and sanitary regulations, and take action to establish proper boundaries of the colony lands. S. 3196. P/S 9/1/70.

Sac and Fox Tribes of Oklahoma

Authorized the use of a judgment against the United States recovered by the Sac and Fox Tribes of Oklahoma in an Indian Claims Commission Docket, the net amount available, including accrued interest, amounting to $703,345. Public Law 91–404.

Sioux Tribe of the Fort Peck Indian Reservation, Montana

Provided for a per capita distribution among the members of the tribe of a judgment of $1,161,354.41 against the United States recovered by the tribe. Public Law 91–283.

Snohomish, Upper Skagit, and Snoqualamie-Skykomish Tribes

Disposes of three separate awards of the Indian Claims Commission to the Snohomish, Upper Skagit, and Snoqualmie-Skykomish Tribes, in the total amount of $779,335.50. S. 4078. P/S 9/1/70.

Tlingit and Haida Indians of Alaska

Authorized the disposition of funds (previously appropriated, invested and amounting to $7 million) awarded to the Tlingit and Haida Indians of Alaska by a judgment against the United States for land taken, principally the Tongass National Forest. Public Law 91–335.

Tulalip Reservation, Washington

Gave the Tulalip Tribes of the Tulalip Reservation in Washington additional authority to acquire, manage, and dispose of tribal property. Public Law 91–274.

Ute Tribe of the Uintah and Ouray Reservation, Utah

Authorized the Secretary of the Interior to reimburse the Ute Indian Tribe of the Uintah and Ouray Reservation for tribal funds that have been used for the construction, operation, and maintenance of the Uintah Indian irrigation project, Utah; authorized the payment of interest on the tribal funds used; and transferred the title to four pieces of land purchased by the United States in connection with this project to the United States to be held in trust for the tribe. Public Law 91–403.

Washoe Tribe of Nevada and California

Set aside 80 acres of public domain in Alpine County, California to carry out a program to assist certain Washoe Indians. Public Law 91–362.

Yakima Tribes

Provided for the disposition of three awards totaling $2,210,991.40 awarded to the Yakimas by the Indian Claims Commission as compensation for the value of reservation lands omitted through erroneous surveys of the boundaries of the Yakima Indian Reservation established by the treaty of June 9, 1855. Public Law 91–413.

Yankton Sioux Tribe

Declared that 19.57 acres of Federal lands are held in trust for the Yankton Sioux Tribe of South Dakota, said donation without consideration, but if the tribe recovers any judgment against the United States in the Indian Claims Commission, the Commission will consider the value of the land as a possible setoff. H.R. 13519. Public Law 91–

Yavapai-Prescott Community Reservation, Arizona

Authorized lands on the Yavapai-Prescott Community Reservation to be leased for periods up to 99 years if a long-term lease will be in the best interest of the Indian owner. Public Law 91–275.

INTERNATIONAL

Aircraft Hijacking

Expressed the sense of the Senate that the full influence of all governments and all international airline associations should be brought to bear for the release of all passengers and aircrews, detained involuntarily in Jordan, regardless of race, nationality, or creed, and such governments and associations should take such actions as may be necessary to prevent any further hijacking of aircraft. S. Res. 459. Senate adopted 9/16/70.

American Prisoners of War in Southeast Asia

Placed the Congress on record in support of humane treatment for the United States prisoners of war and focused world attention on the failure of North Vietnam and the National Liberation Front to comply with the provisions of the Geneva Convention on the treatment of prisoners of war. H. Con. Res. 454. House adopted 12/15/69. Senate adopted 2/18/70.

Arms Control and Disarmament Act Amendments

Authorized the appropriation of $17.5 million for fiscal years 1971 and 1972 for operations of the Arms Control and Disarmament Agency. Public Law 91–246.

Convention on Offenses and Certain Other Acts Committed on Board Aircraft—Implementing Legislation

Amended the Federal Aviation Act of 1958 to permit the United States to implement certain provisions of the Tokyo Convention, which was approved by the Senate on May 13, 1969, and is designed to promote aviation safety through establishment of continuity of jurisdiction over criminal acts occurring onboard aircraft. S. 2176. Public Law 91–

Convention relating to arbitral awards—implementing legislation

Implemented the Convention on the Recognition and Enforcement of Foreign Arbitral Awards which was approved by the Senate on October 4, 1968, creating a new chapter under title 9 of the United States Code (the Federal Arbitration Act) dealing exclusively with the recognition and enforcement of awards pursuant to the provisions of the convention. Public Law 91–368.

Gulf of Tonkin Resolution—termination

Provided that under the authority of section 3 of the joint resolution commonly known as the Gulf of Tonkin Resolution and entitled "Joint resolution to promote the maintenance of international peace and security in Southeast Asia", such joint resolution shall be terminated effective upon approval of both Houses of Congress. S. Con. Res. 64. Senate adopted 7/10/70.

International Biological Program

Authorized all Federal departments and agencies having functions or objectives related to the International Biological Program (IBP) to obligate or transfer money from appropriate funds and to provide such other support as may be appropriate to that effort; expressed the support and endorsement of the Congress for the International Biological Program; and declared that the provision by the United States of adequate financial and other support for the IBP is a matter of priority. H.J. Res. 589. Public Law 91–

International Expositions

Established a Federal procedure for determination of endorsement of and participation in international expositions held in the United States; called on the President to make findings as to official recognition of a domestically proposed international exposition and to submit to Congress such proposals considered appropriate for Federal participation; and authorized appropriations not to exceed $200,000 in any fiscal year. Public Law 91–269.

Military sales—Limitations on United States involvement in Cambodia

Authorizes $250 million for foreign military sales for each of fiscal years 1970 and 1971 and sets a credit ceiling of $300 million in each of those fiscal years; places limitations on United States involvement in Cambodia; repeals the Gulf of Tonkin resolution effective at the end of the second session of the 91st Congress; requires that any sale or grant of the "International Fighter" aircraft, other than to Vietnam or sales through commercial channels, be made under the regular military grant aid and sales programs; places a $35 million ceiling on the amount of excess defense articles that may be given to foreign countries in any fiscal year; and makes other changes in, or additions to, existing law. H.R. 15628. P/H 3/24/70. P/S amended 6/30/70. In conference.

Pan American Institute of Geography and History

Authorized an increase in the United States annual contributions to the Pan American Institute of Geography and History from $90,300 to $200,000 and authorized the appropriation of $386,050 for the payment of arrearages incurred during fiscal years 1965–1969. Public Law 91–340.

Peace Corps Act amendments

Authorized $98.8 million for activities of the Peace Corps in fiscal year 1971; proposed new authorities to attract more highly skilled married volunteers with children; broadened the language of the Peace Corps Act to encourage the development of, and participation in, international voluntary service programs and activities and authorized up to $300,000 therefor in fiscal year 1971. Public Law 91–352.

Retirement age for foreign service career ministers

Amends the Foreign Service Act of 1946 to lower the mandatory retirement age of career Ministers from age 65 to 60 except while serving in positions to which they have been appointed by the President, by and with the advice and consent of the Senate; and to provide for a retirement schedule for those career Ministers who are now past the mandatory retirement age. S. 3691. P/S 6/19/70.

Rainy River Bridge, Baudette, Minnesota

Deleted certain language from the act of December 21, 1950, as amended by the act of June 16, 1955, which authorized the village of Baudette, Minnesota, to construct, maintain and operate a toll bridge across the Rainy River to Ontario, Canada, which language required that the cost of the bridge and its approaches be amortized within 30 years from the date of the completion thereof, and that the bridge be maintained and operated free of tolls after funds sufficient for its amortization have been so provided. H.R. 6240. Public Law 91– .

St. Lawrence River Bridge, Cape Vincent, New York

Authorized the Thousand Islands Bridge Authority, a political subdivision of the State of New York, its successors and assigns, to construct, maintain and operate an additional toll bridge across the St. Lawrence River, from a convenient point at or near Cape Vincent, Jefferson County, New York, to a point at or near Kingston, Province of Ontario, Canada. H.R. 15069. Public Law 91– .

Support of United States peace initiative

Expressed the sense of the Senate that President Nixon's peace initiative of October 7, 1970, is fair and equitable and lays the basis for ending the fighting and moving toward a just settlement of the Indochina war. S. Res. 474. Senate adopted 10/8/70.

Suspension of further deployment of offensive and defensive nuclear strategic weapons systems

Expressed the sense of the Senate that prompt negotiations between the Governments of the United States and the Soviet Union to seek agreed limitations of both offensive and defensive strategic weapons should be urgently pursued, and that the President of the United States should propose to the Government of the Soviet Union an immediate suspension by the United States and the Soviet Union of the further deployment of all offensive and defensive nuclear strategic weapons systems, subject to national verification or such other measures of observation and inspection as may be appropriate. S. Res. 211. Senate adopted 4/9/70.

Treaties

Convention on the privileges and immunities of the United Nations: Accords certain privileges and immunities to the United Nations, as an organization, and to the representatives of its Members, officials of the United Nations, and experts on missions for the United Nations; for the most part, these privileges and immunities have already been conferred upon the United Nations through the International Organization Immunities Act of 1945 and the Headquarters Agreement of 1947. Ex. J(91st, 1st). Resolution of ratification agreed to 3/19/70.

Extradition treaty with New Zealand: This treaty follows generally the form and content of extradition treaties recently concluded by the U.S. Government. Under its coverage are 32 extraditable offenses including, for the first time, aircraft hijacking and offenses relating to narcotics and other dangerous drugs. Ex. C(91st, 2d). Resolution of ratification agreed to 5/27/70.

Intellectual and industrial property conventions: Both of the following refer to patents and copyrights: (1) The Convention Establishing the World Intellectual Property Organization is to be responsible for the overall administrative activities of related organizations and the promotion of the protection of intellectual property on a worldwide basis, and (2) the Paris Convention for the Protection of Industrial Property revised the Industrial Property Convention to bring its finances and structure and that of its Secretariat into line with the more modern principles of international organization. Ex. A(91st, 1st). Resolution of ratification agreed to 2/28/70.

Protocol to the Northwest Atlantic Fisheries Convention: Provides for the removal of the Convention's current restrictions relating to (1) the number of commissioners on each of the special panels established by the Convention; and (2) the kinds of measures which the International Commission for the Northwest Atlantic Fisheries may propose in order to achieve optimum utilization of fish stocks in the Convention area. Ex. I(91st, 1st). Resolution of ratification agreed to 3/19/70.

Radiotelephone stations agreement with Canada: Provides for the reciprocal issuance of permits by the United States and Canada to licensed private operators of radiotelephone stations of one country while temporarily in the jurisdiction of the other. Ex. A(91st, 2nd). Resolution of ratification agreed to 5/27/70.

Supplemental extradition convention with France: Principally designed to add to the list of extraditable offenses that of aircraft hijacking, and to clarify and expand the offenses relating to narcotics, which now will include hallucinogenic and other dangerous drugs. Ex. F (91st, 2d). Resolution of ratification agreed to 9/21/70.

United Nations headquarters expansion

Authorizes a $20 million appropriation to the Secretary of State for a grant to be made to the United Nations to defray a portion of the cost of the expansion and improvement of its headquarters in New York City. S.J. Res. 173. P/S 7/10/70. H.J. Res. 1146. H. Cal.

U.S.–U.S.S.R. political exchange program

Assists governmental officials of the United States and the Soviet Union through means of exchange of visits in making better informed judgments about world affairs involving the two countries; authorizes travel to the U.S.S.R. for not more than 1,000 elected U.S. officials—including Members of Congress—and their spouses during a period of 5 years beginning February 1, 1971; provides for efforts to facilitate comparable trips to the United States by Soviet officials; authorizes up to $5 million for the program over the 5-year period. S. 3127. P/S 4/20/70.

Water pollution research—Fifth international conference

Seeks the cooperation of the Federal and State Governments and all interested persons and organizations to assist in the Fifth International Conference on Water Pollution to be held in San Francisco, California, from July 26 through August 1, 1970, and which will be reconvened in Honolulu, Hawaii, from August 2 through August 5, 1970. S.J. Res. 162. P/S 3/19/70.

World Environmental Institute

Expressed the sense of the Senate relating to the creation of a World Environmental Institute to aid all nations of the world in solving common environmental problems of both national and international scope. S. Res. 399. Senate adopted 10/9/70.

JUDICIAL

Additional district judges

Provided for the creation of 58 new permanent district judgeships throughout the United States and made amendments to the Judicial Code to enable the Federal courts more efficiently and expeditiously to handle the business brought before them. Public Law 91–272.

Admission to residential community treatment centers

Authorized the Attorney General to admit to residential community treatment centers persons who are placed on probation, released on parole, or mandatorily released. H.R. 2175. Public Law 91– .

Bankruptcy Act Amendments

Amended the Bankruptcy Act to authorize the bankruptcy courts to determine dischargeability. S. 4247. Public Law 91– .

Civil Rights Commission authorization

Increases the annual authorization of the Civil Rights Commission from $2,650,000 to $3,400,000 for each fiscal year, beginning with fiscal year 1970, and ending with January 31, 1973, the termination date of the Commission, to reflect statutory pay increases and other increases in expenses; increases the per diem amount payable to Commission members and consultants from $75 to $100; amends the Civil Rights Act of 1957 to provide that any person defamed, degraded, or incriminated by a Commission report shall be provided an opportunity to answer the charges or allegations contained therein, and that said answer shall be annexed to the Commission report. S. 2455. P/S 7/14/70. H. Cal.

Copyright protection extension

Continues until December 31, 1971 the renewal term of any copyright subsisting on the date of this resolution, or the term as previously extended by Public Law 87–668, Public Law 89–442, Public Law 90–141, Public Law 90–416, Public Law 91–147. S.J. Res. 230. P/S 8/17/70.

Customs Court Act

Modernized procedures in the Customs Court and related administrative processes in the Bureau of Customs so that the Court and the Bureau will be better able to cope effectively and expeditiously with their rapidly expanding workload. Public Law 91–271.

Expediting act amendments

Amends the Expediting Act so as to require that final judgments and interlocutory orders in certain civil antitrust cases if appealed, be heard by the circuit court of appeals and provides that appeal from a final judgment in a civil antitrust action brought by the United States shall lie directly to the Supreme Court on a finding that immediate consideration of the appeal by the Supreme Court is of general public importance in the administration of justice by order of the district judge upon application of a party. H.R. 12807. P/H 7/6/70. P/S amended 9/25/70.

Federal Youth Corrections Act

Amended the Federal Youth Corrections Act to permit examiners to conduct interviews with youth offenders. Public Law 91–339.

Immigration and Nationality Act amendments

Facilitated the entry into the United States of certain classes of non-immigrant aliens and altered the provisions of the Act regarding the applicability of the two-year foreign resident requirement for aliens in the United States as exchange visitors. Public Law 91–225.

Immigration and Nationality Act amendments

Struck from section 213 of the Immigration and Nationality Act the requirement that cash accepted by the Attorney General, under his discretionary authority to admit certain excludable aliens upon the giving of a bond or posting of cash, be deposited in the postal savings system and provided instead that the cash received as security on bonds be deposited in the Treasury with interest thereon payable at a rate not to exceed 3 percent per annum. Public Law 91–313.

Jurisdiction of U.S. Courts—contract claims

Provided courts of the United States with jurisdiction over contract claims against the following nonappropriated fund activities: Army and Air Force Exchange Service; Navy; Marine Corps, and Coast Guard exchanges; and exchange councils of the National Aeronautics and Space Administration and required that the United States be reimbursed for any judgments it pays as a result of a contract claim against one of the specified instrumentalities of the United States. Public Law 91–350.

Metlakatla Indian community, Alaska—jurisdiction over crimes and offenses

Restores to the Alaska Indians of the Metlakatla Indian Community the self-government they possessed prior to the enactment of Public Law 85–615. S. 902. P/S 9/18/70. H. Cal.

Mississippi District Court

Provided for holding terms of the United States District Court for the Southern District of Mississippi at Gulfport, Mississippi. S. 3122. P/S 6/26/70.

Provided for holding terms of the United States District Court for the Western Division of the Southern District of Mississippi at Natchez, Mississippi. S. 3225, P/S 8/20/70.

Newspaper Preservation Act

Provided, under certain conditions for exempting from the antitrust laws, price fixing, profit pooling, and market division by competing newspapers if not more than one newspaper involved is a newspaper other than one "in probable danger of financial failure" or at the time a joint newspaper operation was entered into not more than one of the newspapers involved "was likely to remain or become a financially sound publication." Public Law 91–353.

Puerto Rico district court jurisdiction

Continued the jurisdiction of the United States District Court for the District of Puerto Rico over certain cases pending in that court on June 2, 1970. S. 4235. Public Law 91– .

United States land titles

Amends section 355 of the Revised Statutes as amended, to provide that the Attorney General is to be responsible for the approval of the sufficiency of titles to land acquired by the United States and that he may delegate this authority to other departments and agencies subject to his general supervision and regulation; to preserve the existing law permitting the Tennessee Valley Authority to approve land titles as to land acquired by that Authority; and for other purposes. Public Law 91–393.

Voting Rights Act extension

Extended the Voting Rights Act of 1965 for 5 years; extended the suspension of literacy tests and of other tests and devices to all states; limited residence requirements for voting in presidential elections by establishing nationwide, uniform standards for such elections; and lowered the voting age to 18 in Federal, State and local elections. Public Law 91–285.

LABOR

Employment and Training Opportunities Act

Creates a new system of prime sponsors of manpower programs, consisting of Governors and mayors of cities of 75,000 or more population, who would plan and operate manpower programs with the aid of manpower services councils, with 90-percent Federal financing; establishes a new system of public service employment, run largely through the same State and local prime sponsors, to fill vitally needed jobs in education, public health, safety, recreation, sanitation, and other public programs, with 80-percent Federal financing; creates new special programs for Indians, migrant workers, Spanish-speaking and older persons of limited English-speaking ability, and middle aged and older workers, run by the Secretary of Labor through contracts with public and private agencies and organizations; retains a number of the most successful manpower programs now operating, including Opportunities Industrialization Centers, Neighborhood Youth Corps, Job Corps, Operation Mainstream and New Careers; authorizes $2 billion, $2.5 billion, and $3.0 billion for fiscal years 1972, 1973, and 1974, respectively, with a third reserved for the new comprehensive manpower service programs to be run by prime sponsors, a third public service employment, and a third for the other so-called categorical programs; and proposes, in addition, a separate and additional authorization for public service employment, ranging from $750 million in fiscal year 1971 to $1 billion in fiscal year 1972; $1.25 billion in fiscal year 1973 and $1.5 billion in fiscal year 1974. S. 3867. P/S 9/17/70. H.R. 19519. H. Cal.

Employment opportunities for the blind

Amends the Randolph-Sheppard Act to enlarge the employment opportunities of qualified blind persons through the operation of vending facilities on federally controlled property. S. 2461. P/S 9/28/70.

Employment opportunities for the blind and severely handicapped

Amends the Wagner-O'Day Act to extend the special priority in the selling of certain products to the Federal Government now reserved for the blind to the other severely handicapped, assuring, however, that the blind will have first preference and to expand the category of contracts under which the blind and severely handicapped would have priority to include services as well as products, reserving to the blind first preference for 5 years after the enactment of the bill. S. 3425. P/S 9/28/70.

Equal Employment Opportunities Enforcement Act

Amends title VII of the Civil Rights Act of 1964 to provide the Equal Employment Opportunity Commission with a method for enforcing the rights of those workers who have been subjected to unlawful employment practices; includes the issuance of a complaint by the Commission after an investigation and efforts to conciliate followed by a full administrative hearing on the record, the issuance of a cease and desist order by the Commission, and an opportunity for review by an appropriate court of appeals; provides that the Commission may seek court enforcement in cases pending at the time of enactment and permits the transfer of the Attorney General's pattern or practice action to the Commission in 3 years; expands coverage, over a 2-year period, of employers and labor organizations, from those having 25 or more employees or members to those having eight or more employees or members and includes coverage of State and local employees; expands from 90 to 180 days the time limitation on a direct filing charge to the Commission and from 210 to 300 days a filing charge first brought under a State or local law; and contains a number of administrative changes. S. 2453. P/S 10/1/70.

Railroad Adjustment Board

Amended the Railway Labor Act to revise the organizational structure of the first division of the National Railroad Adjustment Board made necessary by the merger of unions representing the trainmen, firemen, conductors, and switchmen into a new union, the United Transportation Union. Public Law 91–234.

Railroad retirement

Provided for a tax on railroad employers to cover the costs of the supplemental annuity program for employees; placed that program on a permanent basis; and provided that any individual who renders service as an employee for compensation after the "supplemental annuity closing date" applicable to him will not be entitled to a supplemental annuity. Public Law 91–215.

Railroad Retirement Act Amendments

Amended the Railroad Retirement Act of 1937 to provide temporarily (until June 30, 1972) a 15 percent increase in annuities retroactive to January 1, 1970; provided that a study of the railroad retirement system and its financing shall be made by a 5-member Commission which is to submit its recommendations to the President and to Congress no later than July 1, 1971; and, in order to produce additional income for the retirement account, provided for a change in the procedure under which special obligations issued to the retirement account are redeemed to make benefit payments, as well as a change in the interest computation rate on obligations to the account. Public Law 91–377.

Amends the Railroad Retirement Act to provide that employment as an elected or appointed public official shall not be regarded as "compensated service," from which the individual would normally be required to retire to qualify for an annuity, so long as the compensation for such employment as an elected or appointed public official does not exceed $5,000 per year and if such individual also has a current connection with the railroad industry at the time of his retirement. S. 988. P/S. 10/9/70.

Railroad Safety Act and Hazardous Materials Transportation Control Act

Designed to promote safety in all areas of railroad operation and to reduce railroad-related accidents, and to reduce deaths and injuries to persons and damage to property caused by accidents involving any carrier of hazardous materials; authorized $21 million for each of fiscal years 1971, 1972, and 1973 for Title II (Railroad Safety) and $1 million for each of those fiscal years for Title III (Hazardous Materials Control). S. 1933. Public Law 91– .

Railway labor-management dispute

Prevented a nationwide strike on railroads throughout the United States scheduled to occur at midnight, March 3, 1970, and provided that for the 37-day period beginning with the enactment of this legislation (until April 11, 1970), strikes and lockouts occurring as a result of this dispute were prohibited. Public Law 91–203.

Railway labor-management dispute

Prevented a nationwide strike on railroads throughout the United States which was previously prohibited by Public Law 91–203 by putting into effect a "memorandum of understanding," dated December 4, 1969, which memorandum was agreed to by the railroads and negotiators for the four shopcraft unions involved in the dispute and which is subject to renegotiation commencing September 1, 1970, for changes effective on or after January 1, 1971. Public Law 91–226.

MEMORIALS AND TRIBUTES

American prisoners of war

Expressed the sense of the Senate that during the half-time activities in the Army-Navy football game on November 28, 1970, there should be appropriate ceremonies and activities designed to express publicly the concern of the people of the United States for those individuals missing in action in Southeast Asia or being held captive as

prisoners of war by the Government of North Vietnam and its allies and to appeal to men of good will throughout the world to join the people of the United States in seeking the identification of those individuals held as prisoners of war, in calling upon the Government of North Vietnam and its allies to accord such individuals treatment that is fair, humane, and in accordance with the Geneva Conventions of 1920 and 1949, and in praying for the early release of such individuals. S. Res. 475. Senate adopted 10/12/70.

Apollo 13 astronauts

Expressed the Senate's commendation of the Apollo 13 astronauts—James Lovell, John L. Swigert, Jr., and Fred W. Haise, Jr.—for their fortitude and courage; extended support to their families, friends and all involved in their mission; and urged all who wished to and could comply to pause at 9 p.m., April 14, 1970, to ask the help of God in assuring the safe return of the astronauts. S. Res. 388. Senate adopted 4/14/70.

Commendation of heroism of airline pilots

Expressed the sense of the Senate that Eastern Airlines Captain Robert M. Wilbur, Jr., and his co-pilot, the late James E. Hartley, be commended for their heroic action in averting a major air disaster on March 17, 1970. S. Res. 375. Senate adopted 3/24/70.

Everett McKinley Dirksen Building

Named the existing Federal Office Building and United States Courthouse in Chicago, Illinois, in memory of the late Everett McKinley Dirksen, who served as a Member of Congress from Illinois from 1933 to 1969. Public Law 91–237.

Goddard Rocket and Space Museum

Provided congressional recognition of the the Goddard Rocket and Space Museum of the Roswell Museum and Art Center, Roswell, New Mexico, as a fitting memorial to Dr. Robert H. Goddard, an outstanding pioneer in American rocketry. S. Con. Res. 49. Public Law 91– .

Harry S. Truman Dam and Reservoir, Missouri

Renamed the Kaysinger Bluff Dam and Reservoir, Osage River Basin, Missouri, in honor of the 33rd President of the United States, the Honorable Harry S. Truman. Public Law 91–267.

Honor America Day

Granted Congressional recognition to the importance of the July 4, 1970, Honor America Day celebrations and called upon the people of the United States to observe such celebrations with appropriate ceremonies an activities. H. Con. Res. 669. House adopted 6/29/70. Senate adopted 7/1/70.

Jose Antonio Navarro Commemorative Medals

Authorized the Secretary of the Treasury to strike and furnish to the San Antonio Conservation Society, without cost to the Federal Government, not more than 100,000 medals in commemoration of the many contributions to the founding and early development of the State of Texas and the city of San Antonio by Jose Antonio Navarro. Public Law 91–244.

Mary McLeod Bethune Memorial

Extended for 4 years the existing authority for the erection in the District of Columbia of a memorial in honor of Mary McLeod Bethune, a prominent Negro educator, and in commemoration of the 100th anniversary of the signing of the Emancipation Proclamation. Public Law 91–277.

Newt Graham lock and dam

Designates lock and dam No. 18 on the Verdigris River, Oklahoma, as the Newt Graham lock and dam, and the lake created thereby as the Newt Graham Lake, in honor of Newton R. Graham who contributed to the comprehensive development of the Arkansas River Basin. S. 1500. P/S 5/25/70.

Ohio Northern University Commemorative Medals

Authorized the Secretary of the Treasury to strike and furnish to Ohio Northern University not more than 16,000 national medals commemorating the 100th anniversary of the founding on August 15, 1871, of Ohio Northern University, located in Ada, Ohio. Public Law 91–381.

Ohio Northern University's 100th anniversary

Extended Congress' congratulations and greetings to Ohio Northern University on the occasion of the 100th anniversary of its founding. H. Con. Res. 575. House adopted 4/29/70. Senate adopted 6/26/70.

Ohio State University's 100th anniversary

Extended Congress' congratulations and greetings to Ohio State University on the occasion of the 100th anniversary of its founding. H. Con. Res. 573. House adopted 4/29/70. Senate adopted 6/26/70.

Peruvian earthquake

Extended the sympathy of the Senate to the President and the people of Peru in the hour of their suffering and distress resulting from an earthquake on May 31, 1970, causing loss of thousands of lives and destruction or devastation of many towns and villages, rendering homeless and destitute many thousands of people. S. Res. 424. Senate adopted 6/29/70.

Pick-Sloan Missouri River Basin program

Designates the comprehensive Missouri River Basin development program as the Pick-Sloan Missouri Basin program in honor of W. G. Sloan and General Lewis A. Pick who contributed to the development of the water resources of the Nation and the Missouri River Basin. S. 1100. P/S 5/25/70.

Sam Rayburn Memorial Veterans Center

Renamed the Veteran's Administration center at Bonham, Texas, the Sam Rayburn Memorial Veterans Center for the late Sam Rayburn, who served as Speaker of the House of Representatives longer than any other Member of the House in the history of the United States. Public Law 91–421.

Senate Majority Leader Mike Mansfield

Extended to Mike Mansfield the gratitude and admiration of the Senate for his outstanding performance as a Senator and as a Majority Leader, whereas he completed, on June 19, 1970, 9 years and 167 days as Majority Leader of the United States Senate, a period of service exceeding that of any previous Majority Leader in the history of the United States Senate. S. Res. 423. Senate adopted 6/25/70.

Stone Mountain Memorial Medals

Authorized the Secretary of the Treasury to strike and furnish to the Stone Mountain Memorial Foundation, without cost to the Federal Government, not more than 500,000 medals in commemoration of the completion of the carvings on Stone Mountain, Georgia, depicting heroes of the Confederacy. Public Law 91–254.

Tribute to General Omar N. Bradley and Allied World War II victory in Europe

Expressed the sense of Congress that, on the occasion of the 25th anniversary of V–E Day, and the formal opening of the General Omar N. Bradley historical collection, appropriate ceremonies be conducted at Carlisle Barracks, Pennsylvania. H. Con. Res. 207. House adopted 5/19/69. Senate adopted 2/10/70.

U.S.S. "Utah"

Authorized the Secretary of the Navy to take such action as is necessary to provide for erection of a flagpole on the remains over the battleship, U.S. "Utah", the flying of the American flag over the remains of such battleship and the raising and lowering of such flag each day—such action in honor of the heroic men entombed in her hull on December 7, 1941. S. 583. Public Law 91– .

William "Bill" Dannelly Reservoir, Alabama

Changes the name of the Miller Ferry lock and dam, Alabama River, Alabama, as a tribute to Judge William "Bill" Dannelly, for his role in the development of the water resources of the Alabama-Coosa River Basin. S. 528. P/S 5/22/70.

William G. Stone Navigation Lock, California

Designates the lock on the Sacramento deepwater ship channel in the State of California as the William G. Stone navigation lock in honor of the late William G. Stone, whose efforts contributed so much to the development of this important project. S. 3192. P/S 7/21/70.

NOMINATIONS—ACTION BY ROLLCALL VOTE

Harry A. Blackmun to be an Associate Justice of the Supreme Court of the United States: Nomination confirmed 5/12/70 (94–0).

George Harrold Carswell to be an Associate Justice of the Supreme Court of the United States: Nomination rejected 4/8/70 (45–51).

Admiral Thomas H. Moorer to be Chairman of the Joint Chiefs of Staff for a term of two years: Nomination confirmed 6/17/70 (78–2).

PROCLAMATIONS

American prisoners of war and servicemen missing in action in Southeast Asia

Expressed the sense of Congress that May 1, 1970 be commemorated as a day for an appeal for international justice for all American prisoners of war and servicemen missing in action in Southeast Asia; that avenues be sought to insure treatment of these men in accord with the Geneva Convention standards; that every possible effort be made to secure their early release from captivity; and that the President designate Sunday, May 3, 1970, as a National Day of Prayer for humane treatment and the safe return of these brave Americans. H. Con Res. 582. House adopted 4/23/70. Senate adopted 4/27/70, amended. House agreed to Senate amendments 4/28/70.

Clean Waters for America Week

Authorizes the President to issue annually a proclamation designating the first full calendar week in May of each year as "Clean Waters for America Week." S.J. Res. 172. P/S 2/17/70.

"Day of Bread" and "Harvest Festival Week"

Designated October 6, 1970, as "Day of Bread" and the week of October within which it falls as a period of "Harvest Festival," and authorized and requested the President to issue a proclamation calling upon the people of the United States to join with those of other nations to observe those occasions with appropriate ceremonies and activities. S.J. Res. 218. Public Law 91– .

Father's Day

Authorizes the President to designate the third Sunday in June of each year as "Father's Day" and requests the President to issue a proclamation calling on the appropriate Government officials to display the flag of the United States on all Government buildings on such day, inviting the governments of the States and communities and the people of the United States to observe such day with appropriate ceremonies, and urging the American people to offer public and private expressions of such day to the abiding love and gratitude which they bear for their fathers. S.J. Res. 187. P/S 9/23/70.

International Clergy Week

Authorized and directed the President to issue a proclamation designating the week commencing February 1, 1970, as "International Clergy Week in the United States." Public Law 91–192.

International Petroleum Exposition

Authorizes and requests the President to invite by proclamation or otherwise the States and foreign nations to participate in

the International Petroleum Exposition to be held in Tulsa, Oklahoma, from May 15 through May 23, 1971, for the purposes of exhibiting machinery, equipment, supplies, and other products used in the production and marketing of oil and gas and bringing together buyers and sellers for the promotion of foreign and domestic trade and commerce for such products. S.J. Res. 127. P/S 2/17/70.

Law Officers Appreciation Week

Authorizes and requests the President to proclaim the period October 25 through 31, 1970, as Law Officers Appreciation Week and calls upon the people of the United States to observe this period with proper ceremonies and activities. S.J. Res. 225. P/S 9/18/70.

Mineral Industry Week

Authorized and requested the President to issue a proclamation designating the period of February 13–19, 1970, as "Mineral Industry Week." Public Law 91–195.

National Arbor Day

Authorized the President to proclaim the last Friday of April 1970 as "National Arbor Day" and called upon the people of the United States to observe such day with appropriate ceremonies and activities. Public Law 91–236.

National Blood Donor Month

Authorized and requested the President to issue annually a proclamation designating the month of January of each year as "National Blood Donor Month", and called upon the people of the United States and interested groups and organizations to observe such month with appropriate ceremonies and activities. S.J. Res. 223. Public Law 91– .

National Clown Week

Authorized and requested the President of the United States to issue a proclamation designating the week of August 1 through August 7, 1971, as "National Clown Week" to promote clowning as the art of good clean entertainment. H.J. Res. 236. Public Law 91–443.

National Employ the Handicapped Week

Established the first week in October of each year as "National Employ the Handicapped Week" so as to broaden "National Employ the Physically Handicapped Week" to all handicapped workers, and provided that appropriate ceremonies shall be held throughout the Nation, the purposes of which will be to enlist public support for and interest in the employment of otherwise qualified but handicapped workers. Public Law 91–442.

National Employ the Older Worker Week

Authorizes the President to designate the first full calendar week in May of each year as "National Employ the Older Worker Week" and calls upon employer and employee organizations, other organizations officially concerned with employment, and upon the people of the United States to observe such week with appropriate ceremonies, activities, and programs designed to increase employment opportunities for older workers and to bring about the elimination of discrimination in employment because of age. S.J. Res. 74. P/S 9/23/70.

National Machine Tool Week

Authorized the President to designate the period beginning September 20, and ending September 26, 1970, as "National Machine Tool Week." Public Law 91–395.

National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks

Authorizes and requests the President of the United States to issue a proclamation designating the period from May 9, 1971, Mother's Day, through June 20, 1971, Father's Day, as "National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks." S.J. Res. 226. P/S 9/23/70.

National Park Centennial Year

Requested the President to issue a proclamation designating 1972 as "National Park Centennial Year" and created a special commission to prepare and execute the plans for the commemoration of the 100th anniversary of the establishment of the world's first national park, Yellowstone, on March 1, 1872. Public Law 91–332.

National PTA Week

Authorized and requested the President of the United States to designate the period beginning October 5, 1970, and ending October 9, 1970, as National PTA Week to call attention to the tremendous contributions of the National Congress of Parents and Teachers. S.J. Res. 228. Public Law 91– .

National Volunteer Firemen's Week

Authorized the President to proclaim the period October 24 to October 31, 1970, as National Volunteer Firemen's Week and called upon the people of the United States to observe such week with appropriate ceremonies and activities. H.J. Res. 1154. Public Law 91– .

Project Concern Month

Authorized and requested the President to issue a proclamation that the month of October 1970 be observed as "Project Concern Month" and calling upon all citizens to aid in every way possible toward making this worthwhile project a continuing success. H.J. Res. 1178. Public Law 91– .

RESOURCE BUILDUP

Anadromous Fish Conservation Act amendments

Extended and expanded the program for the conservation, development, and enhancement of the Nation's anadromous fish and the fish in the Great Lakes that ascend streams to spawn; and authorized for the program $6 million, $7.5 million, $8.5 million and $10 million for fiscal years 1971, 1972, 1973, and 1974, respectively. Public Law 91–249.

Andersonville National Historic Site, Georgia

Established the Andersonville National Historic Site, Georgia, authorizing the appropriation of $362,000 for the acquisition of lands and $1,605,000 for development of the area. H.R. 140. Public Law 91– .

Apostle Island National Lakeshore, Wisconsin

Authorized the establishment of the Apostle Islands National Lakeshore in Wisconsin, exclusive of Indian trust lands, and authorized to be appropriated $4.25 million for land acquisition and $5 million for development of the project. Public Law 91–424.

Arches National Park, Utah

Establishes the Arches National Park in the State of Utah, consisting of some 73,154 acres, the greater part of which are now in Federal ownership, and protects, for a limited period, existing uses respecting grazing and the trailing and watering of livestock. S. 532. P/S 7/1/70.

Canyonlands National Park, Utah

Extends the boundaries of the Canyonlands National Park by adding to the park approximating 257,640 acres four additional tracts which, for the most part, are public lands totaling approximately 79,618 acres. S. 26. P/S 7/15/70.

Cape COD National Seashore, Massachusetts

Authorized the appropriation of an additional $17,401,000 to assure the acquisition of all remaining non-Federal lands needed to make the Cape Cod National Seashore a meaningful unit of the national park system. Public Law 91–252.

Capitol Reef National Park, Utah

Establishes the Capitol Reef National Park in the State of Utah and provides for a total park area of 230,837 acres. S. 531. P/S 7/1/70.

Central and Western Pacific Tuna Fishery Development Act

Authorizes the Secretary of the Interior to institute a 3-year program for the development of latent tuna resources of the central and western Pacific and authorizes to be appropriated for the period July 1, 1970, to June 30, 1973, the sum of $3 million to remain available until expended. S. 3176. P/S 5/22/70.

Cherokee Strip, Kansas–Oklahoma

Authorized and directed the Secretary of the Interior to cause a study to be made of the feasibility and desirability of establishing a unit of the national park system commemorating the opening of the Cherokee Strip to homesteading, the recognition of the historic trails of the old Southwest, and the restoration of some of the outstanding examples of the natural prairie scene. H.R. 15012. Public Law 91– .

Classification and Multiple Use Act and the Public Land Sale Act

Extends the Classification and Multiple Use Act and the Public Land Sale Act for a period of 5 years to December 31, 1975. S. 3728. P/S 7/8/70.

Connecticut Historic Riverway

Establishes a Connecticut Historic Riverway along the southernmost section of the Connecticut River in the State of Connecticut, consisting of some 23,500 acres near concentrations of urban population along an 11-mile stretch of the scenic Connecticut northward from Old Saybrook to East Haddam; authorizes the Secretary of the Interior to acquire, by condemnation if necessary, up to 5,000 acres within the riverway; provides that the remainder of the area (17,500 acres) would constitute a conservation zone to remain in private ownership exempt from condemnation so long as zoning standards approved by the Secretary are effectively administered; provides that property within the Riverway owned by the State of Connecticut could be acquired by the Federal Government only by donation; and authorizes $23 million to carry out the provisions of the act. S. 4090. P/S 10/7/70.

Coral reefs conservation

Authorized the Secretaries of Interior and the Smithsonian Institution to expend $4.5 million until June 30, 1970 in cooperation with the territories of Guam, American Samoa, the Trust Territory of the Pacific Islands, other United States territories in the Pacific Ocean, and the State of Hawaii, for the conservation of their protective and productive coral reefs. The bill is designed to control the devastating crown of thorns starfish which has been destroying coral reefs. Public Law 91–427.

Craters of the Moon National Monument, Idaho

Designates 40,785 acres of the Craters of the Moon National Monument in Idaho as part of the national wilderness preservation system, pursuant to provisions of the Wilderness Act (Public Law 88–577). S. 1732. P/S 6/15/70.

East Greenacres Unit, Rathdrum Prairie Project, Idaho

Authorized construction, operation, and maintenance of the East Greenacres unit of the Rathdrum Prairie Reclamation Project in northwest Idaho, which unit would supply irrigation water to 5,230 acres and municipal and industrial water, and provide fish and wildlife conservation and public recreation benefits. Public Law 91–286.

Environmental Education Act

Established within the Office of Education, an Office of Environmental Education which, under the supervision of the Commissioner of Education shall be responsible for the administration of the grant and contact program authorized and the coordination of ac-

tivities of the Office of Education which are related to environmental education; environmental education projects shall include the development of curriculums (including interdisciplinary curriculums) in the preservation and enhancement of environmental quality and ecological balance; dissemination of information relating to such curriculums and to environmental education, generally; preservice projects (including fellowship programs, institutes, workshops, symposiums, and seminars) for educational personnel to prepare them to teach in subject matter areas associated with environmental quality and ecology; programs and projects designed to familiarize public service personnel, Government employees, and business, labor, and industrial leaders and employees with the problems of environment and ecology, and with the means by which such problems may be solved; and community education programs; authorized $5 million for fiscal year 1971, $15 million for fiscal year 1972, and $25 million for fiscal year 1973 for carrying out the provisions of the act. H.R. 18260. Public Law 91– .

Everglades National Park, Fla.

Provides for acquisition by the National Park Service of the remaining inholdings within the Everglades National Park boundaries consisting of some 58,400 acres of privately owned lands and for such land purchases authorizes an additional $20 million. Public Law 91–428.

Falls of the Ohio Interstate Park Compact

Granted the consent of Congress to the Falls of the Ohio Interstate Park Compact to carry out an agreement between Indiana and Kentucky to create and develop an interstate park known as Falls of the Ohio Interstate Park, located on the Ohio River in Clark and Floyd Counties, Indiana, and Jefferson County, Kentucky, and to create a six-member commission to operate the park. Public Law 91–390.

Federal Water Pollution Control Act amendments

Amended the Federal Water Pollution Control Act to declare a U.S. policy that there should be no oil discharges into navigable waters of the U.S., adjoining shorelines or waters of the contiguous zone; to authorize the President to determine by regulation what harmful quantities of oil cannot be discharged without violation of the Act, and to designate those discharges, other than oil, which constitute dangerous substances; to provide penalties for failure to give proper notification of a knowing discharge of oil and violation of restrictions; to authorize the President to act to remove oil unless properly done by the responsible owner or operator; to provide for a National Contingency Plan for removal of oil; to provide, in the event a marine disaster has created a substantial threat of a pollution hazard, for removal of the threat; and, unless an act of God, war, U.S. government negligence or an act or omission of a third party be shown, liability to the U.S. for a discharge shall be not to exceed $100 per gross ton or $14 million, whichever is lesser, for a vessel and $8 million for an onshore or offshore facility, unless the discharge resulted from willful negligence or misconduct, when there shall be full liability for the costs. The Act also includes provisions for control of sewage from vessels, area acid and other mine water pollution control demonstrations; pollution control in the Great Lakes; training grants and contracts with institutions for training in water quality control; Alaska village demonstration projects; cooperation by all federal agencies in the control of pollution; and establishment of an Office of Environmental Quality. Public Law 91–224.

Fish and Wildlife Restoration Act amendments

Encouraged comprehensive planning by the State fish and game departments, to increase the revenues available to the States for wildlife restoration projects, and to provide funds to be used by the State to carry out programs supporting hunter safety. H.R. 12475. Public Law 91– .

Fisheries loan fund extension

Amended the Fish and Wildlife Act of 1956 to extend the life of the fisheries loan fund an additional 10 years, from June 30, 1970, until June 30, 1980. Public Law 91–387.

Ford's Theatre National Historical Site

Designated Ford's Theatre, the Lincoln Museum, and the House Where Lincoln Died, as the Ford's Theatre National Site, and added to that complex certain property in the District of Columbia adjacent to the Theatre. Public Law 91–288.

Fort Point National Historic Site, California

Authorized the establishment of the Fort Point National Historic Site in San Francisco, California, and authorized an appropriation of $5,250,000 for development of the site. H.R. 18410. Public Law 91– .

Geothermal resource development

Opened to exploration and development, through private enterprise, the geothermal steam and associated geothermal resources underlying certain of the public domain lands of the United States. S. 368. Public Law 91– .

Glen Canyon National Recreational Area, Arizona and Utah

Affords permanent, statutory protection to the scenic Glen Canyon National Recreation Area, which is presently administered under an Executive Order. S. 27. P/S 7/15/70.

Golden eagle program

Renewed until December 31, 1971, the Golden Eagle passport program but increased from $7 to $10 the annual cost of the permit allowing entry into Federally administered outdoor recreation areas and provided advance contract authority to enable Federal agencies to acquire land for outdoor recreation. Public Law 91–308.

Historic properties

Extended the national historic preservation program established by Congress in 1966 (Public Law 89–665) and authorized appropriations of $7 million, $10 million and $15 million for fiscal years 1971, 1972 and 1973, respectively; provided for an increase in the size of the Advisory Council on Historic Preservation; authorized limited United States participation in the International Centre for the Study of the Preservation and Restoration of Cultural Property, and in this connection, authorized a maximum appropriation of $100,000 in each of fiscal years 1971, 1972, and 1973. Public Law 91–243.

Homestead National Monument, Nebraska

Provided for the addition of the Freeman School and the 1.2 acres of land on which it is situated to the Homestead National Monument of America in Nebraska, and authorized appropriations of $50,000 for rehabilitation and development of Freeman School. Public Law 91–411.

Hudson River compact negotiations

Extended until 1973 provisions of the act of September 26, 1966, which expired on September 26, 1969, with respect to applications for a license for an activity which may affect the resources of the Hudson Riverway and required the Secretary of the Interior to report on the progress of the negotiations on the Hudson River Compact by July 1, 1970, and annually thereafter. Public Law 91–242.

Ice Age National Scientific Reserve, Wisconsin

Authorized a very limited appropriation of funds for Federal participation in the development, operation, and maintenance of the Ice Age National Scientific Reserve in Wisconsin, said Federal appropriations to supplement funds appropriated by the State of Wisconsin for this purpose and other moneys from the State's share of allocations under the Land and Water Conservation Fund Act. H.R. 4172. Public Law 91– .

International Peace Garden, North Dakota—authorization

Increases by $1,054,000 the authorization for the appropriation of funds to complete the International Peace Garden, North Dakota. S. 233 P/S 10/8/70.

Jellyfish control

Extended for an additional 3 years, through June 30, 1973, the program to provide for the control or elimination of jellyfish and other such pests in the coastal waters of the United States. H.R. 12943. Public Law 91– .

King Range National Conservation Area, California

Authorizes and directs the Secretary of the Interior to establish the King Range National Conservation Area in the State of California; directs the Secretary to consolidate and manage the public lands within the area under a program of multiple use and sustained yield; and provides the Secretary with the necessary authority and management tools to block up the public lands, by acquisition or by exchange, with private holdings to eliminate the existing checkerboard land pattern. H.R. 12870. P/H 9/21/70. P/S amended 10/7/70.

Lake Tahoe, Nevada and California

Authorized and directed the Secretary of the Interior to conduct a study of Lake Tahoe to determine the feasibility and desirability of establishing a national seashore on its shoreline and to transmit a report of findings and recommendations, including alternatives of accomplishing the environmental objective without disrupting present ownership patterns, to the President and Congress simultaneously, within 1 year, and authorized appropriations of $50,000 to conduct the study. Public Law 91–425.

Marine Resources and Engineering Development Act amendments

Designed to extend to June 30, 1971, the National Council on Marine Resources and Engineering Development which expired on June 30, 1970. Public Law 91–414.

Middle Snake River

Suspends for 8 years the authority of the Federal Power Commission to accept applications or grant licenses or permits under the Federal Power Act for the construction of hydroelectric power projects on the reach of the Middle Snake River extending along the Idaho-Oregon and Idaho-Washington borders for 100 miles between the existing Hells Canyon Dam and the authorized Asotin Dam. S. 940. P/S 5/15/70.

Minam River Canyon Wilderness

Adds up to 80,000 acres of the Minam River Canyon area to the 220,000-acre Eagle Cap Wilderness, located in the northeastern section of the State of Oregon, and which was established by the Wilderness Act of 1964. S. 1142. P/S 10/13/70.

Missouri River Basin

Authorized appropriations of $32 million for fiscal years 1971 and 1972 (including $13,838,000 in the fiscal year 1971 budget) to continue the program of the Bureau of Reclamation for investigations and construction of the comprehensive plan for the Missouri River Basin project. Public Law 91–218.

Missouri River Basin project, Minot extension, Garrison Diversion Unit, North Dakota

Authorized construction, operation, and maintenance of the Minot extension of the Garrison diversion unit, Missouri River Basin project. Public Law 91–415.

Mount Baldy, Pine Mountain, and Sycamore Canyon Wilderness, Arizona

Designates areas in three national forest primitive areas in Arizona as the Mount Baldy Wilderness, the Pine Mountain Wilderness, and the Sycamore Canyon Wilderness, as part of the national wilderness preservation system, in accordance with the provision of the Wilderness Act of September 3, 1964. S. 710. P/S 6/12/70.

Narrows unit, Missouri River basin project, Colorado

Authorized construction, operation, and maintenance of the Narrows unit of the Missouri River project, which would be located on the South Platte River in northwestern Colorado to supply supplemental irrigation water to 166,370 acres and to provide flood control, fish and wildlife conservation, and recreation benefits and potential future municipal industrial water supplies; authorized $68,050,000 for construction of the Narrows unit. Public Law 91–389.

National minerals policy

Established a broad overall national minerals policy with particular emphasis on the need for an economically sound and stable domestic mining and minerals industry. S. 719. Public Law 91– .

National park system administration

Updated and clarified the law with respect to the administration by the Secretary of the Interior of the various units of the national park system. Public Law 91–383.

Navajo Indian irrigation project, Colorado-New Mexico

Increased the amount of appropriations authorized for project construction from $135 million to $206 million and included 8 additional townships in the area from which the project lands may be obtained. Public Law 91–416.

Pacific marine fisheries compact amendments

Granted the consent and approval of the Congress to amendments to the Pacific marine fisheries compact as follows: by recognizing the adherence of the States of Idaho and Alaska to the compact in addition to the three original member States (California, Oregon, and Washington); modifying the reference to the Pacific Ocean by the additional wording "and adjacent waters" in recognition of the State of Alaska's jurisdiction over the Bering Sea; and providing a more equitable way of apportioning costs of the activities of the Pacific Marine Fisheries Commission. Public Law 91–315.

Parks and recreation

Amended the Federal Property and Administrative Service Act to provide for the sale or lease of surplus Federal property to State and local governments at discounts up to 100 percent, for park and recreation use, and increased the minimum funding level of the land and water conservation fund from $200 million to $300 million a year beginning July 1, 1970. S. 1708. Public Law 91– .

Point Reyes National Seashore, California

Authorized the appropriation of an additional $38,365,000 to assure the acquisition of all remaining non-Federal lands needed to make the Point Reyes National Seashore a meaningful unit of the national park system. Public Law 91–223.

Public Land Outdoor Recreation Act

Contains a congressional recognition that the public land under the administration of the Bureau of Land Management of the Department of the Interior constitutes a vital national asset, and a statement that it is the purpose of the act to provide, within the basic framework of the multiple-use concept, for its protection and development; grants the Secretary of the Interior authority to acquire land deemed necessary to provide public access to public land; authorizes exchange land, subject to the land being located in the same State, and an equalization of values requirement; provides sanctions for violations of the public land laws and regulations of the Secretary, who would be authorized to designate personnel to make arrests for such violations; places violations of Department regulations relating to the public land on the same basis as violations of regulations applicable to land administered by the Forest Service and the National Park Service, S. 3389. P/S 10/7/70.

Public ownership of lands in Federal reclamation projects

Clarified the acreage limitation provisions of the Federal reclamation laws with respect to lands owned by a State or local government entity or subdivision. Public Law 91–310.

Resource Recovery Act of 1970

Authorized $460.75 million over 3 fiscal years, ending fiscal year 1973, for new and expanded programs under the Solid Waste Disposal Act; emphasized recycling, local planning, and training functions; authorized research programs; replaced 50 per cent State grants for planning activities with 66⅔ percent grants to single municipalities and 75 percent grants for planning solid waste programs in the area of more than one municipality or State; provided that grants may be used for (1) making surveys of solid waste problems, (2) preparing solid waste disposal plans (especially those emphasizing recycling), (3) developing proposals for demonstration and construction grants, and (4) preparing plans for collecting and recovering abandoned motor vehicle hulks; provided for grants to varying sizes of communities to demonstrate resource recovery systems; directed the Secretary of Health, Education and Welfare to prepare guidelines on solid waste management practices for circulation to State and local governments and required him to recommend model codes and ordinances and issue technical information on solid waste and resource recovery methods to solid waste agencies; provided training grants to assist in the development of personnel trained in the design, operation and maintenance of solid waste disposal and recovery equipment and systems; required Federal installations and federally licensed activities to meet solid waste guidelines; authorized a two-year study to create a system of national disposal sites for hazardous materials; created, and authorized $2 million for a National Commission on Materials Policy to report by June 30, 1973; authorized an on-going study with annual reports on issues in resource recovery. H.R. 11833. Public Law 91– .

River basin plans and civil works

Authorized additional appropriations of $810 million to cover a period of two years ending calendar year 1971 for certain comprehensive river basin plans previously approved by Congress for flood control, navigation, and other purposes. Public Law 91–282.

Riverton extension unit of the Missouri River Basin project, Wyoming

Consolidated the Riverton reclamation project, presently in operation, and the lands of the former Riverton extension unit of the Missouri River Basin Project now in Federal ownership within a single authorized unit of the Missouri River Basin Project to provide a new repayment plan for the entire unit including necessary rehabilitation and betterment of existing facilities, writeoff of costs associated with the development of lands found to be nonproductive, and provision of repayment assistance from power revenues of the Missouri River Basin Project. Public Law 91–409.

Rogue River Basin project, Oregon

Authorized the construction, operation, and maintenance of the Merlin division, Rogue River Basin reclamation project in Josephine County, Oregon, which division is a multiple-purpose water resource development serving irrigation water to more than 9,000 acres, for public outdoor recreation, fish and wildlife conservation, area redevelopment, and flood control. Public Law 91–270.

Saline water conversion program

Authorized an appropriation of $28,873,000 for fiscal year 1971 to continue the desalting research program of the Office of Saline Water, Department of the Interior. Public Law 91–221.

Sleeping Bear Dunes National Lakeshore, Mich.

Established in the State of Michigan, the Sleeping Bear Dunes National Lakeshore which is to encompass 71,168 acres of land and water, and for land acquisition authorized appropriations of $19,800,000 to be made from moneys in the land and water conservation fund and $18,769,000 for development of the area. H.R. 18776. Public Law 91–

Susquehanna River Basin Compact

Brings the Federal Government into partnership with the States of New York, Pennsylvania, and Maryland in a formal compact in order to form a Susquehanna River Basin Commission to facilitate Federal-State, interstate, and interagency cooperation in long-range comprehensive water resources planning for the Basin. S. 1079. P/S 10/14/70.

Toiyabe National Forest, Nevada

Extended the boundaries of the Toiyabe National Forest to include 12,920 acres along the Nevada side of Lake Tahoe to aid in the protection and management of the various resources of the area, including the protection, improvement, and maintenance of the watershed, wildlife, recreation, and natural environment values of the lands in the Lake Tahoe Basin, and to promote the management and protection of these lands under the principles of multiple use and sustained yield. Public Law 91–372.

Touchet—Walla Walla Project, Oregon-Washington

Authorized $22,774,000 for the construction and operation of the Touchet division of the Walla Walla reclamation project in southeastern Washington which will supply irrigation water to approximately 9,960 acres of land. Public Law 91–307.

Volunteers in the park program—Establishment

Authorized the Secretary of the Interior to enlist the services of volunteers in programs directly related to the public service mission of the National Park Service and authorized $100,000 annually for this purpose. Public Law 91–357.

Washakie Wilderness, Wyoming

Designates the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming. S. 1468. P/S 10/14/70.

Water Resources Research Act amendments

Amends the Water Resources Research Act to increase the amount authorized to be appropriated for a water resources research center in each of the States from $100,000 to $200,000 annually for each center; provides for the establishment of information retrival and dissemination activites at each research center; and makes the District of Columbia,

Guam, and the Virgin Islands eligible to receive grants. S. 3553. P/S 9/1/70.

Wichita Mountain Wilderness, Oklahoma

Places 8,900 acres of the 59,000 acre Wichita Mountains National Wildlife Refuge in Oklahoma within the National Wilderness Preservation System, including the 5,000 acre Charons Garden Unit and the 3,900 acre North Mountain Unit. S. 3222. P/S 4/27/70.

Wilderness areas

Designated as wilderness certain lands located within several national wildlife refuges, national parks and monuments, and national forests which areas are located in 12 States and together total 201,000 acres, as follows: Bering Sea Wilderness, Bogoslof Wilderness, Tuxedni Wilderness, St. Lazaria Wilderness, Hazy Island Wilderness, and Forrester Island Wilderness of Alaska; Three Arch Rocks Wilderness and Oregon Islands Wilderness of Oregon; Washington Islands Wilderness, Washington; Salt Creek Wilderness, New Mexico; Island Bay Wilderness, Passage Key Wilderness, and Pelican Island Wilderness of Florida; Wichita Mountains Wilderness, Oklahoma; Seney Wilderness, Huron Island Wilderness, and Michigan Islands Wilderness of Michigan; Wisconsin Islands Wilderness, Wisconsin; Moosehorn Wilderness, Maine; Monomy Wilderness, Massachusetts; Craters of the Moon National Wilderness area, Idaho; The Petrified Forest National Wilderness Area and Mount Baldy Wilderness of Arizona. S. 3014. Public Law 19– .

Youth Conservation Corps

Established a 3-year pilot Youth Conservation Corps program for young men and women, 15 through 18 years of age, who would participate in summer work and educational projects in our national parks, forests, recreation areas, wildlife refuges and other public lands administered by the Departments of Interior and Agriculture. Public Law 91–378.

Yuma Mesa Irrigation District, Arizona

Amended Public Law 394, 84th Congress, to authorize for the Yuma Mesa Irrigation District, Gila Project, Arizona, "irrigation works and facilities" to be constructed in addition to drainage facilities and to authorize the existing repayment contract to be amended accordingly. Public Law 91–408.

SPACE

NASA authorization, 1971

Authorized the appropriation of $3,410,878,000 for fiscal year 1971 to the National Aeronautics and Space Administration ($2,693,100,000 for research and development, $34,478,000 for construction of facilities, and $683,300,000 for research and program management). Public Law 91–303.

National Aeronautics and Space Council

Provided that the Secretary of Transportation shall be a member of the National Aeronautics and Space Council. Public Law 91-406.

TAXATION

Discriminatory State taxation of interstate carriers

Eliminates the long-standing burden on interstate commerce resulting from discriminatory State and local taxation of common and contract carrier transportation property by (a) amending the Interstate Commerce Act to declare unlawful, as an unreasonable and unjust discrimination against and an undue burden upon interstate commerce, a State or local tax rate, assessment, or collection upon the transportation property of a common or contract carrier at a higher level than upon property in the same taxing district, and (b) procedurally, by providing a remedy in the Federal courts for common and contract carriers against the collection of the excessive portion of any tax based upon such unlawful assessment or rate. S. 2289. P/S 1/30/70.

Duty suspensions

Copper: Continued from July 1, 1970 through June 30, 1972, the present suspension of duties applicable to unwrought copper (except nickel silver), copper waste and scrap, and copper articles imported to be used in remanufacture by melting; and continued the suspension of the additional duties applicable to the copper content of certain copper-bearing ores and materials for the same period. Public Law 91–298.

Dyeing and tanning materials: Continued for 3 years, until the close of September 30, 1972, the period during which certain dyeing and tanning materials may be imported free of duty. Public Law 91–388.

L-Dopa: Amended the Tariff Schedules of the United States by adding a new item to suspend for a period of 2 years the duty on L-Dopa, a new drug used in the treatment of Parkinsonism. Public Law 91–309.

Manganese ore: Continued until June 30, 1973, the existing suspension of duties on Manganese ore. Public Law 91–306.

Employment security amendments

Extended coverage of the unemployment compensation program to more than 4.7 million additional jobs; established a permanent program of extended benefits for people who exhaust their regular State benefits during periods of high unemployment; improved the financing of the unemployment compensation program; and made other changes to strengthen the unemployment compensation system. Public Law 91–373.

State income taxation of interstate carrier employees

Limits power to tax income of interstate carrier employees to the employee's State of residence and any State in which he earns more than 50 per centum of the compensation paid to him by such employer; limits power to require withholding for tax purposes from income of interstate carrier employees to either the State in which such employee earned more than 50 per centum of the compensation paid to him by such carrier during the preceding calendar year or the State of residence; and limits the power to require the filing of information returns to the State of residence and the State by which withholding may be required. H.R. 10634. P/H 9/14/70. P/S amended 10/12/70.

U.S.S. "Pueblo" crew—taxes

Provided that, for purposes of the Internal Revenue Code of 1954, members of the crew of the U.S.S. "Pueblo" who were illegally detained during 1968 by the Democratic People's Republic of Korea shall be treated as serving in a combat zone and will receive an exclusion from income tax for their pay for service in the Armed Forces; waived unpaid income taxes and Federal death taxes for the member of the crew killed during this period; and extended the time for filing tax returns, paying taxes, etc. for all personnel on the ship. Public Law 91–235.

TRANSPORTATION AND COMMERCE

Accessibility of public facilities to physically handicapped

Provided that buildings and structures which must be used by the general public such as subway stations and surface stations constructed under the authority of the National Capital Transportation Acts of 1960 and 1965, or title III of the Washington Metropolitan Area Transit Regulation Compact, be so designed and constructed as to be accessible to the physically handicapped. Public Law 91–205.

Airport and Airways Development Act

Provided for the expansion and improvement of the Nation's airport and airway systems; repealed the Federal Airport Act; required the Secretary of Transportation to formulate and recommend to Congress within one year a national transportation policy; established a Presidential Aviation Advisory Commission; authorized expenditures of $75 million for planning grants, at $15 million each year; $250 million for air carrier and reliever airport development for each of 5 fiscal years beginning in fiscal year 1971, and $30 million for non-air carrier airport development for each of such fiscal years, and beginning in fiscal year 1971, contract authority up to $840 million for 5 fiscal years, with each obligation of $280 million restricted to 3 years, and $250 million for air navigation facilities for each of 5 fiscal years; imposed new or increased user taxes as follows: 7 cents a gallon tax on gasoline and other fuels used in non-commercial aviation; 8 percent on gross amounts of domestic airlines passenger fares; 5 percent tax on air freight waybills; $3 tax per person using international travel facilities; an annual civil aircraft user tax, plus an additional poundage tax in the case of certain aircraft. Revenues from the aviation user taxes are to be placed in a new Airport and Airway Trust Fund similar in nature to the existing Highway Trust Fund. Public Law 91–258.

Aviation war risk insurance extension

Extended the authority to provide aviation war risk insurance and reinsurance under title XII of the Federal Aviation Act of 1958 for 5 years through September 7, 1975. Public Law 91–399.

Cruise ship regulations

Amended the Merchant Marine Act of 1936, as amended, to eliminate certain provisions of existing law which unnecessarily restrict cruise operations of subsidized American-flag passenger vessels, to enable these vessels to compete more effectively with foreign-flag passenger vessels, and to vest permissive authority in the Secretary of Commerce to make available regularly scheduled vessel passenger service to the public, including service in some areas which now have none. Public Law 91–250.

Amateur radio operators

Amends section 303 (dealing with operators) and section 310 (dealing with station licenses) of the Communications Act of 1934 to permit the Federal Communications Commission to issue, consistent with certain security safeguards, licenses for the operation of amateur radio stations by aliens who have filed a declaration of intention to become citizens of the United States. S. 1466. P/S 10/14/70.

Federal-Aid Highway Act

Authorizes a 2-year extension of the interstate program, through fiscal year 1976, and an additional $9.775 billion from the highway trust fund for this program; authorizes trust fund expenditures totaling $1,815,500,000 for fiscal year 1972 and $2,002 million for fiscal year 1973, including $1.050 billion for each of those fiscal years for the Federal-aid primary and secondary systems and their urban extensions; authorizes for Federal-domain roads $198 million for fiscal year 1972 and $260 million for fiscal year 1973 for: forest highways, public lands highways, forest development roads and trails, public lands development roads and trails, park roads and trails, parkways, and Indian reservation roads and bridges; creates an urban highway system designed to improve the flow of traffic in metropolitan areas and implement an urban transportation planning process; sets a 1973 deadline for States to decide on the construction or deletion of controversial segments of the Interstate System; establishes a special $150 million a year program to replace old, unsafe bridges and an emergency relief program to replace bridges already closed for safety reasons; gives States authority to provide housing for persons displaced by road construction if no other housing is available; creates a territorial highway program for American Samoa, Guam and the Virgin Islands; tight-

ens controls over economic, social, and environmental impact of highway constructions; authorizes the addition of exising roads to the Interstate System provided States agree to upgrade them to Interstate standards within 12 years utilizing regular highway funds, not 90 percent Interstate money; authorizes the Secretary of Transportation to develop, conduct and administer an equal employment opportunity training program for highway construction workers; and provides for national transportation planning. S. 4418. P/S 10/2/70. H.R. 19504. H. Cal.

Federal Low-Emission Vehicle Procurement Act

Channels and augments the motor vehicle procurement expenditures of the Federal Government in such a way as to stimulate the development, production and distribution of motor vehicle propulsion systems which emit few or no pollutants; seeks to achieve this stimulation by requiring the Federal Government to purchase available low-emission vehicles in lieu of other vehicles, thereby creating a guaranteed market which additionally provides controlled conditions for field testing of new concepts in automotive propulsion; authorizes annual appropriations of $50 million to carry out the provisions of this Act. S. 3072. P/S 3/26/70.

Fishing fleet improvement

Extended and broadened the construction assistance program under the United States Fishing Fleet Improvement Act to include reconditioning, conversion, and remodeling; increased the authorization for appropriations from $10 million annually to $20 million for fiscal years 1970, 1971, and 1972; provided for a class differential rather than the present individual determination, and eliminated several time-consuming provisions resulting in savings of time and administrative costs. Public Law 91-279.

Flammable Fabrics Act amendments

Authorizes $9 million for a period beginning July 1, 1970, and ending July 30, 1972, to carry out provisions of the Flammable Fabrics Act, as amended; provides for certification by the Secretary of Commerce of an approved testing program designed to prevent or minimize the manufacture and introduction in commerce of any product, fabric, or related material not in compliance with flammability standards, which certification shall be based upon a reasonable testing program which has been approved by the Secretary of Commerce; provides that any failure to certify shall be considered an unfair method of competition and an unfair and deceptive act or practice in commerce under the Federal Trade Commission Act; provides a timing schedule for the effective date of the testing program certification which recognizes that such date is dependent upon the effective date of flammability standards and the need of the industry for sufficient time to implement the standard and the related testing program; provides that any person who knowingly violates the act shall be guilty of a felony and upon conviction shall be fined not more than $10,000, imprisoned not more than 3 years, or both, and that a person who violates the act shall be guilty of a misdemeanor and upon conviction shall be fined not more than $1,000 and imprisoned for not more than 1 year, or both, providing, however, for a defense of due care in the application of an approved testing program required for certification; imposes civil penalties not to exceed $10,000 for each violation; and provides that the provisions dealing with certification and related penalties shall become effective 1 year after enactment. S. 3765. P/S 9/23/70.

High-Speed Ground Transportation Act extension

Extended the High-Speed Ground Transportation Act for an additional year, until June 30, 1972, and authorized $21,700,000 for fiscal year 1971. S. 3730. Public Law 91-.

International Travel Act amendment

Amended the International Travel Act of 1961 in order to improve the balance of payments by further promoting travel to the United States; provided Federal grants to assist States, cities, and regional groupings of States in attracting foreign visitors, and set the Federal share of cost of any relevant program at 50 percent of its costs; established in the Commerce Department a United States Travel Service to be headed by an Assistant Secretary of Commerce for Tourism (to replace the present Travel Service headed by a Director); created a National Tourism Resources Review Commission to study and make recommendations to the President and Congress regarding travel needs and policies and authorized $750,000 for this purpose; and authorized appropriations of $15 million for each of fiscal years 1971, 1972 and 1973 to carry out the provisions of the Act. S. 1289. Public Law 91-.

Maritime authorization, 1971

Authorized the appropriation of $429,420,000 to the Maritime Administration for the fiscal year 1971 ($199,500,000 for acquisition, construction or reconstruction of vessels, and construction—differential subsidy and cost of national defense features incident to the construction, reconstruction or reconditioning of ships; $193 million for payment of obligations incurred for shipping operation subsidies; $19 million for research and development expenses; $4,675,000 for reserve fleet expenses; $6.8 million for operation of the Merchant Marine Academy at King's Point, New York; $2,445,000 for financial assistance to State marine schools; and $4 million for continued operation of the nuclear ship "Savannah"). Public Law 91-247.

Merchant Marine Act of 1970

Stated the policy of Congress to be that there should be authorized and appropriated sums sufficient to construct 300 ships over the next 10 years; made shipyards as well as shipowners eligible to apply for construction subsidy; permitted negotiated procurement of ships as well as competitive bidding; created a Commission on American Shipbuilding to determine if the construction-differential can be reduced from the present rate of 50% to 35% by 1976; extended operating subsidy to bulk carriers; tied operating subsidy to a new wage index; gave newly subsidized operators 20 years in which to divest their foreign flag bulk ships; extended tax deferment privileges to all operators in foreign trade, Great Lakes, noncontiguous trade (Alaska, Hawaii, etc.) and the fisheries; increased the authorization for mortgage insurance from $1 billion to $3 billion; gave the Secretary of Commerce authority to promulgate regulations as to the administration of the cargo preference laws (cargoes restricted to U.S. vessels); established a new Assistant Secretary of Commerce for Maritime Affairs; and cancelled accrued interest of $22.4 million, as well as future interest obligations, on the debt owed by the St. Lawrence Seaway Corporation to the Treasury. H.R. 15424. Public Law 91- .

National Traffic and Motor Vehicle Safety Act amendments

Authorized appropriations of $23 million for fiscal year 1970 and $40 million for each of fiscal years 1971 and 1972; broadened the definition of "motor vehicle equipment" to include related automotive safety devices used exclusively to safeguard motor vehicles and passengers, and other highway users from risk of accident, injury or death; provided that the Secretary of Transportation obtain information relating to agricultural tractor safety and report findings and recommendations thereon to Congress; and amended the act in several other respects. Public Law 91-265.

Penalties for illegal fishing in fishery zone

Increased the protection of the fisheries resources of the territorial sea, the exclusive fishery zone of the United States, and those fishery resources of the Continental Shelf which appertain to the United States; authorized an increase in the maximum penalty for illegal fishing in such waters from $10,000 to $100,000; authorized the Secretaries of the Interior, Treasury, and the Department in which the Coast Guard is operating, by agreement, to utilize equipment, including aircraft and vessels, of any Federal department or agency to assist in carrying out enforcement responsibilities under the act and authorized the Secretary of the Treasury to pay up to $5,000 to informers whose information leads to a penalty or forfeiture incurred for violations of the act; provided that all fish found aboard the vessel seized in connection with a violation of the act would be presumed to have been taken in violation of such act, which presumption would be rebuttable and the burden upon the operator of the vessel to prove the fish were legally taken. H.R. 14678. Public Law 91- .

Political broadcasting

Amended section 315 of the Communications Act of 1934, as amended, to repeal the equal-time broadcasting requirement relative to Presidential and Vice-Presidential candidates; limited the charges for use of broadcasting stations by candidates for public office to no more than the station's lowest unit charge for the same amount of time in the same time period; defined "major elective office" to mean President, United States Senator or Representative or Governor or Lieutenant Governor of a State; placed a ceiling of 7 cents per vote cast for all legally qualified candidates for such office in the last preceding general election for such office or a total of $20,000, whichever is higher, on the amount candidates for major elective office, or others on their behalf, may spend for use of broadcasting stations in a general election; placed a ceiling of one half the amount determined applicable with respect to the general election for that office on the amount candidates may spend for use on broadcasting stations in a primary election for nomination to a major office, other than President; and established effective dates as follows: section 1(b) making broadcast stations lowest unit charge available to qualified candidates, effective on the 30th day after enactment and section 2 imposing broadcast expenditure limitations for primary elections, effective January 1, 1971, provided that broadcast expenditure limitations for general elections shall apply only to amounts paid for broadcast time used after the 30th day after enactment, except such limitation shall not apply to an election held before January 1, 1971, if the Federal Communications Commission determines that on August 12, 1970 a candidate had legally qualified for office or nominations and on that date there were written agreements with station licensees for purchase of broadcast time to be used after such 30th day and such agreements specify amounts in excess of the limitation imposed by this legislation. S. 3637. President vetoed 10/12/70.

Public Broadcasting Financing Act

Amended the Communications Act of 1934 to extend for 2 years financing for the Corporation for Public Broadcasting and authorized therefor appropriations of $30 million for each of fiscal years 1971 and 1972 plus an additional amount not exceeding $5 million for each of those fiscal years to match contributions received by the Corporation from non-Federal sources. S. 3558. Public Law 91- .

Rail Passenger Service Act of 1970

Established a National Rail Passenger Corporation to provide intercity rail passenger service; authorized for fiscal year 1971 ap-

propriations of $40 million to the corporation, as well as a guarantee of $100 million in 20-year loans to the corporation to finance the upgrading of roadbeds and the purchase and rehabilitation of rolling stock and for other corporate purposes; authorized the appropriation of $200 million for loans or loan guarantees to provide emergency financial assistance for railroads operating passenger service. H.R. 17849. Public Law 91– .

Shipper's recovery of a reasonable attorney's fee

Puts the shipping public, especially small shippers, householders, and travelers in a more equal bargaining position with carriers in settlement negotiations for recovery of damages sustained in the transportation of property by permitting a successful plaintiff to recover his attorney's fees if he allowed the carrier a reasonable period of time to settle the claim. S. 1653. P/S 1/26/70.

Urban mass transportation assistance act

Provided a Federal commitment for $10 billion in funds over a period of 12 years for urban mass transportation programs; authorized the Secretary of Transportation to incur contractual obligations up to $3.1 billion for all authorized programs under the amended 1964 act, restricting disbursement by limitations from a maximum of $80 million prior to July 1, 1971, which is increased by specified limitations for subsequent years reaching a maximum of $1.86 billion on July 1, 1975, and $3.1 billion thereafter, with further authorization requests, and recommendations for adjustment in the schedule of liquidating appropriations, to be submitted by the Secretary at 2-year intervals starting not later than February 1, 1972 and running through not later than February 1, 1978; and authorized the Secretary to conduct a study of the feasibility of providing Federal assistance to help defray the operating costs of mass transportation systems and report his findings to Congress within 1 year after the date of enactment. S. 3154. Public Law 91– .

VETERANS

Advance educational assistance allowance and work-study program

Amends chapters 31, 34, 35 and 36 of title 38, United States Code to provide for advance payment of the GI bill educational assistance allowance at the start of a school term and prepayment of the allowance on the first of the month thereafter; to establish a student-veteran's work-study program whereby GI bill trainees would receive a $250 advance work-study allowance for performing various services in Veterans' Administration programs; to provide that servicemen may begin to use GI bill benefits for post-secondary education and training after 180 days of active duty and to make clear that courses required by the Small Business Administration in connection with minority enterprise loans are covered to correct certain provisions in Public Law 91–219, relating to measurement of college courses for GI bill purposes; to combine basic provisions relating to payment of allowances and general administration of the GI bill program; to clarify and expand action taken by the Congress on April 13, 1970, in enacting Public Law 91–230—the Elementary and Secondary Education Act Amendments of 1970—to provide for NDEA student loan cancellation based on military service; by permitting GI bill entitlement to be applied to repay prior Federal direct or guaranteed education loans; and to accelerate the date on which GI bill allowances are increased for acquisition of dependents. S. 3657. P/S 9/25/70.

Benefits for families of servicemen missing, captured, or interned

Amends chapters 35 and 37 of title 38, United States Code, to authorize educational benefits for children and wives of members missing or captured who are so listed for more than 90 days; to authorize home loan benefits (guaranteed or direct) to wives of such members; to terminate the entitlement to both educational and home loan benefits when the member is no longer so listed but still allows completion of the current semester or other period in an educational program; to deduct any educational entitlement used from any subsequent entitlement of the wife or child under chapter 35; to limit the period of eligibility for educational benefits to the standard GI bill eight-year period; to limit the wife's home loan entitlement to one loan; and to provide that the wife's entitlement does not reduce the husband's entitlement to a home loan under chapter 37. S. 3785. P/S 9/25/70.

Definition of "child" for veterans' benefit purposes

Revised the definition of "child" for veterans' benefit purposes to recognize an adopted child as a dependent from the date of issuance of an interlocutory decree. Public Law 91–262.

Disabled veterans' automobile assistance, and veterans' flight training and farm cooperative programs

Amends chapter 39 of title 38, United States Code, by raising the disabled veterans' automobile allowance from $1,600 to $3,000; extending the benefits of the chapter to certain disabled persons on active duty; establishing a loan program to assist veterans in obtaining a private pilot's license in order to qualify to pursue further flight training; and revising the present farm cooperative program to stress on-farm training rather than institutional instruction. H.R. 370. P/H 6/15/70. P/S amended 9/25/70.

Group life insurance

Increased from $10,000 to $15,000 the amount of servicemen's group life insurance for members of the uniformed services. Public Law 91–291.

Home loan entitlements and mobile home purchases

Amended chapter 37 of title 38, United States Code to restore all entitlements which were unused and have expired of World War II and Korean conflict veterans (all outstanding World War II veterans' entitlements expired on July 25, 1970); to remove the future expiration dates for the loan guaranty and direct loan program for all eligible war veterans (World War II, Korean conflict, and post-Korean); to establish a guaranteed and direct loan program for mobile homes and lots to place them on; to eliminate the fee (½ percent of the total loan amount) now collected only from post-Korean veterans on VA direct and guaranteed home loans; to extend regular home loan guaranty and direct loan entitlement to refinancing of existing mortgage loans made on regular houses; and to extend regular home loan guaranty and direct loan entitlement to loans for the purchase of single family residential units in condominiums approved by FHA. H.R. 16710. Public Law 91– .

Medical benefits for older veterans

Provided that a veteran who is in receipt of a Veterans' Administration pension would no longer be required to sign under oath a statement of inability to defray the necessary expenses of hospital or domiciliary care in order to gain admission to a VA hospital for a non-service-connected disability. H.R. 693. Public Law 91– .

Recoupment of disability severance pay

Liberalized the conditions under which the Administrator of Veterans' Affairs is required to effect recoupment from disability compensation otherwise payable to certain disabled veterans. Public Law 91–241.

Special health care benefits for certain surviving dependents

Permits the surviving dependents of members of the Armed Forces who die while eligible for receipt of hostile fire pay, or from a disease or injury incurred while eligible for such pay, who are receiving benefits under the special program for the physically handicapped or mentally retarded provided the civilian health and medical program of the uniformed services (CHAMPUS) to continue to receive such benefits until they pass their 21st birthday. S. 4148. P/S 8/14/70. H.R. 8413. P/H 2/16/70.

Specialized medical resources

Provided greater flexibility in the Veterans' Administration hospital and medical care program by providing the Administrator with greater administrative discretion in the appointment of nurses, in the internship and residency program, and in the appointment of dentists of high academic and research standing on a temporary full-time or part-time basis. H.R. 9634. Public Law 91– .

Veterans' Administration regional office in the Philippines

Extended for 4 years, until July 3, 1974, the authority of the Veterans' Administration to operate and maintain a regional office in the Philippines. Public Law 91–338.

Veterans' disability compensation increase

Increased by 8 percent the compensation payments to veterans rated 10, 20 and 30 percent disabled; increased by 11 percent the compensation payments to veterans rated 50 percent to 90 percent disabled; increased by 12 percent the compensation payments for the totally disabled; increased the allowances to dependents of disabled veterans whose disability is rated at 50 percent or higher; made the compensation increases effective July 1970; established a presumption in the case of any veteran who served for 90 days and who was held as a prisoner of war for not less than 6 months during World War II, the Korean conflict or the Vietnam era that a disability suffered from dietary deficiencies, forced labor, or inhumane treatment is service connected if the disability is related to malnutrition, or if the veteran became psychotic within 2 years of separation from military service; permitted a remarried widow to revert to her earlier eligibility for compensation, pension, and education benefits when her second marriage is ended by death or divorce; clarified Congressional intent that all decisions of the Administrator of Veterans' Affairs on questions of entitlement are final and not subject to judicial review. Public Law 91–376.

Veterans Education and Training Amendments Act

Increased by 34.6 percent the basic "GI bill" monthly educational assistance allowance rates for veterans, and the allowances for farm training and apprenticeship programs; increased by 22.7 percent the vocational rehabilitation training subsistence allowance; provided a special supplementary assistance allowance for educationally disadvantaged veterans; established a predischarge educational program to assist servicemen in preparing for future education while still on active duty; and expanded the veterans' outreach service program covering the Veteran Administration's counseling services to advise veterans of their entitlements and assist them in gaining employment. Public Law 91–219.

WELFARE

Social Security and railroad retirement benefits

Extended for 4 months the period for States to assure aged, blind, and disabled social security beneficiaries who also receive welfare an increase of at least $4 in their combined income from social security and welfare, and accords similar treatment to increases in railroad retirement benefits which may become law in 1971. Public Law 91–306.

WITHDRAWAL

Executive nomination withdrawn from the Senate, October 14, 1970:

BOARD OF GOVERNORS OF THE U.S. POSTAL SERVICE

William J. Curtin, of Maryland, to be a member of the Board of Governors of the U.S. Postal Service for a term of 1 year, which was sent to the Senate on September 28, 1970.

ADJOURNMENT UNTIL MONDAY, NOVEMBER 16, 1970

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the provisions of House Concurrent Resolution 774, that the Senate stand in adjournment until 12 o'clock meridian on Monday, November 16, 1970.

The motion was agreed to; and (at 4 o'clock and 7 minutes p.m.), under the provisions of House Concurrent Resolution 774, the Senate adjourned until Monday, November 16, 1970, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate October 14, 1970:

BOARD OF GOVERNORS OF THE U.S. POSTAL SERVICE

Elmer T. Klassen, of Massachusetts, to be a member of the Board of Governors of the U.S. Postal Service for a term of 1 year; new position.

U.S. ARMY

The following-named officers for temporary appointment in the Army of the United States to the grades indicated under the provisions of title 10, United States Code, sections 3442 and 3447:

To be major general, Medical Corps

Brig. Gen. William Henry Moncrief, Jr., [redacted] Army of the United States (colonel, Medical Corps, U.S. Army).

To be brigadier general, Medical Corps

Col. William Hyde Meroney III, [redacted] Medical Corps, U.S. Army.

The following-named officers for appointment in the Regular Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3306:

To be brigadier general, Medical Corps

Brig. Gen. Robert Morris Hardaway III, [redacted] Army of the United States (colonel, Medical Corps, U.S. Army).

Brig. Gen. Edward Henry Vogel, Jr., [redacted] Army of the United States (colonel, Medical Corps, U.S. Army).

Brig. Gen. William Henry Moncrief, Jr., [redacted] Army of the United States (colonel, Medical Corps, U.S. Army).

Maj. Gen. Spurgeon Hart Neel, Jr., [redacted] Army of the United States (colonel, Medical Corps, U.S. Army).

CONFIRMATIONS

Executive nominations confirmed by the Senate October 14, 1970:

U.S. ARMY

The following-named officer to be placed on the retired list, in grade indicated, under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Jonathan Owen Seaman [redacted] Army of the United States (major general, U.S. Army).

The following-named officers to be placed on the retired list, in grades indicated, under the provisions of title 10, United States Code, section 3962:

To be general

Gen. Ferdinand Joseph Chesarek, [redacted] Army of the United States (major general, U.S. Army).

To be lieutenant general

Lt. Gen. Austin Wortham Betts [redacted] Army of the United States (major general, U.S. Army).

U.S. NAVY

Vice Adm. Jackson D. Arnold, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of admiral while so serving.

U.S. AIR FORCE

The nominations beginning George B. Aaron, to be major, and ending Phillip A. Johnson, to be first lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Sept. 24, 1970.

UNESCO CONFERENCE REPRESENTATIVES

The following-named persons to be representatives of the United States of America to the 16th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization:

John Richardson, Jr., of Virginia.
Louise Gore, of Maryland.
Pierre R. Graham, of Illinois.
Harold Taft King, of Colorado.
Kimon T. Karabatsos, of Virginia.

The following-named persons to be alternate representatives of the United States of America to the 16th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization:

Edward T. Brennan, of Massachusetts.
Edward O. Sullivan, Jr., of New York.
R. Miller Upton, of Wisconsin.
Tom R. Van Sickle, of Kansas.

EXTENSIONS OF REMARKS

ADDRESS BY SENATOR JENNINGS RANDOLPH TO THE AMERICAN FORESTRY ASSOCIATION

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 13, 1970

Mr. METCALF. Mr. President, "clearcutting" is a type of logging practice which is used by our public land management agencies, the Forest Service and the Bureau of Land Management. It refers to the total removal of all timber and other vegetation from a plot of land, usually followed by burning and reforestation. It is a practice which is coming under increasing opposition from concerned groups all over the country.

The word "clearcutting" is very descriptive in terms of what the countryside looks like after being subjected to this practice. The scene is one of total devastation, more like the site of a military Armageddon than that of a placid national forest. Literally nothing remains but rows of gouging "terraces" in the hillside. Anyone who knows the beauty of a forest cannot avoid a feeling of dismay when viewing the aftermath of a clearcutting operation.

Why then allow clearcutting at all? Many conservationists, outdoorsmen, residents of affected communities, and foresters themselves are beginning to ask this question with increasing insistency. The answers which are forthcoming are not wholly satisfying, although they reveal the issue to be a complex one. The subject remains an issue of hot debate among foresters and among the public at large.

In response to the widespread public concern with this practice, many responsible public officials have asked the Federal agencies involved for a reexamination of clearcutting. The senior Senator from West Virginia (Mr. RANDOLPH) has been a leader in bringing this issue to the attention of responsible agencies.

Senator RANDOLPH has recently made a definitive statement on the subject in an address to the 95th annual conference of the American Forestry Association in Atlanta, Ga. He describes the experience of his own State of West Virginia with clearcutting, and the response of Forest Service to his request for a review. And he calls for further review by the Council on Environmental Quality for the creation of a National Forest Management Commission to oversee the total management and protection of our forests.

This problem is, of course, not limited to our eastern forests. It is a national issue and is of particular concern to the people of the Western States, where fragile mountain soils make up the foundation for the evergreen forests of the Rocky Mountains. Here the same practice is applied to different conditions. And the results in many cases have been equally unpleasant.

For the past several years clearcutting has been carried out on a large scale in the Bitterroot Valley of Montana to the extent that public indignation rose. Senator MANSFIELD, Representative OLSEN, and I requested that the Forest Service review the clearcutting policies in the area. The Forest Service appointed a task force and gave it the broad assignment of examining the entire spectrum of forest management in the Bitterroot Valley. In the resulting study, which was released in May of this year, the task force criticized clearcutting and overcutting as it had been practiced in several parts of the area under study. It cited four goals to be pursued in future forest management plans:

First. Any lingering thought that production goals hold priority over quality of environment be erased.

Second. Multiple use planning must be developed into a definitive, specific, and