# SENATE—*Monday, November 23, 1970*

The Senate met at 12 o'clock meridian and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

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

Eternal Spirit, far above us yet deep within us, as we face the tasks of another week in this troubled world, we pray for quiet hearts, wise minds, resolute wills and bodies fit for our labors. In this forum of freedom we ask not for easy lives but for ample resources, not that our path should be smooth but that we should never lose direction or yield to discouragement.

We thank Thee for the goodly heritage in the land our fathers loved and bought by sacrifice and suffering. Make us to believe in America in our day, and to be so consecrated to human betterment that by the spiritual depth, the moral rectitude, the strength and stamina of our character we may help the peoples of the world discover their emancipating truth, the light of true freedom, and the brotherhood that binds all men together.

We pray in the name of that one who is the way, the truth, and the life. Amen.

## DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., November 23, 1970.*

*To the Senate:*

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

RICHARD B. RUSSELL,
*President pro tempore.*

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

## THE JOURNAL

Mr. MANSFIELD. I ask unanimous consent that the reading of the Journal of the proceedings of Friday, November 20, 1970, be dispensed with.

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

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair now recognizes the distinguished Senator from Arizona (Mr. FANNIN) for 15 minutes.

Mr. MANSFIELD. Mr. President, will the Senator from Arizona yield to me briefly, without losing any of his time?

Mr. FANNIN. I am happy to yield to the Senator from Montana.

## WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

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

## COMMITTEE MEETINGS DURING SENATE SESSION

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

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

## ORDER FOR RECOGNITION OF SENATOR CHURCH TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, following the remarks of the distinguished Senator from Arizona (Mr. FANNIN), the distinguished Senator from Idaho (Mr. CHURCH) be recognized for not to exceed 20 minutes.

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

## ORDER FOR RECOGNITION OF SENATOR McGOVERN TODAY

Mr. MANSFIELD. Mr. President, following the remarks of the distinguished Senator from Idaho (Mr. CHURCH) today, I ask unanimous consent that the distinguished Senator from South Dakota (Mr. MCGOVERN) be recognized for not to exceed 15 minutes.

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

## TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, following the remarks of the distinguished Senator from South Dakota (Mr. MCGOVERN) today, I ask unanimous consent there be a period for the transaction of routine morning business, with a time limitation of 3 minutes therein.

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

## THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1357, 1358, and 1359.

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

## FAMILY SEPARATION ALLOWANCE

The bill, H.R. 110, to amend section 427(b) of title 37, United States Code, to provide that a family separation allowance shall be paid to a member of a uniformed service even though the member does not maintain a residence or household for his dependents, subject to his management and control, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1346), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

H.R. 110 is designed to restore the family separation allowance to approximately 47,000 service families whose entitlement to this $30 monthly allowance was terminated on December 1, 1968, as a consequence of a ruling by the Comptroller General of the United States.

In that ruling the Comptroller General stated that the legislative history of the law supports the view that the payment may only be authorized in those cases where the service member is actually maintaining a residence or household for his family—under his management and control.

The effect of the ruling was to disqualify a great many families that had made other housing arrangements. Most typical is the case where the service member's wife and children arrange to live with her parents or his parents when the husband is ordered to duty in a restricted area where his dependents are not authorized to accompany him.

The family separation allowance was first authorized by the Uniformed Services Pay Act of 1963. The allowance was intended to help defray the additional household expenses resulting from the enforced separation of servicemen from their families because of military orders.

Section 427(b) of title 37, United States Code, is the statutory basis for the family separation allowance entitlement and states in part:

(b) Except in time of war or of national emergency hereafter declared by Congress, and in addition to any allowance of per diem to which he otherwise may be entitled under this title, including subsection (a) of this section, a member of a uniformed service with dependents (other than a member in pay grade E–1, E–2, E–3, or E–4 (4 years' or less service) who is entitled to a basic allowance for quarters is entitled to a monthly allowance equal to $30 if—

(1) the movement of his dependents to his permanent station or a place near that station is not authorized at the expense of the United States under section 406 of this title and his dependents do not reside at or near that station;

(2) he is on duty on board a ship away from the home port of the ship for a continuous period of more than 30 days; or

(3) he is on temporary duty away from his permanent station for a continuous period of more than 30 days and his dependents do not reside at or near his temporary duty station.

Although the language of the law makes no reference to the family's residential situation, the Comptroller General in his decision of February 9, 1968 (B–157486), rules that unless a member maintains a residence or household for his dependents, subject to his management and control, which he will likely share with them as a common house-

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hold when his duty assignment permits, he is not entitled to payment of the family separation allowance. The Comptroller General further stated the entitlement does not exist if the dependents reside as guests or visitors in the home of relatives or friends and the member maintains no other residence for them subject to his management and control.

It was the view of the Comptroller General that the purpose of the allowance, as suggested by the legislative history, was to compensate a service member for the added household expenses incurred by his dependents when, for a substantial period of time because of his military assignment, he cannot reside with them—and that generally those household expenses are those that result from the need to hire others to do the work normally done by the service member.

The Department of Defense and service regulations recognize that the purpose of the allowance is to compensate for the added household expenses incurred because of the member's absence. However, this has been broadly interpreted by the services—and although applications for family separation allowance generally require the service member to certify that he maintains a residence or household for his dependents at a particular address—there was no requirement that such residence or household had to be "under his management and control."

The military departments in administering the allowance without regard to the actual existence of a household, proceeded on the assumption that these "added household expenses" were in fact incurred, if not directly—indirectly—inherent to apartment rentals on one hand, and by sharing of household operating expenses when living with friends or relatives, on the other hand.

The Department of Defense appreciates that the original concept of the separation allowance stressed the additional costs incurred in upkeep and maintenance of the household due to the absence of the husband, i.e., the family "handyman." These certainly account for a substantial portion of the added costs, in many instances.

There are, however, many other expenses that are directly attributable to the family separation which are not associated with the upkeep of a house. Some of these come about simply from running what amounts to two households such as the upkeep and maintenance of the family automobile, now left in the care of the wife; the repair of small appliances, children's bicycles, et cetera, articles of personal necessity which are duplicated—including subscriptions to the hometown newspaper, periodicals, news magazines; family chores which are usually shared between husband and wife now add to the family budget. A typical example is the case where the wife must hire a babysitter while she does the shopping. There are many others—some obvious and others—not so obvious. For example, the family postal bill becomes a substantial additional item of expense, with letters and packages from home to boost the morale of the service member by frequently sending him a "touch of home." At the other end, the service member himself must pay, out-of-pocket, for such services as laundry and clothing repairs which are normally performed at home by his wife.

H.R. 110 will overcome the unfortunate consequences and adverse morale effect stemming from the Comptroller General ruling and will resolve the issue at hand by making it clear that the entitlement to the family separation allowance is not contingent upon the establishment of a separate household under the management and control of the service member concerned.

## FAMILY SEPARATION ALLOWANCE

The bill, H.R. 386, to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service assigned to Government quarters providing he is otherwise entitled to such separation allowance was considered ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1347), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of H.R. 386 is to extend the payment of a family separation allowance ($30 a month) to a member of a uniformed service whose dependents occupy Government quarters, and who is otherwise entitled to a family separation allowance.

The existing exclusion results from the language of the statute which establishes as one of the criterion for entitlement to this special separation allowance, a stipulation that it be payable only to those members who are "entitled to basic allowance for quarters." Thus, since the entitlement to the "basic allowance for quarters" does not arise in the instance of those members who are occupying Government quarters, they are precluded from the receipt of the monthly separation allowance, notwithstanding the fact that they might otherwise meet all of the other criteria of the statute.

It should be noted that this result was intended by the Armed Services Committee at the time of enactment of this statute. However, the Department of Defense is now of the view that this is a dscriminatory provision and is recommending that the statute be modified in accordance with the objectives contained in H.R. 386.

Section 11(1) of the Uniformed Services Pay Act of 1963 (37 U.S.C. 427 (b)) authorized a family separation allowance to a member with dependents (other than a member in pay grade E–1, E–2, E–3, or E–4 (4 years or less service)) who is entitled to a basic allowance for quarters if his dependents are not authorized to move at Government expense to his permanent station, and they do not reside at or near that station, or he is on duty on board a ship away from his permanent duty station for more than 30 days, or he is on temporary duty away from his permanent station for a continuous period of more than 30 days and his dependents do not reside at or near his temporary duty station. Since a member whose dependents reside in Government quarters is not entitled to a basic allowance for quarters, he does not qualify for family separation allowance under the circumstances described in the current law. The distinction now made in this entitlement, which awards the allowance to those separated families not in Government quarters and denies it to separated families living in Government quarters, was based on the assumption that those families occupying Government quarters enjoy base-provided services and facilities which offset the need for the allowance for these families.

It is the view of the Department of Defense that, with very few exceptions, the extra out-of-pocket expenses incurred by the separated families are substantially the same, and the distinction now made in law between those families occupying Government quarters and those occupying private housing is unwarranted and results in serious inequities. The extra costs involved are, for the most part, unrelated to base-provided services and are prevalent whenever a Service family is forced to operate a split household. These added expenses fall into three categories: those incurred by the family at home, those extra and duplicatory expenses of the member himself at the oversea location, and those added expenses of the family unit as a whole.

Listed below are examples of the factors which tend to raise the overall cost of running a split household.

*1. The family at home*

(*a*) The cost of routine home maintenance repairs usually performed by the husband. They include such things as care and maintenance of the family auto, repair of household appliances, yard care.

(*b*) Extra transportation expenses when the wife does not drive.

(*c*) Baby-sitting fees.

*2. The member overseas*

(*a*) Duplicatory expenses for magazines, books, newspapers, personal and household type items.

(*b*) Laundry and other service charges.

(*c*) Extra food and recreation costs.

*3. The family unit as a whole*

The enlisted member who is separated from his family is, in all likelihood, being subsisted from a Government mess and consequently forfeits $1.32 daily, the amount of his basic allowance for subsistence. This sum represents a significant contribution to the family food budget under normal conditions when the full family group is eating together.

Where available, certain base-provided services and conveniences are unquestionably helpful to these families. However, their availability cannot be assumed. While a family may technically be assigned Government quarters (for which the member forfeits his basic allowance), it may not necessarily have access to base-type facilities in the sense apparently envisioned by the law in denying them this $30-a-month allowance. The fact is that the Government support may be minimal or even nonexistent.

Of particular interest in this regard is the special situation at the former Schilling Air Force Base in Salina, Kans. Here, the Department of the Army is managing an experimental program to provide badly needed housing for separated service families by utilizing Government housing which was made excess by the deactivation of this former airbase in 1965. Six hundred and fifty-six military families, of all the services, now occupy Schilling Manor, the family housing area of this former Air Force base. A waiting list of approximately 100 families further attests to the urgent housing needs of these separated military families and the success of the experiment.

On the other hand, the Schilling situation particularly highlights the inequity of limiting the current entitlements to a separation allowance to those members whose families do not occupy Government quarters.

Under the circumstances, the reactivation of Schilling Manor was undertaken on an austere basis with the rehabilitation of only essential facilities. There is, for example, no internal bus service provided, the absence of which results in increased transportation costs for most of the occupants. (This is a particularly acute situation at Schilling, since approximately 40 percent of the dependent wives are foreign born, many of whom do not drive). An adequate commissary was reinstituted, but the post exchange is operated on a limited basis. On-base facilities usually associated with an operating military post, such as hospital, PX, gas station, library, bowling alley, clubs, and so forth, are for the most part not available or, at best, inadequate. Fort Riley, the nearest active military base, is 60 miles away.

While Schilling Manor accounts for the largest single concentration of separated families in Government quarters with limited base-type support, there are other service families in like situations. The Department

of the Army, for example, on June 30, 1968, had a total of 1,201 separated families occupying Government quarters for which the sponsors forfeited their basic allowances for quarters and consequently are denied entitlement to a family separation allowance. These 1,201 families are dispersed among approximately 45 different locations; 444 are at Schilling, and another 54 are occupying quarters at 16 deactivated Nike-Ajax missile sites.

It is the view of the Department of Defense that current law discriminates unfairly against the families of members who are serving unaccompanied tours at overseas locations in compliance with military orders by denying them a $30-a-month separation allowance because they occupy Government quarters and, as a result, are not entitled to a basic allowance for quarters.

## FAMILY SEPARATION ALLOWANCE

The bill (H.R. 9486) to amend title 37 of the United States Code to provide that a family separation allowance shall be paid to any member of a uniformed service who is a prisoner of war, missing in action, or in a detained status during the Vietnam conflict was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1348), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

H.R. 9486 would provide a family separation allowance of $30 a month to any member of a uniformed service, with dependents, who is in a "missing status" on or after February 28, 1961, within the meaning of such term as defined in section 551(2) of title 37, United States Code, during the period he is in that status, if he is not otherwise entitled to this allowance because of military grade or residence of his dependents. This bill would be effective on the first day of the first month following enactment with no retroactive accrual of the family separation allowance. The provisions of this bill would benefit a member who is officially carried or determined to be absent in a status of—

(a) Missing;

(b) Missing in action;

(c) Interned in a foreign country;

(d) Captured, beleaguered, or besieged by a hostile force;

(e) Detained in a foreign country against his will.

In addition, in applying the provisions of chapter 10 of title 37, United States Code (formerly the Missing Persons Act), to H.R. 9486, the surviving dependents of a deceased member would be paid the family separation allowance in addition to all other pay and allowances credited to his account during the time he was in a "missing status."

Section 11(1) of the Uniformed Services Pay Act of 1963 (37 U.S.C. 427(b)) authorized a family separation allowance to a member with dependents (other than a member in pay grade E-1, E-2, E-3, or E-4 (4 years' or less service)) who is entitled to a basic allowance for quarters if his dependents are not authorized to move at Government expense to his permanent station, and they do not reside at or near that station, or he is on duty on board a ship away from his permanent duty station for more than 30 days and his dependents do not reside at or near his temporary duty station. Additionally, the Comptroller General ruled that unless a member maintains a residence or household for his dependents, subject to his management and control, which he will likely share with them as a common household when his duty assignment permits, he is not entitled to family separation allowance.

The family separation allowance was intended to help defray the additional household expenses resulting from the enforced separation of servicemen from their families because of military orders.

It is the view of the Department of Defense that, with very few exceptions, the extra out-of-pocket expenses incurred by any family whose sponsor is absent because of military reasons is substantially the same and the payment of the family separation allowance is warranted irrespective of the fact that the dependents may occupy Government quarters or private quarters not subject to his management and control, or the sponsor may be serving in the grade of E-4, with less than 4 years service, or lower.

Entitlement to the family separation allowance, now authorized under 37 U.S.C. 427, was limited by the Department of Defense to exclude those members whose dependents are not considered as part of his household. Examples are: a sole dependent wife, legally separated, or a child in the legal custody of another person.

## WATER CARRIER MIXING RULE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the morning business or the morning hour, whichever comes first, the Senate proceed to the consideration of Calendar No. 1347, H.R. 8298, to modernize certain restrictions upon the application and scope of the exemption provided in section 303(b) of the Interstate Commerce Act, and that it be made the pending business.

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

## ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW, and 10 A.M. ON WEDNESDAY, NOVEMBER 25, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until tomorrow at 10 a.m.; and that the Senate convene at 10 a.m. on Wednesday morning, November 25.

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

## ORDER FOR THE RECOGNITION OF SENATOR AIKEN TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the disposition of the Journal on tomorrow, the distinguished Senator from Vermont (Mr. AIKEN) be recognized for not to exceed 30 minutes.

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

## THE CYNICAL SHAPE OF HANOI'S POLICY

Mr. COOPER. Mr. President, a few days ago, an unarmed reconnaissance plane flying over North Vietnam was deliberately and treacherously shot down by an antiaircraft missile. That reconnaissance plane had every right to be there. Its mission was peacefully to detect—and thereby help South Vietnam protect itself against—the surreptitious buildup of military forces and supplies earmarked for aggression against her.

Now we see the cynical shape of Hanoi's use of prisoners of war, for she has announced that our retaliatory attack has caused POW casualties. If this is true, either the POW prison camps have been placed in close juxtaposition to antiaircraft installations, or these casualties are the result of North Vietnam action with the intention of blaming them upon the attackers. Either way, this is contrary to the law of nations. Either is totally abhorrent to civilized man.

We all fervently hope that Hanoi will soon come to realize that the way to acceptance in the community of the world lies in some accommodation with the accepted opinion of the world.

## THE TRADE BILL

Mr. FANNIN. Mr. President, the House of Representatives has passed a very important trade bill which is designed to save American jobs. Now it is up to the Senate to carry through on this vital legislation. It is essential that we act quickly.

Mr. President, history books paint a colorful picture of powerful industrialists who conspired to monopolize business in 19th century America. We are told that these giants of finance and manufacturing got together to rig prices, to divide the marketplace, and to drive out unwanted competition.

This situation led to passage of antitrust legislation 90 years ago.

Now, in theory, American consumers and manufacturers do not have to worry about powerful interests ganging up to exploit them.

I said, "in theory."

Actually, Americans today face much the same situation they did a century ago.

Powerful financiers and industrialists are meeting regularly to decide how they will go about capturing a particular section of the American economy.

These representatives of major manufacturing, banking, and merchandising firms agree on sales strategy. They may decide that they are willing to sell an item at below cost for several years until they can kill off established or would-be competition.

These cartels decide which firms shall be a part of their design, and which companies will be excluded.

These interests have vast financial backing—staggering resources with which to lobby, conduct public relations campaigns, advertise, and pursue all-out efforts to capture markets.

This maneuvering I have just described is not subject to penalties under American antitrust law. It is not against our domestic antitrust law because it is carried on in Japan by ambitious Japanese interests intent on dominating every vital international market.

Those of us concerned about the loss of jobs in the United States have been

talking about this situation for some time.

We contend that there must be "fair trade" if there is any reasonable hope of having "free trade."

Idealists pushing for free trade have insisted that America take unilateral action in breaking down tariff and other trade barriers. They say we should be the leaders in the free trade movement.

We have been more than the leaders—we have been the victims.

Our trading partners have interpreted our generosity as weakness. They have been anxious to take and very reluctant to give.

There was a time when some of our trading partners required advantages to help them recover from world wars or to aid them in industrialization. Now it is time—past time—for these nations to realize they are no longer entitled to unfair trade advantages.

Instead, foreign business interests have ganged up on American industry. They have been grossly unfair.

Such unfair competition is well documented in the September issue of Fortune magazine. The article, "How the Japanese Mount That Export Blitz," was written by Louis Kraar.

Every Member of the Senate should read this article.

My colleague from Georgia, Senator TALMADGE, mentioned this article in a very eloquent speech earlier last week. I would like to discuss it a bit further.

Mr. Kraar describes just how Japan coordinates its national financial and production capacity in an effort to dominate world commerce. The article says that the devastating tactics being used by the Japanese include these features:

The export offensive is commanded by Premier Eisaku Sato in person; he heads the supreme trade council, where top business and government leaders quietly slice up the world market and set annual goals for every major product and country.

To boost exports, the government backs corporations with an arsenal of help—credit at preferential rates, attractive tax incentives, and even insurance against overseas advertising campaigns that fail to meet sales targets.

Cartels of exporters meet regularly to fix prices and lay plans for overwhelming foreign competitors.

A large and growing foreign-aid program is, at heart, another export-promotion device, fueled with long-term credit and direct investments.

Giant general trading companies spearhead the export drive. Their tireless sales forces abroad are backed by the full force of Japan's banks and government ministries.

A government-owned company, Jetro, operates on a global basis to promote Japanese products and arm companies with export intelligence.

The Fortune article describes how some Japanese products are sold abroad below cost for several years in order to make market penetration and then drive out established manufacturers.

After all competition is driven out or at least whipped into line, then the Japanese manufacturers can boost their prices to whatever profit level they desire.

Thus we have a situation in which individual American companies—forbidden by law from combining—must try to compete with the integrated financial and industrial might of an entire nation.

The Japanese are employing methods of trade that are denied to American industry. Japan is able to dominate many markets within the United States because it is using business methods which are illegal in the United States.

These practices also are contrary to international agreements and violate American laws regarding international trade. Foreign manufacturers have chosen to abide by these agreements only when the agreements are to their benefit.

Unfortunately, the U.S. Government has not enforced the agreements or laws with any vigor. Foreign manufacturers have found that retaliation under these laws is so weak or so slow that it is virtually meaningless.

Furthermore, American businessmen have become so disillusioned that many have given up on filing complaints under these laws even though they have more than just cause.

Indeed, these very American businessmen have decided it is better to join than to fight. That is why so many American firms are rushing to set up plants overseas where labor is cheap. Once these firms get foreign plants, then they would just as soon maintain the current system that gives an unfair advantage to products from abroad.

As I have said, our laws have provided a means for dealing with most unfair foreign competition—but these laws have not been enforced adequately. There is the Countervailing Duty Act, the Antidumping Act, the Unfair Trade Practices Act, and the Trade Expansion Act of 1962.

All of these should provide remedies to halt unfair foreign competition. They should, but they do not.

In the Trade Act of 1970 we have put some teeth into the system of dealing with unfair foreign trade practices. We would require the Federal agencies involved to handle complaints expeditiously. We would have the means of making our trading partners abide by some of the same rules we impose on our own industries.

The bill takes some important steps in limiting the growth of imports. It does not wipe out foreign imports; it does not severely restrict them. It provides for a reasonable growth of imports.

Mr. President, what I am concerned about is American jobs.

We already have an unemployment problem in the United States. It is serious, but not yet critical.

It could become critical in the next few years when we will see tremendous reductions in our military services. We will need jobs for the hundreds of thousands of veterans and for defense industry workers who have been and will be displaced.

Chairman MILLS summarized it well in arguing for the trade bill in the House.

He told the Members of the House of Representatives:

If we don't protect textiles there won't be a shirt factory in the United States in five years.

If this legislation is not passed,

Chairman MILLS said:

I shudder to think of the legislation that will pass in two years as unemployment goes up.

Critics of the bill are saying that it is anticonsumer, that quotas on textile and shoe imports could cost consumers $3.7 billion more a year by 1975. This figure has been challenged by other authorities.

Stanley Nehmer, Deputy Assistant Secretary of Commerce for Resources, said last week that American workers could lose as much as $3 billion a year in wages by 1975 if Congress does not stop the flood of cheap textile imports.

Much of the controversy we have read about in recent months has concerned the shoe and textile quotas. These are important industries in certain parts of our Nation. They are, however, only a small part of the problem for the Nation as a whole.

Other industries are suffering far heavier job drains and dollar losses.

Consider the import statistics for automobiles in 1969.

Car and truck imports from Japan totaled more than $316 million. The United Kingdom sold more than $138 million worth of cars, trucks, and buses. And more than $1 billion worth of such vehicles were shipped to the United States by the European Economic Community.

Perhaps more important than the immediate loss of jobs is the fact that our Nation is losing its technological competence. I am especially concerned about the loss of electronics technology. There is an obvious erosion of the Nation's ability to provide itself with the complex and critical items that can be so vital to survival in today's world.

While the giant manufacturers of one nation conspire to corner the electronics market within the United States, another group of nations conspires to close its doors to American-made electronics equipment.

Final touches are now being put on the preparation of a European-wide system of testing and certification for electronic components. This system will place potentially serious burdens on electronic components imported into Europe from countries not participating in the certification system. Despite our emphatic request, the United States has not been allowed to participate in the system.

Advocates of free trade have argued that ideally each nation should produce the goods it can produce most economically and other countries should buy from that nation.

This theory simply is not working.

How can there be free trade when a major trading nation sets out to monopolize markets through manipulation of its entire national resources?

How can there be free trade when combinations of nations come up with agreements among themselves that are designed to shut out other trading nations?

The United States has been the "good Sam" too long. We have stuck our neck out for free trade, and our trading partners have been chopping away at it gleefully. Now is the time to put a stop to this nonsense.

It is time to serve notice that if a foreign nation is to sell its products in

the United States, it must compete fairly, there must be an end to the dumping of of products on American markets; there must be an end to foreign government subsidies that allow unrealistic cutrate pricing.

It is time to serve notice that if a foreign nation is to sell its products in the United States, the foreign nation must open its doors to American products.

Japanese television sets are flooding the U.S. market, yet it is impossible for American manufacturers to export their television sets to Japan. Is this free trade?

It is obvious that some American business leaders who should be worried about this trend of imports are not showing due concern. They are moving their plants abroad, wiping out jobs here at home.

What they fail to realize is that this process can go or for only so long. Eventually, when America loses its productive power, it will have lost a great many of its jobs, then there will be no employment for millions of Americans, and without jobs they will not have the money to buy any products—imports or domestic.

Once America has lost its technology in a certain field, the American consumers are left at the mercy of foreign manufacturers. They can set pries just as high as the market will bear.

In such a case, one might say, American industry would tool back up and reclaim the market. This might happen if we had a true free market situation, but it would be foolish to attempt it when foreign nations can take steps to smother any potential competitors.

In essence, America is in trouble in foreign trade for three reasons.

First, as I have said, there has been a failure of our Government to enforce trade laws and agreements. We have permitted foreign competition to use unfair methods.

Second is the soaring cost of American labor. Irresponsible demands by unions have pushed American manufacturing costs far out of line. Wage hikes have been out of proportion to increases in productivity.

Third is the attitude of manufacturers themselves. Too many are unwilling to stand and fight on American soil. Instead, they join the flight to overseas havens of cheap labor.

We must take steps to correct these situations.

Furthermore, we must stop the unilateral lowering of tariffs. Why should we lower the American tariff on Japanese cars to 3 percent at a time when the minimum tariff on an American car in Japan is 17 percent and the Common Market tariff on U.S. manufactured cars is 11 percent.

The current U.S. tariff for television sets from abroad is 8 percent. Were we able to get American-made television sets into Japan, the tariff would be 24 percent.

What we are talking about in the trade bill is the protection of American jobs. These jobs are held by workers, and workers are consumers. So this is not anticonsumer.

This bill is protectionist only insofar as it tries to protect Americans from unfair foreign competition and the resulting unemployment.

## RECOGNITION OF SENATOR CHURCH

The ACTING PRESIDENT pro tempore. Pursuant to the previous order, the distinguished Senator from Idaho (Mr. CHURCH) is recognized for not to exceed 20 minutes.

## THE ATLANTIC CONFERENCE

Mr. CHURCH. Mr. President, I would like to call attention to an important discussion of American foreign policy and of our role in the world which took place this past weekend. I refer to the meeting of the Atlantic Conference from November 12 to 15 at Dorado Beach, P.R.

This Conference, which I was privileged to chair, included a bipartisan group of five Senators and two Members of the House of Representatives. In addition, there were 35 other distinguished leaders active in political, government, business, banking, journalism, and education. They came from the United States and Canada and 13 countries in West Europe and Latin America. The Conference program, which I shall ask unanimous consent be included in the RECORD at the conclusion of my remarks, describes the agenda and names of those who took part.

I would like to emphasize briefly how important it is at this time to hold this kind of serious discussion.

The Atlantic Conference provided an opportunity for us to raise in complete privacy and candor, the central questions that relate to a redefinition of the U.S. role in the world. We heard perceptive European and Latin American leaders present their views on this subject, and more specifically on our future policy toward Europe and Latin America. We had a thorough discussion of trade policy in the Atlantic world, which, Mr. President, has underscored the need for us in the Senate to approach this subject during the next few weeks in a serious and sober fashion. We had a lively discussion of the role that military elements play in domestic and foreign policy formulation in the United States, Europe, and Latin America, and the limitations which should be placed on the use of military intervention in the conduct of international affairs.

For those of us who have long taken an active interest in foreign policy, this Atlantic Conference was a unique opportunity to exchange views on the central issues before us in the coming decade.

As chairman of the Subcommittee on Inter-American Affairs of the Senate Foreign Relations Committee, I was especially pleased that the Conference focused much of its attention on U.S. policy in the Western Hemisphere, as well as relations between Europe and Latin America. European leaders were particularly inquisitive as to the possible contribution that Europe might make. Latin American leaders were clearly interested in close cooperation with Europe and in playing a larger role in the affairs of the Atlantic world in the coming decade.

I know that I reflect the views of the other participants in expressing the hope that there will be a continuing dialog among European and North and South Americans and that there will be additional opportunities to continue these frank off-the-record discussions in future years.

I want to express my thanks to the organizers of the conference, especially Mr. John Rielly of the Overseas Development Council in Washington and Mr. David Bronheim of the Center for Inter-American Relations in New York.

On behalf of those who participated, I also want to express our special thanks to the Ford Foundation which inspired the conference and defrayed its costs.

I recommend to the attention of my colleagues: first, the conference program; second, the informal statement released to the press at the end of the meeting; and third, two press clippings under date of November 16, 1970, published in the San Juan (P.R.) Star.

I ask unanimous consent that these materials be inserted in the RECORD at this time.

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

(See exhibits 1, 2, 3, and 4.)

EXHIBIT 1

PROGRAM: ATLANTIC CONFERENCE, NOVEMBER 12–15, 1970, DORADO BEACH, P.R.

BACKGROUND

The Atlantic Conference brings together forty leaders from Europe, North America and Latin America for a private, off-the-record discussion of political, social, economic and international questions of importance to the Western world.

There is strong opinion favoring the establishment of closer communication and collaboration between leaders of the Western world, for at least three specific reasons: the re-evaluation of the United States' world role in light of its possibly increasing isolationist tendencies, the social and economic crises confronting many Latin American countries, and the growing importance of Europe's role outside of Europe.

ORGANIZING AN ATLANTIC CONFERENCE

In Spring, 1970, an Inviting Committee of a dozen United States Senators was organized under the co-chairmanship of Senator Frank Church and Senator Mark Hatfield. They agreed to sponsor an Atlantic Conference of representatives from Europe, North and South America.

They also agreed that the Atlantic Conference would focus on common problems of the Western world shared by the three continents, rather than attempting to deal with each continent's problems on its own. Indeed, the name "Atlantic Conference" is designed to emphasize that these are not United States-Europe or United States-Latin American meetings, but rather meetings of leaders from the major nations of the Western world. Nor is the name intended to convey any particular form of organization of the Western world, much less any specific defense or diplomatic policy. But it does assume that all three continents share a Western culture which continues to provide a cohesive bond between the peoples of Europe, North America and Latin America.

Because of the critical importance of decisions being made by the United States at this time that are affecting profoundly the future course of its, and others, foreign policies, the Inviting Committee also decided that the sessions should focus more on the

specific topic of the United States' role in the world, bringing to bear views of people from other states in the Western world and focusing also on the roles of Europe and Latin America in the Western world. Therefore, the two subjects chosen for discussion are as follows:

1. *The role of the United States in the world: a European and Latin American view*
   a. Political role
   b. Security role
   c. Trade policy in the Atlantic world
2. *The role of military influence in domestic and foreign policy: Europe, the United States and Latin America*

These topics reflect a widespread awareness throughout Europe, Latin America and the United States that there is a need to redefine a positive role for the United States in the world for the next decade. It is also now clear that the hegemony which the United States has exercised in the Western hemisphere in recent decades cannot continue, but rather the United States must fashion a new relationship with Latin America. As the modernization of Latin American society has increased and political consciousness has spread, Latin Americans have become increasingly restive about the pervasive presence of the United States.

Furthermore, as the larger Latin countries of the Americas have developed, they are playing a greater role as participating members of the Atlantic community and have gained influence in shaping new patterns of international relations between north and south, east and west.

Also, the topics to be discussed recognize the new opportunities for Europe in finding a role *outside* of Europe. The continent today remains fragmented in the west and divided in the east; but its economic, technological and military resurgence gives it considerable capacity to play a role in international affairs. Even if this role continues to be secondary to concerns of European interests within Europe it can nonetheless become important. Will Europe seek a larger role in Latin America? The answer to this question is not clear. But the traditional ties between Latin America and Europe could be a natural development. So, too, because of the redefinition of the United States' interests in the Western world, there is growing opinion that an increased European role would serve not only European interests but also those of North America as well.

Finally, the topics chosen for the Atlantic conference do not presume specific conclusions or answers to any of these questions; nor are the members of the Inviting Committee committed to any one set of conclusions. It is assumed only that these problems are of sufficient interest to Europeans, North Americans and South Americans to stimulate serious discussion by people from throughout the area who will shape the political, economic and social trends of their continents for the coming decade. In choosing the participants for the meeting, therefore, the Inviting Committee has given special attention to involving leaders in politics, government, finance, business, education and the media who have either assumed positions of top responsibility in their countries only recently, or who are likely to do so in the coming decade.

Invitations for this year were extended both on the basis of the agenda for the particular meeting and on the extent to which each individual represents a dominant group or trend in his own society. Where several people were invited from a specific country, a special effort has been made to include representatives of major political groups in that country.

The conference is limited to participation of approximately 40 persons in order to permit everyone to be fully engaged. This group is drawn as equally as possible from North America, Europe and Latin America.

The Atlantic Conference may, for all these reasons, provide a useful alternative to the natural rigidity of relations conducted principally if not exclusively through official channels. All discussions will take place in private and without publicity; hopefully, too, this informal character of the conference and the personal capacity in which participants attend, will enable frank exchanges to take place.

It is not the purpose of the conference to reach unanimous conclusions. Rather the importance of discussion lies in what each individual is able to derive of value to himself. Ideally, it will have an impact through the decisions that individual participants will be making upon returning to their own countries.

Four papers will be discussed at the meeting:

1. *The Role of the United States in the World: A European View* by Philip Windsor, Reader in International Relations at the London School of Economics and Political Science.
2. *The Role of the United States in the World: A Latin American Point of View* by Mariano Grondona, Journalist and Commentator, Buenos Aires, Argentina.
3. *Trade Policy in the Atlantic World* by Lawrence Krause, Senior Fellow, The Brookings Institution, Washington, D.C.
4. *The Role of Military Influence in Domestic and Foreign Policy* by Samuel P. Huntington, Chairman, Department of Government, Harvard University, Cambridge, Massachusetts.

ORGANIZATION

The administration of the Atlantic Conference is simple and informal. The co-chairmen of the Inviting Committee are Senator Frank Church of Idaho and Senator Mark Hatfield of Oregon. The other members of the Committee are:

Senator Marlow Cook of Kentucky.
Senator Robert Griffin of Michigan.
Senator Edward Kennedy of Massachusetts.
Senator Charles Mathias of Maryland.
Senator George McGovern of South Dakota.
Senator Walter Mondale of Minnesota.
Senator Edmund Muskie of Maine.
Senator James Pearson of Kansas.
Senator Joseph Tydings of Maryland.

The conference has been organized by David Bronheim, Executive Director of the Center for Inter-American Relations in New York and John E. Rielly, Senior Fellow at the Overseas Development Council in Washington. The conference is financed by a grant from the Ford Foundation to the Center for Inter-American Relations, where the Conference secretariat is located.

THE FUTURE

The organizing committee hopes that in the course of the conference, participants will consider the question of whether or not to make this a continuing series of meetings. It is their hope that this question will be decided by the end of the Conference.

SCHEDULE: NOVEMBER 12, 1970, FIRST SESSION

4:00 p.m.–6:00 p.m., registration.
8:00 p.m., formal opening of the Conference. Introductory remarks, review and discussion.

NOVEMBER 13, 1970, SECOND SESSION

9:30 a.m., presentation of paper by Philip Windsor: *The Role of the United States in the World: A European View.*
11:15 a.m., discussion—Intermission.
11:30 a.m., presentation of paper by Mariano Grondona: *The Role of the United States in the World: A Latin American Point of view.*
1:00 p.m.–3:00 p.m., discussion—Lunch.
3:00 p.m., continued discussion.
8:00 p.m., dinner.

NOVEMBER 14, 1970, THIRD SESSION

9:30 a.m., presentation of paper by Lawrence Krause: *Trade Policy in the Atlantic World.*
1:00 p.m.–2:30 p.m., discussion—Lunch.
2:30 p.m., presentation of paper by Samuel P. Huntington: *The Role of Military Influence in Foreign and Domestic Policy: Europe, Latin America, and the United States.*
8:00 p.m., discussion—Dinner.

NOVEMBER 15, 1970, FOURTH SESSION

10:00 a.m., continued discussion of Huntington paper.
1:00 p.m., summary—Concluding luncheon.

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LIST OF PARTICIPANTS*

UNITED STATES

Frank Church, *United States Senator.*
Charles Mathias, *United States Senator.*
George McGovern, *United States Senator.*
Walter Mondale, *United States Senator.*
Joseph Tydings, *United States Senator.*
John Anderson, *United States Congressman.*
Donald Fraser, *United States Congressman.*
John Diebold, *President, The Diebold Group.*
Thomas Wicker, *Associate Editor, New York Times.*
Howard Stein, *President, The Dreyfus Fund.*
Bayless Manning, *Dean, Stanford Law School.*
Joseph Slater, *President, The Anderson Foundation.*
Lawrence Krause, *Senior Fellow, The Brookings Institution.*
Theodore Geiger, *Director of International Studies, National Planning Association.*
Samuel P. Huntington, *Chairman, Department of Government, Harvard University.*
David Bronheim, *Executive Director, Center for Inter-American Relations.*
John E. Reilly, *Senior Fellow, Overseas Development Council.*

CANADA

Ivan Head, *Special Assistant to the Prime Minister.*
J. P. Goyer, *Member of Parliament.*

ARGENTINA

Oscar Camilion, *Editor, El Clarin.*
Mariano Grondona, *Editor, Mercado.*

BRAZIL

Delfin Neto, *Minister of Finance.*
Jarbas Passarinho, *Minister of Education.*

CHILE

Claudio Véliz, *Director, Center for International Studies.*
Erik Schnake, *Member of the Chamber of Deputies.*
Felipe Herrera, *President, Inter-American Development Bank.*

MEXICO

Alfredo Navarrete, *Director Adjunto, Nacional Financiera.*
Gustavo Petricioli, *Director General, Estudios Hacienda Guios.*

PERU

Jorge Fernandes Maldonado-Solari, *Minister of Energy and Mines.*

VENEZUELA

Enrique Perez Olivares, *Dean, Faculty of Law, Central University of Caracas.*

BELGIUM

Leo Tindemans, *Minister of Community Affairs.*

FRANCE

Jean de Lipkowski, *Secretary of State for Foreign Affairs.*
André Fontaine, *Editor-in-Chief, Le Monde.*

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*Provisional, as of November 6, 1970.

GERMANY

Klaus Schütz, *Mayor of Berlin.*

Helmut Kohl, *Minister President of the Rhineland-Palatinate.*

GREAT BRITAIN

Philip Windsor, *Reader in International Relations, London School of Economics and Political Science.*

ITALY

Piero Bassetti, *President, Lombardy Regional Government.*

Angelo Bernassola, *Director of International Affairs, Christian Democratic Party.*

NETHERLANDS

Thom Kerstiens, *Secretary General, UNIAPAC.*

SPAIN

Laureano Lopez-Rodo, *Minister of Planning and Deputy Prime Minister.*

Joaquin Ruis-Jimenes, *Universidad de Madrid.*

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EXHIBIT 2

PRESS STATEMENT

The first Atlantic Conference, held at the Dorado Beach Hotel, Puerto Rico, from November 12th to 15th, 1970, has brought together 39 political leaders from the United States; Canada, Western Europe, Mexico and South America. For this conference—possibly the beginning of a series—we have concentrated on the role of the United States in the world, particularly as this role is seen by other nations involved in the Atlantic world. For the United States, this is a time of thought and reconsideration; but for other states; it is also a time of concern. Europeans are concerned that the United States should not lose sight of the special responsibilities it continues to have in European security and that an American-European dialogue should be maintained in political as well as economic matters. Latin Americans are concerned about their own relations with the colossus to the North, particularly in the realm of economics and patterns of development.

This Conference, therefore, has addressed these questions from four different perspectives, in four separate papers prepared by experts in three countries: 1) a European view of the U.S. role in the world; 2) a Latin American view; 3) trade policy in the Atlantic world; and 4) the role of military influence in the various countries.

These four papers provided the basis for a lively and provocative discussion of broad questions affecting the three Continents facing the Atlantic. Necessarily, these discussions were off-the-record, in order to permit each delegate to express his own personal ideas with complete candor and forthrightness.

In addition, delegates demonstrated a willingness to listen as well as to talk: This was especially important for delegates from the United States, who expressed their own need, through a meeting such as the Atlantic Conference, to become more fully aware of ideas and attitudes that are often obscured by the sheer bigness of the United States.

In general the discussion centered on the following topics:

The changing nature of the U.S. role in the world. In particular, the delegates were concerned about the role that the United States has long played as political or social exemplar, and the manner in which this is now changing, partly because of political developments in the world, and partly because of the internal crisis which the United States is facing today. It is now clear that the place that the United States will occupy in the world in the future depends in large measure on what happens in that country itself during the next few years, and the manner in which the process of reconsideration now going on is resolved.

The role of international trade provoked a stimulating discussion, probably because it affects all nations represented at the conference in direct ways. The delegates agreed that a fuller understanding of the potential and limitations of trade is crucial to international cooperation, economic development, and to a reassessment of the position of each nation in the world. It is a much neglected subject, that must become the subject of intense study, in order to assess its place in the relations among states, and particularly prospects for Latin American nations to succeed in their own efforts at self-advancement. Similarly, the Conference concentrated in some detail on the whole question of foreign aid, capital transfers, tariffs and non-tariff barriers, preferences, the export of technology and of management resources from advanced countries and the relatively new but highly significant phenomenon: the multinational corporation.

There was a discussion of the reconsideration taking place among Europeans because of uncertainties in United States foreign policy, generally. This discussion was coupled with an analysis of the changing nature of United States-Soviet relations, the scope for independent action by other states; and the overriding need for greater U.S.-Euorpean consultation and cooperation during a difficult period of transition, when both the American role in the world and the European stature in the world are changing.

The delegates paid particular attention to the special problems faced by Latin American nations in their own development—social, economic and political—and to the role which the larger nations of South America plus Mexico will play in international relations in the coming decade. This entailed a discussion of the possible roles to be played by European countries, individually or severally, and the overriding question of the relation of Latin American states to the United States. Indeed, this discussion reflected a profound awareness on the part of the delegates of the difficulties inherent in relations between countries attempting to develop themselves and richer, more highly industrialized nations. It also reflected a new awareness that the countries of Latin America are now finding their own solutions—economic as well as political—to their own problems.

The delegates touched on a new and pressing problem: the possible erosion of the physical base of life itself by threats to the environment. This is a problem that must be dealt with in common, and attacked urgently, if it is to be dealt with at all. Even in the developing world, there is a need for concern about protecting the ecosystem, as part of a more encompassing awareness of the world's growing interdependence.

The conference's last paper raised numerous issues concerning the role of the military in various societies in the Atlantic world, and the impact of these issues on prospects for internal development, foreign policy and, most particularly, the kinds of cooperative understandings that are needed on the role that arms sales and supplies will play in the relations among these states. There was a preliminary analysis of the impact of particular types of governments on the development process, and the connections between that process and relative levels of arms expenditures.

And, not surprisingly, the delegates focused on the greater role that young people are playing in social and political development in virtually every country in the world. This is important for its impact on the way that nations look at their own role in the world, and restructure their values to meet the changed demands of the 1970's.

By the very diverse nature of the group taking part in this conference, there was no general agreement on all these topics. Yet it would have been disappointing if the Conference had merely set out to achieve simple agreement on all the complex matters that make up the changing relations among states in the Atlantic world.

If anything, this first Atlantic Conference has indicated the imperative need for greater efforts to consider in common those problems affecting all states in the Atlantic world. There is an emerging interdependence of these states that must be dealt with; and it can best be dealt with in the spirit of amity and cooperation, coupled with hard analysis and serious concern, that has marked this first Atlantic Conference.

It has set a pattern for our future efforts. And, with effort and patience, we can build on this beginning towards greater cooperation and mutual understanding among all our peoples in the future.

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EXHIBIT 3

[From the San Juan (Puerto Rico) Star, Nov. 16, 1970]

SENATOR PROPOSES REVIEW OF OAS POLICY ON CUBA

(By Harold J. Lidin)

DORADO.—The chairman of the U.S. Senate Subcommittee on Western Hemisphere Affairs said Sunday it is time for a review of inter-American policy towards Cuba.

"It is time for us, to take up with the members of the Organization of American States the whole question of hemisphere policy towards Cuba," said Sen. Frank Church, D–Ind.

Church, however, declined to say whether the existing OAS diplomatic and economic sanctions against Cuba should be lifted.

Stressing that what he seeks is a "consultation," Church warned "it is better to test the waters now than to be doused in them later."

Asked about the non-inclusion of Puerto Rico in the Latin American denuclearization treaty, Church said that was a matter "for the people and government of Puerto Rico to decide."

"I generally favor the denuclearization pact," he added.

Church's remarks came in an interview at the closing of the First Atlantic Conference, held at the Dorado Beach Hotel.

Some 40 persons attended the three day gathering at the plush beach resort. The theme of the discussions was the role of the U.S. today in the world, in the fields of politics, security and trade.

The discussions and conclusions of the Atlantic conference were kept off the record, an official announcement stated, "in order to permit each participant to express his own personal ideas with complete candor and forthrightness."

Church said he feels that present U.S. policy towards Chile is correct President Salvador Allende's government, he noted, was chosen democratically.

Church, who served as cochairman of the Atlantic conference, was the ranking figure in a U.S. group that included Sens. George McGovern D-N.D., and Joseph Tydings, D-Md. plus top financial figures like Dreyfus Fund President Howard Stein and Diebold Group President John Diebold.

Latin American personalities who attended the conference include Brazilian Minister of Finance Antonio Delfin Neto and Brazilian Education Minister Jarbas Passarinho.

European participants included West Berlin Myor Klaus Schultz and Spanish Minister of Planning Laureano Lopez Rodo.

EXHIBIT 4

DORADO CONFERENCE EMPHASIZES NEW AMERICAN ROLE: U.S. URGED TO CHANGE ITS LATIN POLITY

(By Efrain Parrilla)

The U.S. must re-evaluate its political, economics and military role in Latin American if the stability of the Atlantic world is to be maintained.

That is the gist of two papers on the role of the U.S. in the world, presented at the First Atlantic Conference, which ended Sunday at the Dorado Beach Hotel.

The purpose of the three-day conference was for leaders of the major nations in the Western world to hold private discussions on questions of international importance.

Specifically, the conference dealt with the role of the U.S. in today's world. Latin America's present social and economic crises and the growing importance of Europe's role outside Europe.

The press was barred from the conference, which was organized by the Ford Foundation and brought together about 40 political leaders and intellectuals from Europe and America.

However, copies of several papers presented at the conference which were obtained by the STAR indicate that a need for a new American policy regarding Latin America was discussed.

In one of the papers, Argentine Journalist and commentator Mariano Grondona notes there is among Latin American countries a feeling that they have little to gain in U.S. markets.

This, Grondona adds, is due to Latin America's limited access to these markets.

Grondona adds this is also true regarding the European Common Market, but the weight of his observations are concerned with U.S.-Latin American relations.

Pointing to the potential dangers of this limited access, Grondona says "from this conviction to progressive political, economic and ideological segregation is but a step."

Grondona notes that the "radicalization of Latin American cities" is connected with the idea that developed countries exploit smaller nations through several sophisticated economic mechanisms.

He points to shipping rates and international trade financing as some of these mechanisms.

In a separate paper, British professor Philip Windsor said many Europeans feel the U.S. would benefit from a greater European influence in Latin America.

Windsor, reader in international relations at the London School of Economics and Political Science, adds that the European influence could offer an alternative to countries wary of American preponderance which would otherwise turn to the Socialist world.

European influence, Windsor, says, would provide "an alternative pole of attraction in a continent where looking towards the Communist bloc is one traditional reaction against what is largely thought of as Yankee imperialism."

Windsor adds: "To Europeans, it is becoming clear that the U.S. must develop a new relationship with Latin America during the next decade."

With modernization and spreading political consciousness, Latin Americans "will become more restive about the pervasive presence of the U.S. and more intent on curtailing American influence," he argued.

Windsor said there is a paradox between U.S. acquiescence to trade between Europe and socialist countries in Eastern Europe and its efforts to hamper trade between Europe and Cuba.

He also noted that "the American government declares that it is de-stabilizing for European countries to sell jet aircraft to Latin America, but stabilizing for the U.S. to do so."

Windsor indicates that in any event, care must be exercised to prevent "politically disruptive competition between European countries and the U.S." in Latin America.

A paper by Lawrence Krause, a senior fellow of the Brookings Institution in Washington, D.C., suggested, however, that the U.S. may be on the way to reducing its exports.

"If comparative advantages develop in areas with the fatest growth on domestic demand, and since U.S. domestic demand is becoming increasingly service-oriented, then the exporting of goods may be becoming relatively less interesting for American producers."

To this, Krause added that "the only goods-producing industry enjoying above average growth (in the U.S.) is contract construction, which by its very nature cannot be exported as goods."

But he contends that American technological superiority should ensure the U.S. permanent export capacity.

"While other countries will adopt the new technology, a continuance of high levels of U.S. research and development expenditures should ensure that some even newer products will always be available for export.

"Furthermore, the international production activities of American-based corporations will provide an enduring market for various intermediate manufactured products," he says.

Mr. MONDALE. Mr. President, I would like to add to the praise of my distinguished colleagues for the Atlantic Conference meeting we were privileged to attend in Puerto Rico, November 12 to 15.

Far from some tropic interlude in generalities, this was a serious and sustained dialog with leaders of Europe and Latin America as well as academic figures from the United States. We got down to basic questions, and the give-and-take was refreshingly candid.

These frank exchanges are one of the abiding strengths of our Atlantic partnerships. For in the last account, the vitality of any alliance depends on mutual understanding.

The organizers of the Conference deserve our warmest thanks for a considerable public service.

Mr. MATHIAS. Mr. President, I invite the attention of Senators to the Atlantic Conference held November 12 to 15 in Puerto Rico. Under the sponsorship of the Center for Inter-American Relations, this year's conference called together a most erudite group of leaders from Europe, Latin America, and the United States to discuss specific questions of Atlantic relations. The delegates focused their discussions on four papers presented at the Conference; namely, "The United States in the World: A European View," by Philip Windsor, of the London School of Economics; "The Role of the United States in the World: A Latin American Point of View," by Mariano Grondona, newspaper editor in Buenos Aires; "The Role of Military Influence in Foreign and Domestic Policy: Europe, Latin America, and the United States," by Prof. Samuel P. Huntington of Harvard University; and "Trade Policy in the Atlantic World," by Lawrence Krause of Brookings Institution.

I was deeply impressed by the deep examination of the issues in these papers and in those discussions that I had a chance to witness. I was also impressed with the fine organization and efficiency with which the Conference was run, particularly the work of Messrs. John Rielly and Robert Hunter of the Overseas Development Council. I ask unanimous consent to have printed in the RECORD a brief summary of some of the interesting and cogent points made in the presentation of papers and in subsequent discussion, as they appeared to me.

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

COMMENTS OF SENATOR CHARLES MCC. MATHIAS, JR.

Before burdening you with my own comments to the four outstanding papers presented here, I should like to express my deep thanks to the Center for Inter-American Relations for its sponsorship of this conference—a conference that seems to me to represent the best expression of the Atlantic spirit. The assembling here of this learned and impressive group of leaders from Europe, Latin America and the United States gives vibrant testimony of the importance we attach to the vital issues we are discussing.

And I think it is hardly necessary to dwell on the critical crossroads at which we now find ourselves. The ravages of peace, prosperity, detente and time have created serious fissures in the once smooth surface of the Atlantic Alliance. The specter of a trade war looms large before us. The economic gulf between Latin America and her northern partners continues to widen.

Professor Huntington's charting of what he calls the "strong, broad current of demilitarization" in the United States is a powerful exposition of a process that is still little understood both in the United States as elsewhere in the world. It is a process that will, as Professor Huntington points out, "exercise major influence on American foreign policy for some time to come." Clearly it is also a process that will soon eliminate our system of military conscription in favor of a volunteer armed force. And it is likewise a process that reflects a deep seated change, over a few short years, in the fundamental outlook of America's youth. This youth, I might add, numbers about 100 million strong and will soon represent more than half our population. It is a group which will, effective January 1, 1971 (about seven short weeks from now), gain the right to vote at age 18, and will in many other ways assume a larger slice of American participatory democracy.

What does this portend for the role of the United States for the decades ahead?

Mr. Grondona points out that, in a world of "pax americana," there is a vast gulf between the United States on one side and Latin America, and indeed the entire Third World, on the other. He presents us with a marvelous program—a detailed blueprint—by which to reassume the role of vigorous leadership we have partially lost but dare not shirk. The tasks Mr. Grondona sets for the United States are clear, the role uncompromising. His analysis of what is required is right on the mark and gives us the targets we must aim for when he says:

"The United States must energetically assume the leadership of a campaign aimed at increasing world trade and permitting backward nations greater access to the markets of the developed world. This is an effective way of demonstrating that solidarity is a two-way street and not a value that is called upon only when the interests of great nations are at stake. . . . The radicalization of the Latin American elite is furthered by the feeling that, like the master of the 19th century who usurped the major portion of his worker's salary, the usurpation is international today, and derives from the advantages that developed nations have over developing nations in the controlling of prices,

rates and the financing of international commerce."

In my view, this is one target the United States should aim for. To what degree we can succeed in hitting the mark will reflect how well we are able to bridge the gulf between us.

Mr. Windsor, in his excellent study, touches on a subject very dear to my heart: namely, the process of consultation between Europe and the United States within the framework of the Atlantic Alliance. I found the following points particularly apt to the immediate problems and needs of the alliance:

". . . Many Europeans would argue that the United States devotes such an overriding interest to security that political considerations tend to go by the board . . . Such lack of coordination could represent a major source of divergence in the Atlantic Alliance during the next few years . . . Much of the debate has been distorted by arguments about force levels. Yet there is a more important question: how far is a reduction in the American commitment *in* Europe likely to affect the American commitment *to* Europe? The answer must be sought in the framework of political understanding and consultation; and that is something which the United States cannot create on its own."

These are precisely my views and it was with them in mind that I introduced to the Senate on October 14 Resolution 479 urging early and broad scale consultations on the role of the Atlantic Alliance in the 1970s. The chief objectives of the resolution are:

(1) to indicate to America's European partners that there is a unity of purpose in the United States on this subject;

(2) to put to rest fears that the United States may undertake precipitate unilateral action;

(3) to expand the focus of deliberations from the narrow question of troop levels to the total compass of our Atlantic relations; and

(4) to call for an equally clear and united initiative from Europe at this time.

You can understand my pleasure at learning that my views are shared by Mr. Windsor and presented so persuasively by him. I would hope that the imperatives of our needs in this situation are widely appreciated by other Europeans.

Mr. Krause in his study on trade policy gives us some illuminating insights into the longer range perspectives of European, Latin American and United States trade. The increasing importance of services over products in the American economy seem particularly striking and I was fascinated by the implications of this trend. I was also deeply impressed with the sheer commercial power represented in the European Economic Community today, let alone its future magnitude given the likely addition of countries from the European Free Trade Association. For me, this fact of life takes on particular dimension when considering the protectionist trade legislation that is now pending in both houses of Congress. I am frankly disturbed by the pressure that has built up in favor of this legislation and by the prospect of a devastating trade war should the legislation pass. Accordingly, I have joined with a number of other likeminded members of the Senate, both Republicans and Democrats, in actively opposing this legislation. It is my view that, beyond certain exceptional cases, demands for protection must be resisted. Indeed, measures to exclude imports are a little like drinking bourbon for breakfast: the relief is temporary and expensive and may become habit forming.

But beyond this immediate threat now before Congress, I should like to repeat my endorsement of the view that Latin America, and indeed the whole Third World, must be given a stake in the wealth of the free world. This is clearly the unanimous conviction of Messrs. Grondona, Huntington, Krause and Windsor, if not the entire conference. Yet in Washington and the capitals of Europe this imperative has been all but ignored. Mr. Krause states that Latin America must look to the European Community for trade initiatives. I believe, however, that the United States must also undertake steps in this direction. In my view, Congress must given the President the power to seek aggressively the elimination of non-tariff barriers that now impede world commerce. We must endow the Export-Import Bank with greater flexibility in financing exports. We must prepare for a "Nixon round" of trade negotiations that can open the way to a new era of expanding trade between the Northern and the Southern Hemispheres comparable to the prodigious gains of the last decade in trade among the free nations of the North. This undertaking represents a commitment to progress in the free world. It is a commitment which we Americans cannot afford to withhold.

## ORDER OF BUSINESS

Mr. BYRD of Virginia addressed the Chair.

The ACTING PRESIDENT pro tempore. At this time the distinguished Senator from South Dakota (Mr. McGOVERN) was to be recognized. Does the Senator from Virginia request recognition without prejudice to the rights of the Senator from South Dakota?

Mr. MANSFIELD. I make that request.

Mr. BYRD of Virginia. I thank the Senator.

Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

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

## THE POLITICAL BROADCASTING BILL

Mr. BYRD of Virginia. Mr. President, I have given a great deal of thought to the political broadcasting bill, which legislation was vetoed by the President of the United States.

When this legislation was before the Senate last September, I voted in favor of it.

For the same reasons which prompted me to support the legislation last September, I shall vote to override the President's veto.

The bill is not perfect. There are certain aspects of the legislation that I do not like. In fact, I would prefer that such legislation were not necessary.

But I feel that in some way, we must curb the costs of political campaigns.

There is always a temptation for political candidates to spend heavily.

An able and experienced political tactician once told me that 50 percent of all campaign expenditures are wasted. I agree.

But then he added—and I agree with this, too—the trouble is, you do not know which 50 percent.

In Virginia, last year's successful candidate for Governor, Linwood Holton, a Republican, spent $387,552.

During the senatorial general election campaign in Virginia, which ended November 3, Virginians for Byrd, the official organization for my reelection campaign, spent a total of approximately $365,000.

In Maryland, a State smaller than Virginia, the successful senatorial candidate spent approximately $450,000, and his opponent spent approximately $500,000.

In Tennessee, also a smaller State than Virginia, the incumbent spent approximately $500,000, and his successful opponent spent more than $1,000,000.

This year in New York, to cite another example, one candidate for the U.S. Senate spent $1,900,000 in the Democratic senatorial primary; his expenditures for the general election are not known at this point, but they must have been similarly high.

The public press reports that the Republican candidates for Governor of New York this year spent approximately $5 million.

This kind of spending has almost become a political way of life.

To my mind, this is not good. Campaign costs have gotten completely out of bounds. Something must be done to attempt to bring costs under control.

Generally peaking, the largest item is for advertising on television.

The legislation before us would apply to candidates for President, Congress, Governor, and Lieutenant Governor, and would limit spending by presidential candidates to approximately $6 million each for radio and television. The three candidates for President in 1968 spent $27 million on television alone.

The legislation offered by the Senator from Rhode Island, Senator PASTORE, attempts to do two things: one, it would require radio and television stations to charge the candidates at a rate no higher than its lowest established rate; and two, it would limit television and radio expenditures to 7 cents per each vote cast in the preceding election within a particular State or congressional district.

The aspect of this legislation that I do not like is that it puts limitations on only two forms of advertising, namely, television, and radio. It is justified on the ground that radio and television are using the public airwaves and are licensed by the Government; and also because the bulk of campaign expenditures these days go to the electronic media.

As I mentioned earlier, the legislation under consideration is not perfect and will not completely solve the problem. But I feel we must start somewhere.

Personally, I would favor general legislation placing overall limits on total campaign spending.

Admittedly, the legislation before us does not accompiish that objective. It is, however, a step in the right direction—toward holding down the soaring costs of seeking office.

I shall vote to override the President's vetc.

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the distinguished Senator from South Dakota (Mr. McGOVERN) is recognized.

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

The PRESIDING OFFICER. The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, if the Senator from South Dakota will yield to me, without losing his right to the floor or any of his time, I would like to take 2 or 3 minutes.

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

## LUIS ECHEVERRIA ALVAREZ, PRESIDENT-ELECT OF MEXICO

Mr. MANSFIELD. Mr. President, on Tuesday, a week from tomorrow, Luis Echeverria Alvarez will become the President of the United Mexican States. Mr. Echeverria, the President-elect, was born in Mexico City in 1922, and over the years has contributed in a most notable fashion to the politics and the social accomplishments of his country.

We are extremely fortunate to have had a succession of Presidents in Mexico who have worked effectively with the Presidents of this Nation. I believe, too, that the Mexican-United States relationship has been extremely fortunate in having in existence in recent years the United States-Mexican interparliamentary group, which meets in each country every other year. It has been a source of great mutual understanding and has done much to harmonize the interests of the two nations.

Mr. President, as one who has great admiration and respect for Mexico and its people, as one who has become somewhat intimately connected with them over the past decade, beginning with the first interparliamentary conference in Guadalajara in 1961, as one who looks forward with anticipation to the inauguration of President Echeverria on Tuesday a week, and as one who is well aware of the tremendous effort and the fine work done by the present President of Mexico, President Gustavo Diaz Ordaz, I take this occasion to express my interest and, I am sure, the interest of the Senate in the Presidential inauguration, which is soon to take place in Mexico. It is another milestone in the unbroken continuity of the Mexican Presidency in recent decades.

A portent of the administration of President-elect Echeverria may have been suggested in a quotation attributed to him by Jeremiah O'Leary in an article under the title "Echeverria: Believer in Consensus," which appeared in the Sunday Star:

> I shall be on the side of the needy, the poor and the humble, because the others know how to defend themselves.

## FRED FRAY, CHIEF DOORKEEPER OF THE SENATE

Mr. BIBLE. Mr. President, it is my sad duty to take official notice of the absence of a dear friend. This was a man all Senators knew and respected, a stanch aid and in recent years a fixture of the U.S. Senate. He was a man of quiet reliability who brought to this Chamber a gentle warmth and humor we all will miss.

For during our absence, shortly after the recent congressional recess, death took Fred Fray, the Senate's chief doorkeeper. As it turned out, Fred departed quietly and unobtrusively. And this added an extra note of sadness to his leaving because every Senator, I know, would have wanted to pay him a final tribute.

Fred was himself a part of Senate tradition. He had all the attributes—loyalty, dedication, ability, honest of purpose. And he asked little from life but the privilege to serve his State and Nation here in the Capitol of the United States.

For all his quiet demeanor, Fred had a colorful background. His active life began in the boisterous hey-day of the famed Comstock Silver Lode and carried him through leadership positions in labor, management, and government.

We all counted it a privilege to know him. We will miss him greatly.

Mr. President, Fred Fray received warm tributes from the press of his home State, and I would like to share them with all Members of Congress. I think it particularly fitting that they be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks: first, a news story of his death carried in the Reno Evening Gazette and then a warm and perceptive—and touching—profile of Fred that was written by a newspaper columnist in the Las Vegas Sun. The writer, Mrs. Judy Carlos, happened to meet Fred for the first time only a few days before his death. She was so impressed by Fred's unique mixture of quiet dignity and western wit that her column went far beyond the usual obituary.

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

[From the Reno Evening Gazette, Oct. 21, 1970]

FRED W. FRAY, COMSTOCK NATIVE, DEAD

Fred W. Fray of Reno, whose career stretched from the silver mines of the Comstock Lode to the halls of the United States Congress, was buried Tuesday in Washington, D.C.

Fray, 83, chief doorkeeper of the U.S. Senate, was preparing to return to Reno to visit family and friends Friday following the congressional recess, when he suffered a heart attack.

He died Saturday in Rogers Memorial Hospital.

Born in Virginia City Aug. 17, 1887, Fray was among the last of the "Cousin Jacks"—Cornish people and their descendants who toiled in the famous silver mines as "hot water plugs" working in the extreme temperatures of lower levels flooded by hot springs.

During his active life, Fray was a Reno labor leader and businessman and served as assistant city manager before moving to the nation's capital in 1957 to join the staff of U.S. Sen. Alan Bible.

Later, as chief doorkeeper of the Senate, he became a close friend and confidante of all 100 senators.

"Fred himself was a part of Senate tradition," Sen. Bible said. "He occupied a special place in the hearts of all senators, active and retired.

"His warmth and friendliness will be sorely missed in the Senate chamber."

Fray was born in a house across the street from Virginia City's historic Episcopal Church, which still stands. His father, Richard Fray, who emigrated to Virginia City from Cornwall, England, was a well known chief engineer on the Comstock, whose safety device inventions for ore cars and cages can be seen on exhibit at the Mackay School of Mines.

In the early 1940s, Fray was president of Local 350 of the Reno Plumbers Union. He later owned and operated his own plumbing and heating business in Reno. He was assistant city manager in the early 1950s.

As chief doorkeeper of the Senate, Fray, acquired an intimate knowledge of the Capitol's history and tradition and became an unofficial caretaker of the properties and monuments preserved there.

"Fred particularly enjoyed escorting Nevada visitors through the Capitol, giving them a special insight into the workings of Congress," Bible said. "He was 'Mr. Nevada' of Capitol Hill."

Fray's wife, Iva, also worked on Bible's staff until her death in November, 1965.

Surviving are two sons, Richard E. Fray of Reno and Fred W. Fray of Concord, N.H., and two grandchildren.

[From the Las Vegas Sun, Oct. 25, 1970]

FILE 13

(By Judy Carlos)

We only met him once and fell in love at first sight.

His name was Fred Fray and he was the chief doorkeeper of the United States Senate.

Two weeks ago he told Mr. Carlos and myself, "If my job included hollering 'Mistuh President' like Fishbait Miller does over in the House, I would be famous."

We were the latest and the last in a line of innocents come to Washington on a combined business and pleasure trip with the idea of finding out a little bit more about who we are and where we are going.

Naturally we had to check up on the government. There is a long tradition in this country of being most suspicious of those men we elect to represent us in some distant capitol where we can't keep an eye on them.

Senator Alan Bible of Nevada was tied up in important committee hearings, we are happy to report, and so he turned us over to his pal Fred Fray.

What stepped out of the private corridor adjacent to the Senate waiting room was a vision of Mayfair elegance. A terribly thin and brittle figure, shoulders slightly hunched in a tailormade, conservative gray suit complete with waistcoat.

His voice was pure Nevada—low and dry, hinting at some secret laughter.

His manner was courtly but warmly familiar, like the presence of an old wood stove on the first night of frost.

Fred was 83 and among the last of the "Cousin Jacks," Senator Bible explained affectionately. The nickname was used for the Cornish people and their descendants who toiled in the Comstock Lode silver mine as "hot water plugs," working in the extreme temperatures of the lower levels flooded by hot springs.

He was born in Virginia City on Aug. 17, 1887, right across the street from the historical Episcopal Church which still stands. His father, Richard Fray, was chief engineer on the Comstock, and a noted inventor whose safety devices for ore cars are on exhibit at the Mackay School of Mines.

Joking, we said, "Nobody was ever born in Virginia City. Mark Twain made it up."

He roared as much as a 110 lb. raconteur can roar, and you could see that he had decided he had a couple of live ones.

"You see these?" he asked, thumping on

a pair of five-foot-high Chinese urns. "They call 'em VAHzes. These VAHzes cost $5 million."

"Oh, my gosh," he said, and he had snared us.

"Yep. We loaned $5 million to France and this is what she gave us back. Never did see the money again of course," he laughed.

The hour was early and the session was in its dying hours so little business was being conducted. Most of the 100 senators were campaigning back home, except for Goldwater who was on hand to extoll the SST aircraft.

On the floor the young pages sporting long hair and Afro cuts spoke in awed tones about the deaths of singers Janis Joplin and Jimmi Hendrix and wondered aloud, "What does it mean?"

How's the grades?" Fred asked the tiniest of the lot with twinkling affection.

"Better, Mr. Fray, Sir," he said.

In a quiet aside the old man gossiped, "See that. Get a load of that boy. Now I know that hair is his pride and joy, and I don't want to hurt his feelings, but I'm going to have to speak to him about a little trim."

The hair was beyond shoulder length. "I like the sideburns and I don't mind the long hair a bit," he confided. "Put there is such a thing as a little too much raggedy edge."

With all the pride of a former craftsman or an archeologist he pointed out the elaborate bell system which alerts the Senators to a quorum call, and caressed the patina on the desks.

"You know what that is, don't yuh? That is real spittoon. Course the only one that uses his these days is Talmadge. And over here is the snuff box we are required to keep filled by law. Young Hatfield is the only one I've ever seen use it," he said. "That's a surprise, huh?"

He allowed as how he didn't mind "Spiro T" traipsing around the country and making wisecracks about senators as much as he did the man's obvious "work-brittle" nature.

"He hasn't been around much at all in two months and we've got business to do here," Fred humped. "Meanwhile poor Mr. Russell, who is not well, has to come in here and do his work for him presiding and all. He ought to be here tending to business."

But there was more than partisanship in his distaste.

He always referred to Agnew as "That fellow;" as an old family retainer might announce the appearance of a social climber at the door.

Humphrey, a former United States Senator, a member of the club who does his homework and shows up for work on time, an "Old Shoe," and a gentleman, was a Fred Fray favorite.

"He'll be back. He'll be back," Fred Fray said. "Just like Goldwater. One time when he was Vice President we had the Miss America beauties here and he had this big grin on his face and laughing eyes and he said, 'Mister Fray, Sir, show the ladies right into my office. That other fellow is a stuffshirt.'"

Fray said that Jack Kennedy used to come into the Senate waiting room late in the day when he was a U.S. Representative, and he would daydream, among the gold-leafed mirrors and the oil paintings of men long since dead.

The old man said he believed the inspiration for Kennedy's book, "Profiles in Courage," came from sitting in that room with Taft and Daniel Webster "looking him right in the eye."

He had a story for every hallway, every door, every office, every statue, every man. With great pride he pointed out the elevator Alan Bible had operated when he was a young man, and he reminisced about the widow Kennedy sitting in the rotunda at one in the morning and the message delivered from the President of France—"Tell the lady that if she walks I walk."

"You remember that singer at Jack's ceremony? Marian What's-her-name. Well Jack, he told me to stick around in case he needed anything and in comes this woman and she throws a coat in my face and says, 'Take care of this.' Well I didn't know what to do with the darn thing and she says, 'You better because it cost $25,000.'

"So I carried it outside with me and I was fussing around for a place to put it and Jack he is looking at me and shaking his head. So I sat on it. A fur coat," he laughed.

As he walked the corridors with us the capitol seemed to grow smaller, more intimate, and insulated from the world, and yet more magnificent.

Fred Fray talked about both the great and the mean in spirit who had walked in its light and shadow, men who drew their power not from the trappings borrowed from ancient Rome, but from their heart and intellect. In the end they were all only men among men.

He didn't say that he had been President of Reno Local 350 of the Plumbers and Pipefitters Union, or the owner of his own plumbing and heating business, or an assistant city manager. He had found his identity in the words "Chief Door Keeper of the United States Senate."

He talked about his sons, Richard, an attorney in Reno, another in Concord, N.H., and he said he liked to visit his grandchildren. But his dear wife, Iva, who had also worked on Senator Bible's staff, had died in November of 1965 and he had buried her in Washington, and visited her grave often.

After lunch that day we stood on the steps of the Senate and looked toward the U.S. Supreme Court in the distance.

We told Senator Bible some of Fred's stories, particularly those he had related while winking at a statue of Will Rogers whom he paraphrased: "Senators have a sense of humor and you can prove it by reading the bills they pass."

"You know I am going to have to take that tour with Fred some day and check up on his stories about me," Bible laughed. "He knows more about the history of this place than anybody I ever knew. I think he would die if he had to leave for good. The only danger of that is if he gets blown away. He's thinner all the time."

Fred was all set to come to Nevada and stump for the Democrats this Friday. But a week ago Saturday he died of a massive heart attack in Washington. His friend, Alan Bible called him, "Mr. Nevada on Capitol Hill."

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

Mr. BIBLE. I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I wish to join the distinguished senior Senator from Nevada in paying tribute to a fellow westerner, a man who established himself in Nevada, as the Senator has so ably brought out, a man who endeared himself to all in this Chamber, on both sides of the aisle. He was an able man, he was a good man, and he was a gentleman in the finest meaning of the term.

So I join the distinguished Senator from Nevada in paying tribute to this man, who worked so well, so efficiently, and so courteously down through the years.

## THE NIXON VIETNAM POLICY— A BILL OF INDICTMENTS

Mr. McGOVERN. Mr. President, during the 1968 presidential campaign, candidate Richard Nixon told the American people that he had a plan to end the war in Vietnam. He said that he could not reveal it at that time, lest it jeopardize the Paris peace talks, but that it would be forthcoming once the election campaign was over.

More than a year passed, however, before Mr. Nixon put forth anything approaching a new plan for ending the war in Vietnam. Then we were offered the Vietnamization formula. In my judgment, it is more and more clear that Vietnamization is not a formula for ending the war but for continuing it by manipulating American public opinion to accept an indefinite American involvement in Indochina.

What are the facts? First of all, nearly 15,000 Americans have died and a hundred thousand have been wounded since Mr. Nixon assumed office.

Second, we have spent an additional estimated $40 billion in Indochina.

Third, American prisoners continue to languish in the prison camps of North Vietnam, some of them having been there for as long as 5 years.

Fourth, we continue to perpetuate dictatorial governments in Indochina.

Fifth, the inflation of the American economy, the divisions of American society, and the growing disillusionment of the American public, and especially the young. while this war continues.

Sixth, the terrible devastation and destruction of the people and countryside of Indochina goes on.

Now we learn this weekend, without any prior consulation with the Congress, that the bombing of North Vietnam has again resumed. It is not clear yet whether this is a single series of raids or whether it indicates a new pattern of continued bombing. In either event, it is the height of folly for the Nixon administration to resume bombing attacks that have proved so clearly self-defeating in the past. Such attacks have resulted in several unfavorable consequences to the United States: an increase of casualties on both sides; a hardening of lines that made negotiations impossible; a growing highhandedness on the part of the Saigon government toward any accommodation that might lead to a government with greater support on the part of the Vietnamese people or a coalition capable of reaching a settlement with the enemy. Furthermore, bombing attacks on North Vietnam tend to unify the Communist world and to turn world opinion against the United States. More specifically, bombing attacks on North Vietnam always increase the dependence of the government of North Vietnam on Peking and Moscow.

In any event, I would like to suggest a bill of indictments of the Nixon administration, which I call upon them either to refute with clear evidence to the contrary or confess their inability to end the war.

First, I charge President Nixon with a clear failure to keep his 1968 campaign pledge to the American people to end the war.

Second, I charge him with having no intention of ending the war except on administration terms, which means perpetuating the corrupt and unrepresenta-

tive Thieu-Ky regime in Saigon. We are still sacrificing American blood and resources to save a political regime in South Vietnam that does not have the respect of its own people. That regime is despised by the most thoughtful and patriotic citizens of South Vietnam who are in anguish over the blunt fact that tens of thousands of the best citizens of Vietnam are imprisoned because Generals Thieu and Ky fear courageous critics. The most responsible non-Communist leadership in South Vietnam is as much opposed to General Thieu and Geenral Ky as is the National Liberation Front leadership. No true patriot and no true believer in democracy has any respect at all for the Thieu-Ky regime and tragically enough, those who could best lead the people of Vietnam are in fact either jailed or in exile or in some cases have fled into the jungle in despair.

How long does the Nixon administration intend to ask the American people to carry this terrible burden for a military dictatorship that stays in power only because the war continues and the American sacrifices continue?

Third, I charge the Nixon administration with expanding the war across the Indochina peninsula. Mr. Nixon inherited a deescalating war in which the bombing had been stopped over North Vietnam and where the U.S. involvement in Cambodia and Laos was minimal. Now, nearly 2 years later, we have major military operations expanded into Cambodia and Laos and urgent requests pending before the Congress for more military aid to those countries.

Fourth, I charge the Nixon administration with jeopardizing the lives of American forces in Vietnam by reducing the number of those forces without following the kind of diplomatic initiatives that would secure assurances of safety during the withdrawal process.

Mr. President, let me stress that point, that we are in a highly dangerous situation when we reduce the number of American forces in a military operation of this kind without any kind of understanding as to their safety during that withdrawal process.

Fifth, I charge the Nixon administration with refusing to take the diplomatic steps that would secure the release of our prisoners in North Vietnam.

Now, what do I propose as an alternative to the Nixon policies? I propose what I have suggested for many months: that we state flatly that all American forces are going to be withdrawn from Vietnam and Indochina by a definite date. It does not make so much difference within certain limits what that date is so long as a flat commitment is made that our forces are to be withdrawn. I suggested last spring that we set the date at the end of this fiscal year—June 30, 1971. At the suggestion of other Senators who felt that more time was needed, I agreed to a later withdrawal date—at the end of calendar 1971.

More recently, as we all know, spokesmen for the National Liberation Front——

Mr. DOLE. Mr. President, will the Senator yield at this point?

Mr. McGOVERN. If the Senator will withhold his request, I would like to finish my statement. Then I shall be happy to yield.

More recently, spokesmen for the National Liberation Front and the North Vietnamese Government have said that if we would agree to the withdrawal of our forces by June 30, 1971, they would immediately give assurances to the safety of our forces during the withdrawal and they would immediately begin discussions leading to the release of our prisoners. I believe we ought to accept that offer. What possible gain can there be for the people of the United States or Indochina for us to perpetuate this totally senseless waste of men and resources? What possible gain is there for us or the people of Indochina in carrying on bombing attacks, helicopter operations, search and destroy missions, and other efforts that do not change the fundamental political and economic realities of Indochina? Those realities are governments controlled by military dictators who do not understand the problems of their own people. Why do we think that the people of Indochina would be any worse off if they were left to work out their own destiny without the crushing presence of American military firepower?

We have been painfully reminded last week of the much greater role which the American people can play in the life of the world if we could only break loose from the curse of Vietnam. Tens of thousands of people are now dying in storm-ravaged Pakistan for want of helicopters to bring in relief supplies. Yet, the United States—the one nation with an ample supply of helicopters—has that technology committed not to saving life in Pakistan, but to destroying life in nearby Southeast Asia.

By any test of commonsense, humanitarianism, or national security, we should move without further delay to nail down an agreement with North Vietnam and the Vietcong that our forces are coming out of all of Indochina, that we are transferring our helicopters to Pakistan to save that devastated area from additional tens of thousands of deaths, that we want our prisoners home from North Vietnam by Christmas, and that we want American forces home, if not by Christmas, by no later than June 30, 1971.

I, for one, will be satisfied with nothing less than this, and I do not intend to buy the current line that Vietnam is no longer an issue. It is the most painful and urgent issue before the American people, and that has been true for the past decade. This war will continue to curse, afflict, and disrupt everything we try to do as a nation until we end it. It ought to be ended now. That is the obligation Richard Nixon took before the American people in the campaign of 1968, and he ought to deliver on that pledge instead of offering us more American deaths, more destructive bombing raids, more interference in the affairs of other governments, and more destruction to the American economy and American society.

There are those who say that Congress has no business tying the President's hands, but I say if tying the President's hands is the only way we can stop him from tying our country down to an indefinite war in Indochina, then we, indeed, should tie his hands and force an end to this conflict. Beyond that, what thoughtful person can read the American Constitution and assume that the President has any right to commit American forces to Cambodia to carry on a secret war in Laos and to resume the bombing of North Vietnam without so much as a glance at Capitol Hill?

Mr. YOUNG of Ohio. Mr. President, will the Senator yield?

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

Mr. McGOVERN. I had promised to yield to the Senator from Kansas. I will yield to him, and then to the Senator from Ohio.

Mr. DOLE. Mr. President, the Senator from South Dakota is not unexpectedly critical of the administration's policy in South Vietnam. I am wondering what his response was when the unarmed reconnaissance plane, the American plane, was shot down on November 13, I understand it was the 10th aircraft lost since the bombing stopped in 1968. Does the Senator feel we have any obligation to protect unarmed reconnaissance flights or to protect American forces, to protect against buildups in that area against future plans the enemy may have.

In addition, I am wondering whether or not the Senator from South Dakota has any criticism of North Vietnam for the increased shellings of Saigon and other areas in South Vietnam.

The Senator from South Dakota criticizes this administration at every opportunity. This is a right he has. But what about the acts committed by the enemy against American forces and against our allies and against the civilians in Saigon and other areas? Does the Senator from South Dakota fault the enemy with respect to that?

Mr. McGOVERN. Let me say to the Senator from Kansas that that is what the war is all about—slaughter on both sides—and I do not come here today to suggest for one moment that all the shooting is from one direction. But the tragedy of this war is that somebody has to take the initiative in bringing this senseless slaughter to an end.

Frankly, I do not know what the answer is to the news speculation about whether we had an understanding or whether we did not have an understanding about reconnaissance planes over North Vietnam. I am very sure that we would not permit any such operations over our own country on the part of North Vietnam if they had the aircraft available to do that. I think we would take considerable action.

But the point of this is—if I may say to the Senator—that it is not a question of blaming North Vietnam or blaming Washington. The question is, is it in our interest, as a Nation, to continue these military operations, which I see invested largely on behalf not of the United States but of perpetuating a government in Saigon that has never demonstrated it has the support of its own people?

So what I am pleading for here is not only that we halt the bombing operations over North Vietnam but also that we make a flat declaration of our determination to withdraw by a certain date. That, I believe, would set in motion negotiations that could bring this war to an end.

I want to say to the Senator from Kansas that, insofar as one can be sure of anything about this very confusing and complicated war, I believe, from what I know about the situation there, that if we would agree to the withdrawal of our forces by a date certain and made a flat statement by our President that all American forces will come out of there by June 30 or some other date within reasonable limits, I think we would find the stalemate in Paris broken. I do not think that stalemate will be broken by reconnaissance flights over North Vietnam, by occasional bombing raids, or by charges and countercharges as to who shot first.

We have an offer on the table from the other side now in which they have said that if we will agree to a definite date for the withdrawal of our forces, they will promise that the withdrawal will be carried out safely and they will begin discussions immediately leading to the release of our prisoners. I do not have much hope that we will accept that offer.

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

Mr. DOLE. Mr. President, I ask unanimous consent that the Senator from South Dakota may proceed for 5 additional minutes.

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

Mr. DOLE. If the Senator will yield further, as I understand it, the Senator from South Dakota has issued a five-point indictment of President Nixon and this administration because of efforts to extricate us from the war President Nixon inherited from previous administrations.

Mr. McGOVERN. I do not deny that the President inherited a very difficult situation. What I do say is that I think the pledges he made in 1968 led millions of Americans to believe that there would be an early end to the war, not this indefinite protraction of the war, which has taken the lives of another 15,000 Americans and, in my opinion, has put us in no better position to end the war than we were when the President took over almost 2 years ago.

I agree that the President inherited a difficult situation.

Mr. DOLE. I am pleased to know that the Senator from South Dakota agrees that the President inherited a bad situation.

I would further suggest that we discussed at great length on this floor the so-called amendment to end the war, which I designated the amendment to lose the peace, offered by the Senator from South Dakota and other Senators. As I recall, the final date agreed upon by the sponsors of the amendment was not June 30 of this year but March 1, 1972.

The point is that here the Senator from South Dakota insists that the President set some firm date; yet, some 20 Senators could not agree on a date and changed the amendment date five times. Still, the Senator from South Dakota insists that the President fix a date 6 months or a year or more in advance and abide by that date. How does the Senator from South Dakota expect him to do that, if the Senator from South Dakota, and other Senators could not agree?

Mr. McGOVERN. I think the date we set is a matter of small significance, within reasonable limits. As I said earlier, I am not going to quibble about whether it is June 30, July 15, or December 31. The principle is that the other side has made it quite clear that negotiations will not move forward unless we agree to a definite date for the withdrawal of all forces.

I am not pressing the President to accept my date or the date that other Senators have suggested, but that a definite date be announced and that we stick with it. I think that will be the initiative that can open the way for negotiations that will lead to an end to the war.

Mr. SYMINGTON. Mr. President, will the able Senator yield?

Mr. McGOVERN. I yield.

Mr. SYMINGTON. The Senator has made a most thought-provoking statement.

I was one who believed the better date would be December 31, 1971, instead of the originally proposed date of June 30, 1971. The Senate was hung up for 7 weeks discussing the Cambodian situation, in order that the resolution would end up meaning little or nothing.

The statement is made constantly that this war was inherited by President Nixon. Whether it was inherited or not inherited, the President said when he campaigned in 1968, that he was going to get this Nation out of this war and that to that end he had a plan. I am correct about that, am I not?

Mr. McGOVERN. The Senator is absolutely correct.

Instead of getting us out of this war, he has expanded the war which was going on in Laos secretly, and he expanded the war openly in Cambodia.

Mr. SYMINGTON. If there is any justification for bombing North Vietnam because of our reconnaissance planes having an agreed-upon right to fly over North Vietnam, I can say to the Senator that I did not know about that agreement as a member of the Armed Services Committee, nor did I know about it as a member of the Foreign Relations Committee.

With all due respect to those who constantly harp on the fact the President did not get us into this war, in October 1967 I presented to the Senate, on the floor, a suggestion that we have a complete cease-fire. This was after coming back from many trips to Vietnam. It was then I became convinced that our efforts out there were fruitless. At that time, October 1967, there were some 13,000 Americans killed. Today over 52,000 have died.

I was glad to follow the suggestion late last summer, made by those who successfully opposed the amendment of the Senator from South Dakota, to thereupon write a letter to the President suggesting a cease-fire in 1970, because it is exactly what I suggested to President Johnson and the Senate in October 1967.

It would seem that what the Senator brings up in his talk is not so much who shares the blame for this tragedy as to how we are going to get out of it, a situation which is taking so much of our resources and, more important, so many of the best of our youth. Am I correct?

Mr. McGOVERN. Yes. The Senator from Missouri is absolutely correct. The reason I phrased the speech as I did, in an effort to place more responsibility on the Nixon administration——

The PRESIDING OFFICER (Mr. STEVENSON). The time of the Senator from South Dakota has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time of the Senator from South Dakota be extended for 20 minutes.

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

Mr. McGOVERN. Mr. President, I was saying, the reason I phrased the speech as I did, as I told the Senator, was in an effort to try to place greater responsibility on the Nixon administration. So that I think, either intentionally or perhaps by coincidence, the Vietnam issue has been taken out of the public forum in some way, under the impression that the present administration was doing everything possible to bring the war to an early end.

I no longer believe that to be the case. I do not believe that we are doing everything possible to end the war. I think that as long as young Americans continue to die out there, and we are spending funds at the rate of $15 billion to $20 billion a year, and now are faced with requests for new military assistance to Cambodia, with the argument that we have to keep our South Vietnamese allies fighting in Cambodia in order to carry out our disengagement in South Vietnam, as long as all these developments come to our attention, I do not believe that the issue of Vietnam is dead. I do not believe that anyone should assume, because the President made a pledge in 1968 that he was going to end the war, that he has discharged that obligation. That is why I put it in the context that I did.

Mr. SYMINGTON. Will the Senator from South Dakota yield for one more question?

Mr. McGOVERN. I yield.

Mr. SYMINGTON. At the time the President presented his two-pronged policy—Vietnamization and negotiation—based on my trip to Vietnam, I stated then that, in my opinion, Vietnamization would not work. That, I believe, is the only criticism I have made of his conduct of the war up until this time. I said then, however, that I hoped he would concentrate on negotiations as against Vietnamization, because far more experienced people in the military field constantly stated we would never

win this guerrilla war if we continued with the policies we were following. We have not only followed them, but have expanded them.

My question: Does the able Senator from South Dakota believe that the chances of negotiation have been improved by this new heavy bombing of North Vietnam?

Mr. McGOVERN. I think precisely the opposite is the case, that all previous evidence is that the bombing has hardened the lines of resistence against negotiations. I think it makes it more difficult for Moscow to exert whatever leadership it might have in keeping the negotiation pattern at least alive in Paris. It tends to force the Hanoi government into a tighter embrace with Peking and Moscow rather than open up any divisions in the Communist ranks. For all these reasons, I see it as a setback to negotiations rather than a means to bring the other side to a more favorable mood.

Mr. SCOTT. Mr. President, will the Senator from South Dakota yield?

Mr. McGOVERN. I am happy to yield to the distinguished minority leader.

Mr. SCOTT. The distinguished Senator from South Dakota has made the point that the Vietnam issue is largely out of the public consciousness. I do not know whether we should commend him for his admitted desire to bring it back into the public consciousness. That is a matter for his decision.

But in this colloquy which turns on whether the President had a plan to end the war, I should like to point out that no other President ever did, that this President has a plan, that the plan is in execution, that any plan which brings down the casualties from 300 a week to 30 a week is deserving of some degree of applause from the people of this country—which may be why the issue is not so harsh or so bitter as it was last spring.

The fact that by next summer the President will have approximately 300,000 American troops drawn from overseas, to my mind, is evidence of the plan in action. The fact that the South Vietnamese and the fact that many of the Cambodians have demonstrated the truth of the territorial imperative, that they are defending their countries, as to that, it seems to me, a certain degree of generosity would be indicated by contrast with previous administrations, if you will—although I must say, in fairness, that I supported the two previous Commanders in Chief, too.

Mr. McGOVERN. In equal fairness, let me say that I have criticized the two previous administrations also.

Mr. SCOTT. That is true.

I do not believe that the Senator from South Dakota will be able to convince the American people that there is no plan to bring about an end to U.S. participation in this war when the facts are so resoundingly to the contrary.

On another aspect of this matter, I have waited ever since the announcement of the strikes. The commentators refer to them as 2-day strikes. I have heard references that tend to imply this is a continuation of the bombing. There is no such thing intended. The actual length of the strikes was 7 hours, so let us put it back in its proper context.

The strikes were in accordance with what we believe would be, and what we are informed was an understanding. If there was no understanding on the time of the termination of the bombing strikes, then, in God's name, there should have been, for the protection of American lives. If there was no understanding, and I believe there was, but if there was no understanding, that termination of the bombing would mean that we, the United States, would do nothing whatever to protect the lives of our own forces, would have been a shameless and discreditable act. I do not believe it ever happened.

What did happen at the time of the strikes was this, that there was an understanding—and now I shall read from the statement of the Secretary of Defense this morning:

> We remain ready to take appropriate action in response to attacks on our unarmed reconnaissance aircraft.

This is one situation.

The second:

> In response to major infiltration across the DMZ . . .

The third:

> In response to the shelling of major South Vietnamese cities.

Mr. President, I have heard no critics of the administration grieve over the shelling of Saigon by the enemy, in violation of what we believe to be the understanding.

I have heard none of them grieving over the shelling of Hue.

I have yet to hear anyone grieve over the loss of our two pilots on November 13 in the unarmed reconnaissance plane.

Mr. President, let us, for heaven's sake, try to put these things into some fair balance.

My concern—and I know that of the Senator from South Dakota as well—is for the defense of the United States.

My concern is to end this war. I would like to see us out of there faster than we are going. I am one of those Senators who proposed a unilateral cease-fire on one occasion. My credentials are, in my opinion, good in this regard.

I think it is time someone did a little grieving about the American dead. I think it is time that someone grieved about some of the pilots who have been shot down. I think it is time that someone grieved about the helpless citizens in Saigon and Hue who have been shelled in their homes. I think it is time that some of the Saigon commentators brought some balance into their reporting.

Mr. McGOVERN. Mr. President, does the Senator not realize it is that very grief over the destruction of American forces that causes the Senator from South Dakota and others to speak about our impatience over the slow pace of our withdrawal?

I think the Senator from Pennsylvania and I stand on common ground concerning the loss of American life.

The whole thrust of what I have tried to say here today is that it makes no sense at all in terms of our national security and our concern for the lives of young Americans to perpetuate this conflict.

The Senator is correct when he says that President Nixon deserves some measure of credit for reducing the level of our involvement there. What disturbs me is that every time we go through one of these procedures and our hopes are aroused that we are on the way out, we are treated to some new twist in the war that raises our fears.

I think that is what happened in the Cambodian excursion last spring. People were shocked beyond belief that at the moment we were led to believe Americans were being withdrawn, American forces were put into Cambodia.

Perhaps the Senator had advance warning, but I had no way of knowing whether the bombings were a single, isolated attack in response to a single incident or a new hardening that would lead to wider involvement.

We have a request from the President for military assistance to Cambodia. It is not at all clear to me, as it was to the Senator from Pennsylvania, that the question we are answering is whether we are sending money or American blood. I am not sure that we ought to send either one into Cambodia at this time.

It is in an effort to raise some of these issues and bring them into the public forum where they can be discussed that I am speaking this afternoon.

Mr. SCOTT. Mr. President, I am sure the Senator knows very well that in the President's request there was no request for the assistance of our military in Cambodia.

I have said that our choice is between blood and dollars, and I repeat it. I think it is entirely too easy an answer to say, as the Senator from South Dakota has said, that he does not want to spend blood or dollars.

Neither does anyone else. But we have made a commitment to withdraw certain forces. Pursuant to that commitment, the only way we can continue to expedite the deescalation of this war, which the Senator tells us he is arguing for, is to provide the necessary and very limited military and economic assistance to this country, as is true of Korea, in order to expedite the withdrawal.

The Senator's position if successful, in my opinion, is going to delay the withdrawal. It is going to hold up and slow down the withdrawal of these forces.

If the President is not able to keep his foreign policy commitment in pursuance of the Nixon doctrine, Korea is a good example of what would happen. We are taking 20,000 troops out of there. They are terribly disturbed in Korea, as the Senator knows.

We have promised to replace the economic damage we have done by withdrawing troops from villages which are dependent and have become dependent for too long under the American presence. If we do not keep that promise to Korea, it can mean that the Korean Government may not be able to sustain its credibility with the people and it may go into a far worse state of being.

In Vietnam if we do not maintain the cost of the military and financing of the Vietnamization program, we are not

going to be able to withdraw troops, and I want them out of there.

Mr. McGOVERN. Mr. President, the trouble with that assumption is that that is the same pattern that has gotten us so deeply involved in the first place.

Always the investment in Vietnamization in the sixties was to help that government become strong enough so that American forces would not be needed.

The trouble there and, I fear, in Cambodia is that they do not have the kind of representative governments that can command the respect and support of its own people, even with a heavy investment of American resources.

That is why after a heavy investment of American forces, we felt compelled to go on with backup support in order to try to retrieve our investment.

That is what I fear will happen in Cambodia. If we approve the pending request, the North Vietnamese will try to offset that by an increase in their forces and firing power. We will then feel we have to counter that with helicopters and aircraft. With the additional forces there, we have the formula for a major war.

Mr. SCOTT. But on the contrary, if the Senator would recall, following the Cambodian incursion, the question arose as to how much of the supplies were being interdicted, how many of them were coming from Sihanoukville.

It was believed that only a very small percentage was coming from there. Following the Cambodian incursion it was learned that the interdiction of Sihanoukville to the enemy, its loss to the enemy, involved between 75 percent of the supplies in one case and 95 percent of the supplies in most other cases to the enemy. Those supplies were coming into this port. Having closed the port and continued the interdiction of the Ho Chi Minh Trail, we are required to help Cambodia to a degree many times less than it appeared we would have to help them back in May or June. In other words, because the enemy is starving for supplies and has been blocked off because of the gallantry of the Cambodian people in defending their own territory, it has made it possible for this involvement to be economic assistance plus some light weaponry.

I do not believe that the Senator was making such statements in 1960. But he was making them earlier than most people. In all fairness, I am not here to defend the Kennedy and Johnson administrations, although it is fair to say that when they were in office I did defend them.

Mr. McGOVERN. I give the Senator from Pennsylvania credit for that.

Mr. SCOTT. Mr. President, I agree that this is an unpopular war. I agree that most of what is being done by the administration can be counterproductive if we do not stop it. But because of what we did in Cambodia, the amount necessary to shore up the Cambodian forces is somewhere from one-third to one-fifth less than it would have been if they had not been successful in defending themselves.

Mr. McGOVERN. Mr. President, that depends upon what point in time the Senator begins. I am sure the Senator would agree that a year ago we did not have much responsibility for Cambodia. We did not even think it was necessary to write it into a restrictive amendment. That situation applied to Laos and Thailand. We thought we would not send American forces into Cambodia. It had never occurred to any Senator that we would.

I think what the Senator is doing is going back to the commitment of American forces and the prevention of the collapse of Sihanoukville and saying that perhaps today the situation is a little bit better than a few months ago. But the Senator would not argue that the situation is more stable and secure in Cambodia today than a year ago before we became involved.

Mr. SCOTT. Mr. President, may I ask the Senator from South Dakota if he were the Secretary of Defense at this time whether he would do anything to protect the civilian population in Hue and in Saigon from bombings? Would he do anything to prevent the shooting down of unarmed reconnaissance planes? Would he do anything to protect the security of the American forces?

Mr. McGOVERN. Mr. President, what I would recommend is decisions that could be made by the Secretary of Defense, the President, and the Congress to put an end to the war.

As long as we have American forces committed there and they have as one of their responsibilities the protection of the South Vietnamese people and these other commitments, we are, of course, going to take whatever military steps are necessary to protect those interests.

What I am suggesting is a change in policy under which we would announce that we are withdrawing our forces by a set date. Of course, that is an entirely different answer than the one the Senator is asking me to make in a situation I do not accept, which is a situation of indefinite American involvement in Southeast Asia.

Mr. SCOTT. In other words, the Senator is glad he is not the Secretary of Defense.

Mr. McGOVERN. Absolutely.

Mr. YOUNG of Ohio. Mr. President, will the Senator yield?

Mr. McGOVERN. I am happy to yield to the Senator from Ohio.

Mr. YOUNG of Ohio. Mr. President, first, I compliment the Senator from South Dakota for making a most constructive statement today regarding our situation in Southeast Asia. I agree with every statement he made. There have been some statements made that I cannot agree with. There has been a reference to increased shelling of Saigon, for example; and a moment ago it was referred to as a bombing of Saigon. The facts are, as the Senator knows, that there has been some increased mortar fire over Saigon. That mortar fire is fired not from North Vietnam; it is fired a few miles distant by Vietcong and it has increased somewhat.

Reference has been made to the unarmed reconnaissance planes, but, in fact, all unarmed reconnaissance planes flying over North Vietnam are accompanied by fighting planes at a higher distance.

With respect to the Senator's address, I compliment the Senator on his statement expressing sympathy and deep concern over the plight of Americans who are prisoners of war. As he stated, some of them have been held prisoner for more than 5 years. In recent months on two different occasions in this Chamber I have called attention to the fact that in every war in which our country has engaged in the past there has been an exchange of prisoners. I mentioned recently, and I am certain the Senator from South Dakota will agree with me on this statement, we have some of our finest Americans, and many of them officers and pilots of planes, missing in combat. Approximately 1,000 men, or perhaps fewer than 1,000, most of whom are American airmen, are held as prisoners of war by either the VC in South Vietnam or in North Vietnam where many of them were captured over Hanoi and over other territory when we were constantly bombing, as we are doing now in recent days. The Senator wisely asked how we would feel if someone were flying over our Nation at all times.

Approximately 36,000 North Vietnamese and Vietcong soldiers have been taken prisoner. Most of them have been taken as prisoners of war by our GI's. But because of some agreement, which I feel we should not have entered into, those prisoners taken by our GI's are immediately turned over to the South Vietnamese.

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

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the Senator from South Dakota may be recognized for an additional 5 minutes.

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

Mr. YOUNG of Ohio. International service organizations, including a group of Quakers have reported that the treatment given to those prisoners of war in South Vietnamese prison camps is abominable and disgraceful. It is commonplace that prisoners are tortured.

The Senator from South Dakota had distinguished service in World War II, but in all of World War II, of which the Senator and other Senators are veterans, many, many times Germans were taken as prisoners of war yet none of us saw a German prisoner of war with his hands manacled behind his back and a hood over his head. When we turned VC and North Vietnamese over to our friendly allies, who quite frequently are too friendly to fight, they are tortured. Americans witnessed a VC officer being murdered by General Loan in Saigon.

I have not heard anything from the White House on this proposal, but on two occasions in this Chamber and in speeches in Ohio I advocated that we immediately offer—and this could be done through the International Red Cross—to release and exchange those 36,000 VC and North Vietnamese prisoners held by the South Vietnamese for the release of the fewer than 1,000

Americans held prisoner by the North Vietnamese.

Officials in the Department of Defense, the Secretary of Defense, and others should be glad to make that exchange on a 36-to-1 basis, and I hope they will do that.

Mr. McGOVERN. I think the Senator's proposal is humanitarian and one that is in our national interest.

Mr. YOUNG of Ohio. Regarding this secret plan, it is a fact that in October of 1968 President Nixon said he had a secret plan to end the war. As far as I know, that plan is still his secret. Maybe there are some Senators here who know something about it, but bear in mind that he has been the President for almost 2 years and we are still fighting in Vietnam and that has been expanded, as the Senator said, into Cambodia and Laos. On two occasions when I was in Vietnam I also went into areas of Laos. I did not go to Cambodia because at that time it seemed unthinkable.

Mr. McGOVERN. Is the Senator aware that the $285 million in aid requested for Cambodia now pending before Congress is more per capita than we ever gave Vietnam in any year prior to 1965?

Mr. YOUNG of Ohio. Yes.

Mr. McGOVERN. And it could well set the stage for much heavier involvement rather than a reduction of our involvement there.

Mr. YOUNG of Ohio. Yes; the Senator from Ohio is aware of that. Without taking much more time, I wish to report to the Senator from South Dakota what he already knows. Thailand has kindly rented 12,000 of its troops to fight in Cambodia in return for $1 billion in aid to Thailand. This works out to $83,333 per soldier that American taxpayers are paying.

It has been said that there are no American soldiers now in Cambodia. The Senator and I both regret the invasion of Cambodia. But the fact is that our B–52 bombers are bombing almost around the clock in Cambodia.

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

Mr. YOUNG of Ohio. I ask unanimous consent for 2 additional minutes.

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

Mr. YOUNG of Ohio. Also, the Pentagon officials recently reported—and I believe the Senator from South Dakota knows this—the first installment of 5,000 Thai mercenaries, 20th-century Hessians, are already in Cambodia. We are paying Thailand $1 billion in aid for exchange for the "volunteers" so-called. Unfortunately, even with that aid, the Vietcong and the other forces control practically all of Cambodia except for Phnom Penh.

Mr. McGOVERN. I appreciate the Senator's contribution. I thank him very much.

Mr. DOLE. Mr. President, first, I ask unanimous consent to have included in the RECORD a statement issued this morning by Jerry W. Friedheim, Deputy Assistant Secretary of Defense for Public Affairs, in reference to the bombing of North Vietnam.

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

STATEMENT BY DEPUTY ASSISTANT SECRETARY OF DEFENSE JERRY W. FRIEDHEIM

Gentlemen, security considerations now permit me to report to you details of the limited-duration, protective reaction air strikes conducted against military targets in North Vietnam—south of the 19th Parallel.

The protective reaction strikes took place during a period of approximately seven hours.

As Secretary Laird stated here early Saturday morning, these protective reaction strikes were conducted against missile and anti-aircraft-gun sites, and related facilities. The strikes were in response to enemy attacks on our unarmed reconnaissance aircraft. As Secretary Laird stated Saturday, we will continue to take protective reaction as necessary to protect the pilots of our unarmed reconnaissance planes.

When the United States halted the bombing of North Vietnam on November 1, 1968, it was with the understanding of the fact that our unarmed reconnaissance would continue.

These protective reaction missions were designed to protect the lives of United States pilots flying unarmed reconnaissance over North Vietnam—and the lives of our pilots flying missions to interdict North Vietnamese military supplies moving through Laos toward South Vietnam.

As you know, Secretary Laird has been particularly concerned at the other side's breach of the understandings. An unarmed United States Air Force RF–4C aircraft was shot down November 13th over North Vietnam, and two crew members were lost. The Secretary also is concerned about the shellings this month of the cities of Saigon and Hue with the resulting injury of South Vietnamese civilians. In addition, we are concerned that the other side has not chosen to negotiate in any substantive or productive way at Paris.

The Secretary of Defense has stated many times that we remain ready to take appropriate action in response to attacks on our unarmed reconnaissance aircraft, in response to major infiltration across the demilitarized zone, or in response to the shelling of major South Vietnamese cities. The so-called understandings reached at the time the United States halted the bombing of the north more than two years ago included these three specifics.

Since the bombing halt, ten United States aircraft and one helicopter have been shot down in the north. During this time there have been more than 60 instances in which we have conducted protective reaction to safeguard American lives.

You will recall that during the period of 1 to 4 May, this Spring, almost 500 U.S. aircraft participated in a series of reinforced protective reaction strikes in response to enemy firing on our unarmed reconnaissance aircraft.

I can advise you today that according to our latest reports, approximately 200 United States aircraft were involved in the latest protective reaction strikes.

I am particularly pleased to report that we suffered no—I repeat no—losses of any of these aircraft or their crews.

The total number of United States air craft participating included—of course—the strike aircraft, combat air patrol aircraft, flak-suppression aircraft, electronic support aircraft, reconnaissance aircraft, and search and rescue aircraft. There were approximately 50 support aircraft of these types.

The strike missions themselves were flown by Air Force, Marine and Navy aircraft. The Navy aircraft came from the aircraft carriers *Hancock*, *Ranger*, and *Oriskany*.

The main areas in which the limited duration, protective reaction strikes were conducted, against military targets, included the approach routes to the Mu Gia and Ban Karai Passes into Laos—and the similar approach route north and west of the Demilitarized Zone. There has been a particularly heavy buildup of enemy missiles and anti-aircraft-guns in this area in recent months. Although there has been bad weather over the panhandle of North Vietnam since the protective reaction strikes, initial post-strike reports from our pilots indicate that about 100 secondary fires and explosions were observed in the target areas, and that more than 100 trucks near the anti-aircraft sites were struck. Several missiles and associated equipment were probably destroyed on the ground.

Our pilots reported several surface-to-air missiles were fired against them during the protective reaction strikes. None of them hit our planes.

I want to emphasize that the operational orders to the pilots prohibited any attacks on populated areas. And I would like to emphasize again that these limited-duration, protective reaction strikes were initiated after the other side—in violation of an understanding which preceded the halt of U.S. bombing—had this month shot down an unarmed reconnaissance aircraft and had shelled the cities of Hue and Saigon.

We do not intend to tolerate violations of these or any other understandings.

Mr. DOLE. Second, Mr. President, I have again read with interest the five-point indictment by the junior Senator from South Dakota of President Nixon. I would like to discuss very briefly those five points. I would change the wording somewhat and restate them as follows:

I applaud President Nixon for his untiring effort to end the war in Vietnam which he inherited from two Democratic administrations.

Second, I applaud President Nixon for his efforts to end the war on terms acceptable to America, in the best interests of America and our allies.

Third, I applaud President Nixon and his administration for restricting and containing the war in South Vietnam and in Indochina.

Fourth, I applaud President Nixon and his administration for protecting the lives of American forces, notwithstanding criticism in America and in this Chamber.

Fifth, I applaud President Nixon and his administration for taking steps to help assure the release of our prisoners in North Vietnam and wherever they may be held by the enemy.

I understand, Mr. President, of course, that no one wants the war to continue. The junior Senator from South Dakota wants it to end no more or less than does the junior Senator from Kansas, as does every Member of this body. As I have said many times before on this floor, as the distinguished minority leader has said earlier, I supported President Kennedy. Perhaps that was a mistake. I supported President Johnson's efforts. Perhaps that was a mistake. I wholeheartedly support President Nixon's efforts, and trust this will not be a mistake. I do so because of my desire to see the war in South Vietnam end.

I do not believe there are any "anti-war Senators" as opposed to "prowar Senators" in this Chamber, but I remind

my friends that President Nixon has made great efforts to wind down the war in Vietnam. The facts are there. Troops have been returned. Some 165,000——

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

Mr. DOLE. I ask unanimous consent to have 3 additional minutes.

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

Mr. DOLE. Between 165,000 and 175,000 Americans have been returned, and another 100,000 will be returned by next spring, which means about 80 percent of the combat forces will have been withdrawn in 27 months by President Nixon, our President.

The casualties, yes, are still too high. One per week is too many. One wounded per week is too many. But I remind the critics that when President Nixon assumed the terrible burdens of the Presidency, deaths in Vietnam were running between 200 and 300, and more, per week.

I find it difficult to believe the Senator from South Dakota thinks that Vietnamization is not working. If this is not some evidence of success, if this is not some evidence that Vietnamization is working, then the junior Senator from South Dakota should present some alternative.

There are those who say, in all good conscience and all sincerity, that the President should fix a date. The junior Senator from South Dakota said it makes no difference when a date is fixed, whether it is July or August, or apparently 1 year or 6 years from now. As long as the President fixes a date, so the enemy will know in advance that we are withdrawing by a certain date, that is success.

That would end the war. It would not end the killing. It would not end the bloodshed. It would not end hardship. But, according to the junior Senator from South Dakota, that would be progress. The junior Senator from Kansas disagrees.

We have had great debates, at least extended debates, in this body, with reference to the Church-Cooper resolution, with the reference to the so-called amendment to end the war, with reference to the President's power vis-a-vis the powers of the Congress. I would guess no one really resolved the issues or the problems. The debate was far ranging, whether it was President Truman, who sent troops to Korea without consulting the Congress, or whether it was President Kennedy, or President Johnson, or President Nixon now, who authorized bombings in North Vietnam to protect American forces, I believe an inherent right and responsibility any President has under the Constitution is to protect American forces.

It seems unfortunate that more Members rise in this body to condemn our Government and our policy than rise to support them. Everyone recognizes the war is unpopular.

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

Mr. DOLE. I ask unanimous consent for 2 additional minutes.

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

Mr. DOLE. Everyone recognizes the need to end it quickly, and everyone recognizes that negotiations may offer the quickest solution to end the war. But I have confidence in President Nixon's efforts, and would remind those who now raise the specter of another Vietnam because of efforts now to assist Cambodia, that this is another time, another place, with another President. President Nixon has made it clear, through the enunciation of the Nixon doctrine in Guam, that this country will not provide the manpower to fight wars around the world. I would hope we could resolve the issue on the basic question: Does this Congress want the Cambodian Government to be a Communist government, or not? If we do, then, of course, we should do nothing. If we do not, we have some responsibility, a responsibility that would not include sending American troops into Cambodia on any permanent basis. But, above all, we have an obligation as Americans to let the enemy know, whether North Vietnamese or Vietcong, whether it is today or next year, that we are not a paper tiger, that we will not issue the enemy a blank check in any part of the world, and that we will not fail in our responsibility to protect American forces.

I have yet to hear a satisfactory answer with respect to the reconnaissance flights and the buildups. Should those go unnoticed? Should we permit our airplanes to be shot down at will, without a response? I do not believe that to be true, and trust that everyone in this Chamber recognizes the grave responsibility the President has.

I would not hesitate to criticize President Nixon if he was extending the war, or if he had failed the American people, as the junior Senator from South Dakota apparently feels he has.

I believe that history will record that President Nixon was the peacemaker of this decade, if not this century. Until it is evident that President Nixon has abandoned efforts to end the war, we have some obligation to support him.

Mr. MURPHY. Mr. President, I congratulate my distinguished colleague from Kansas for his very simple, direct, and factual statement of the case. I have listened for a long time in this Chamber to the problems attendant to the war in Vietnam, and I grow weary of the attacks that are always being made on the American decision, the American action, the American policy. Everyone seems to forget those who are responsible for the trouble—those who caused the war if you will.

The trouble did not start with President Kennedy or President Johnson, or President Nixon. The trouble started with those who would extend the influence of their governments to include all of Indochina against the will of the people, just as they have done in many other areas. This was the beginning, this is the cause, and this is what keeps this terrible war going. Yet that never seems to be mentioned in this Chamber.

There are always voices raised against American policy—but seldom against the true aggressor—"the Communists—Moscow, Peking, Hanoi, Inc."

Currently there is a proper case for discussion about the new bombing. There was an agreement made by President Johnson that we would stop bombing north of the DMZ, in return for which we were given permission to fly surveillance flights with unarmed surveillance planes. These are not the first unarmed planes that have been shot at and shot down in disregard of that agreement.

What are we to do? Shall we do nothing? I suggest that we have the obligation to protect the airmen that we send on those missions, just as, for a long time, I have disagreed with the policy that you can send a man to fight in a foreign war and not permit him to fight the way he is capable of fighting or has been trained to fight. Not permitting him to win.

I submit that the war in Korea was badly managed by those who invented the "no-win" policy. How many thousands of American lives were needlessly lost? I submit that the "no-win" policy prevailed in South Vietnam: The denial by the civilian control to permit the military experts to do the thing that, as experts, they wanted to do—not to extend the war, but to bring it to an end—cut off the enemy's supply lines, and thereby make it impossible for him to continue to fight. The simplest most effective way to stop hostilities is to take away the the shells—mortar shells and bullets.

There is no great mystery to it. It is not a new idea, or a new science. It is one of the oldest ideas in all of military science, and it is the most effective, quickest way to bring a war to an end. But we were not permitted to do that, for reasons I have never understood.

I listened today as the distinguished minority leader spoke of the supply lines of the enemy. I was in Cambodia a week after the incursion, and I was surprised to find out the amount of supplies that were coming in through Sihanoukville, 90 percent. I had never heard about it here. Our communications media had somehow fallen down. We had not gotten the whole story. I was under the impression the supplies were all coming down the Ho Chi Minh Trail.

Ninety percent of the supplies we found came in through Sihanoukville, then were brought inland in 2-ton trucks, and then distributed on bicycles in 200-pound packages, and placed in caves—caches of arms that would have continued the killing of Americans and South Vietnamese for many years to come. I have pictures which I took myself. But we did not know about this. No one told us until we went there—what actually was taking place and no one has really assessed the number of lives saved by the President's decision to invade Cambodia.

I think the Cambodian incursion was the most effective, the most courageous, and without question the most important single decision that has yet been made in that entire unfortunate experience in Southeast Asia.

I can recall my first trip to South Vietnam, when I was sent there at the request of President Johnson to watch the first public elections. I went with a bipartisan group made up of Governors, Members of the Senate, Members of the House of Representatives, and civic leaders from outside of government. We came back in full agreement that those were

good elections, they were conducted properly, honestly, and much more carefully than elections in many cities in our own United States.

Yet, I continually hear that this is an unpopular government, that it is not pleasing the people. I saw no evidence of that while I was there. And I have seen great evidence that they have been doing many, many things to help conditions, such as what they call "Land to the Tiller" program—the breaking up of the big farms, based on the same plan that worked so well in Japan, taken right from General MacArthur's plan, whereby each citizen will be given title to about 7½ acres of land.

I do not hear about those things here. I can remember when we argued, in this Chamber, the Nuclear Nonproliferation Treaty, and I stood up and said I was concerned about it, and voted against it——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MURPHY. I ask unanimous consent to proceed for 2 additional minutes.

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

Mr. MURPHY. With regard to that treaty, there was a condition which, as I read it, said that if any nonnuclear nation was attacked by a nuclear nation, we had to go to war for the preservation of the freedom of that nation immediately.

Some Senators who are opposed to war—and I am one— and some who oppose the unfortunate situation in Vietnam, voted for that treaty. I do not know why we suddenly have two points of view, two sets of rules, and attempt to go at this thing in two directions at the same time. I did not. I did not want another involvement. That treaty, as I understood it would have given an advantage to our enemy and would have restricted our allies. Therefore I opposed it. But some of my colleagues who cry for immediate disengagement in Vietnam voted for that treaty.

We listen to the remarks about the prisoners of war. I wonder if those who complain about the treatment of the prisoners in the South know anything about the treatment of the prisoners in the North. Or what about those whom the Vietcong did not bother to take prisoner in Hue, when 7,000 to 9,000 people were tied together, massacred, and pushed into ditches? What about this sort of treatment? Let us hear an outcry against the terrorist tactics for a change.

No; I think the President has done an exceptional job since he inherited this unfortunate war. I think he has done a magnificent job. I have been to the Middle East just lately. There is a cease-fire there. Yes, it is uncomfortable, and it is tenuous, but there is a cease-fire.

The President has made an offer in South Vietnam that is sincere, fair, and equitable: Stop the guns, settle the political differences publicly and then let us all withdraw. Let all those who have sent troops withdraw at the same time according to an agreed schedule and let the people of that country settle their own differences without outside influence or force.

These are things that are of concern to me. These are the reasons that I get frightened, sometimes, when I hear some of my colleagues make statements which do not seem to be sensible; I can recall, on my first trip to Vietnam, I was shocked when I found some statements made by my colleagues had been given as propaganda to the new troops from North Vietnam.

I came back and said to my distinguished friend, Wayne Morse, "Wayne, did you know this?"

He said, "No, I did not."

When I explained it to him, he was shocked as I was to find that excerpts taken out of context were used as propaganda by the Communists fighting against our troops. Now that war is grinding to an end, and I am convinced, as I have been for the last 20 years, that the only way we will achieve peace—the permanent, honorable peace that we all want—is under the leadership of a courageous man who has made the decision to make certain that all potential enemies know that we Americans will keep our commitments, we will maintain the honor and integrity of this great country; and, with God's help, we will preserve the freedom of this country at the same time.

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## AMBASSADOR HARRIMAN WARNS AGAINST VIETNAMIZATION POLICY

Mr. McGOVERN. Mr. President, if we have any respect at all for the lessons of experience, then certainly we ought to heed the views of Ambassador Averell Harriman on the means to peace in Vietnam.

Ambassador Harriman ranks among this country's most distinguished diplomats. His words on Southeast Asia have special force, because of his many years of representing this country in negotiations with the Soviet Union, and because of his service as chief of the American delegation to the Paris peace talks.

I hope, therefore, that every Senator will examine the extremely important excerpt from Ambassador Harriman's new book, "America and Russia in a Changing World," which appears in Look magazine of November 17, 1970.

Along with a growing number of Americans, he sees nothing but continued grief in the so-called Vietnamization strategy. He writes:

> Our political objectives in Vietnam cannot be achieved by military means. We can expand the war to include Cambodia, Laos, North Vietnam and then China, and even the Soviet Union, but this war cannot be won.

Instead of recognizing that reality, President Nixon clings to the hope that military pressure can force the adversary to terms. In the process, his policy perpetuates a despotic government in Saigon which thinks so little of American sacrifices on its behalf that on at least two occasions it has scuttled the chance for meaningful negotiations.

Under these circumstances, Ambassador Harriman believes that the most hopeful and honorable course would be to withdraw all of our troops from Vietnam on a prompt announced schedule. Senators will recall that this is the precise content of the amendment which I and a number of other Senators proposed earlier this year.

Mr. President, I ask unanimous consent that Mr. Harriman's superb article I have described be printed in the RECORD.

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

W. AVERELL HARRIMAN SAYS: "VIETNAMIZATION IS IMMORAL"

When negotiations with the North Vietnamese began in Paris on May 10, 1968, President Johnson asked Cyrus Vance and myself to handle them. Cy had been Deputy Secretary of Defense. He had also undertaken troubleshooting assignments for the President in Cyprus, Korea and at home during the summer riots of 1967. Cy was more than a deputy, he was my partner throughout the long and frustrating months. And no one could have had a better one.

After nearly six months' discussion, President Johnson was able to stop the bombing at the end of October, 1968. Throughout this period, President Thieu of South Vietnam had never indicated that he was not willing to join the talks in Paris. We had considerable difficulty in getting the other side to agree to negotiate with his representative. They seemed to have a special bitterness toward Thieu, as they had been fighting him for years, way back to the period when they considered him a mercenary of the French.

For our part, we refused to accept the NLF as independent participants. We maintained they were creatures of Hanoi. We finally settled on a compromise that satisfied both sides including Thieu, we believed. There were, of course, two sides to the negotiations, but each side would have the right to include anyone it wanted. The North Vietnamese informed us the NLF would participate on their side, and we informed them the Saigon government would participate on ours.

Then, to the President's surprise (we were aghast in Paris), at the last moment, Thieu refused. Clark Clifford, the Secretary of Defense, in his November 12 press conference, described in detail this unjustified action.

There seems to be little doubt that through one channel or another, Thieu was counseled to wait until after the American presidential election. He was evidently told Nixon would be much harderline than Humphrey, and he was warned that if negotiations began, Humphrey might be elected.

I don't in any way suggest that Richard Nixon knew anything about this. But some believe that if we had started actual negotiations during the week before Election Day, it might well have made a small, but vital, difference in the election. If Hubert Humphrey had been elected President, we would have been well out of Vietnam by now. I can say this with assurance because I am satisfied he would have appointed either George Ball or Clark Clifford his Secretary of State, and I know where they stood.

Between the election and inauguration, we worked hard to get negotiations going. I am not very good at making a case for the enemy, but the North Vietnamese did disengage in the two Northern provinces of I Corps. The fighting there nearly stopped. They took 90 percent of their troops out, and sent half of them above the 20th Parallel, some 200 miles to the north. It seemed clear to us that this was an invitation to reduce the level of fighting and perhaps work toward a cease-fire.

I felt the B–52's were an important negotiating weapon. Although the North Vietnamese never admitted the damage done, they did describe to us in Paris the terrific effect on morale of hell breaking loose from the sky without warning. I felt that in return for the stopping of B–52 raids, they might well agree to stop their terrorist ac-

tivities at least in the cities, and their ambushing along the principal highways. From the North Vietnamese actions as well as what they said, I believe that had substantive negotiations begun in early November, as had been agreed to, progress in reducing the level of combat could have been made, permitting some troops to start home that year—1968.

Instead, even after President Thieu agreed to permit his representatives to join the talks in Paris, there was that undignified row about the table. The North Vietnamese were willing to accept a round table, which we in Paris had recommended. Historically, that has always been the way to avoid questions of protocol. Thieu refused, however, for the simple reason that he did not want to have any substantive discussions before President Nixon came in. In fact, he tried to break up the discussions entirely until, as I understand it, President-elect Nixon sent word to him that he wanted the talks to continue.

Some people say the Russians won't help us out of Vietnam. I can say they did help us—in October, 1968. That is a fact. And they helped in January too. They didn't stop the war. They have only limited influence with Hanoi, but when we are moving toward an agreement, they can be of considerable help and can remove roadblocks.

But the Soviets won't try to force North Vietnam to accept our dictates. They look upon North Vietnam as what they call a "sister" Communist state. They feel they have an obligation, as the great leader of the Communist "camp," to support them.

When I left Paris in January, 1969, we had arranged that the two sides, with two on each side, would sit down privately and talk together. There is no doubt in my mind that President Thieu scuttled those negotiations, and he did it consciously. He announced on January 29 that he was not going to sit down in private, and one of his spokesmen said, "What we have got to tell the Communists, we have already told them in Paris, and it is not necessary to have private meetings with them." This was, of course, nonsense, because they knew that we got nowhere in those public discussions, and that whatever progress was made had to be made privately. So there were no private talks held among the four.

Our formal meetings were held at the Hotel Majestic, an official building of the French Government. Although the press was not admitted, these meetings were thoroughly publicized. Our private talks were conducted in secret by special arrangement. We held many of them over the months in secluded places. Although it became known to the press that there were private talks, no one knew when or where we met. Nor was there a leak from either side of a word we discussed.

My partner, Cy Vance, stayed on in Paris for a month, and during that period, Ambassador Lodge had no private talks on substantive matters. I understand he didn't attempt to have such private talks for two months. By that time, Thieu had "graciously" stated that he would sit down privately with the other side, but the chain was broken. Thieu had stated at the same time that under no circumstances would he agree to a coalition government, and under no cirmumstances would he agree to permit a Communist party in South Vietnam. These were prior conditions that the other side would not take. So that action by Thieu blocked progress in Paris.

Why should we give Thieu the right to dictate American policy? I can't conceive why anybody should give a veto to a foreign potentate, no matter who he is.

We should want to stop this fighting in Vietnam. To me, the Vietnamization of the war is an immoral thing. We have no right to perpetuate the fighting. Every effort should be made to end the human tragedy that is going on in South Vietnam.

Our political objectives in Vietnam cannot be achieved by military means. We can expand the war to include Cambodia, Laos, North Vietnam and then China, and even the Soviet Union, but this war cannot be won. That is not the fault of the United States. It's the nature of the problem that exists there.

Unfortunately, this Administration has not concentrated its attention on negotiations but rather on military action.

On April 20, 1970, the President held out hope that a "just peace" was in sight, yet ten days later the war was expanded. There seems to be an idea that military blows can force the other side to negotiate on our terms. All our past experience in Vietnam shows that this is a delusion.

The Administration's program of Vietnamization of the war is not in my opinion a program for peace but is a program for the perpetuation of the war. At best, we can only hope for a reduction of less than half of our forces in South Vietnam two and a half years after the Administration took office. But after that, there is no assurance whether or when the balance of our forces will be withdrawn. The South Vietnamese troops are able to take on more of the load of our combat troops, but there is no indication that they can operate successfully without American air, artillery and logistic support.

Furthermore, the Vietnamization of the war is dependent on an unpopular and repressive military government. With all of the military influence, Presidient Thieu and Vice President Ky got less than 35 percent of the votes cast in 1967; over 80 percent of the votes were cast for civilian candidates who had some kind of peace plank in their platform. This election confirmed that the people of South Vietnam want peace and not a continuation of the war.

The senatorial elections this August gave further evidence of the desire of the people to end the war. The anti-war Buddhist slate, headed by Vu Van Mau, which reportedly emphasized peace through compromise, was among the three slates elected. It got more votes than even the leading pro-government slate backed by the government and the military. It is significant also that the other slates were beaten. The third winning group was anti-government on domestic issues.

I said on several occasions in Paris, with the approval of Washington, that the United States was against imposition of a government on the people of South Vietnam, either by Hanoi or Washington. I must say I stated that in the hope that it would have an influence in the United States as well as in North Vietnam. But now we find we are trying to impose this military regime on the people of South Vietnam. It is common knowledge that Thieu is putting a number of opposition leaders in jail—even a member of the Lower House, Tran Ngoc Chau, in violation of his constitutional immunity.

It's hard to envision a satisfactory solution unless Thieu does what we have tried to get him to do since 1967: broaden his government. He should rally the non-Communist forces, form an alliance representative of the majority of the people of South Vietnam. Big Minh, who was undoubtedly the most popular of the generals, is in this mood. I have talked to Senator Don, who was also a general, but is now a leader of the opposition in the Senate. The Buddhists, the Cao Dai, Hoa Hao, the labor unions and other non-Communist groups must be brought in. (Thieu himself is a Catholic.) They are anxious to have an end to the war. They want to stay in their country. They know that a military victory can't be won, and they are ready to make a political settlement. But they need to organize together so as to be able to win the political contest that will come after the end of hostilities. That is what we ought to be concentrating on doing.

All our troops should be withdrawn from Vietnam—on a prompt, announced schedule as proposed by former Secretary of Defense Clark Clifford. This will compel the Thieu government to undertake seriously negotiations for a responsible settlement. Thieu must bring into his government the political elements desiring peace and send to Paris a team willing and able to negotiate with the NLF for a compromise solution. If this is done, I believe the other side will join in serious negotiations.

The assurance from us that we intend to remove our troops completely from South Vietnam is necessary to get the North Vietnamese to negotiate a reasonable compromise. Obviously, if Hanoi were recalcitrant, the President, I would hope, in consultation with the Senate, could hold up with the withdrawal schedule.

Our withdrawal should be responsible, and I believe that it can be—without delaying the return of our troops. We helped set this country on fire, and we must help put it out. I have been convinced that the other side will agree to one vital point at least—that there will be no reprisals by either side, with supervision by an international body. Also we must make arrangements for the immediate return of our men who are prisoners of war. Other issues must be subject to negotiation among the Vietnamese themselves.

In the many private discussions I had with the North Vietnamese in Paris, there is one thing that I learned. They are fiercely nationalistic. They particularly want to be independent of China. With this in mind, they established friendly relations with the French after the war with France ended. Now, if our war can be ended, they want similar relations with the United States. Like Tito, they recognize the need for an alternative to being compelled to rely on their powerful Communist neighbor.

I therefore believe that it is important for us to come to an understanding with Hanoi. We must recognize that the North Vietnamese did not keep the Laos Agreement in 1962 for a single day, and some understanding must be reached that is to their interest to keep for a period of years. If we are to have peace in Southeast Asia, some understanding must be arrived at along the lines of President Johnson's Johns Hopkins speech of April, 1965, for reconstruction and regional development, with the participation of the North Vietnamese.

Events have made this more difficult. The Red Chinese have consistently taken a negative position on a peaceful solution in the area. China's influence, I believe, was at its lowest point in 1968. Developments following the overthrow of Sihanouk and our intervention in Cambodia have lifted Chinese influence to a new high.

The Administration's Cambodian policy has exposed its present aim in Vietnam as well as in Cambodia. It is to attempt to support pro-Western military governments regardless of local opposition. This is quite impossible of permanent achievement without the continued presence of large United States forces in Vietnam and a perpetuation of the fighting. Aside from North Vietnam, these countries are so close to the Chinese border that this policy is provocative and will be interpreted by Red China as a threat to its security. If we looked at the area dispassionately, we could not avoid the conclusion that neutral, nonaligned governments are the best we can expect, and are in the long run compatible with our interests.

We have been told that "our will and character" are being tested by our actions in Indochina. That is not correct. What is being tested is our judgment and the wisdom of our purpose.

Here at home, I believe student unrest and the generation gap were widened by disillusion over Vietnam. In the view of many students, if the older generation could be so unwise and unmoral about this war, they must be basically responsible for other wrongs in our society.

I am not suggesting that stopping the war tomorrow would end campus unrest, but it would be the first important step in that direction. Unhappily, President Nixon has scorned student opinion on Vietnam, and this had led to increased campus tensions.

It is easy to be destructive. I reject the rock throwers and the burners. They not only destroy, but their excesses play into the hands of the most reactionary. However, I have profound respect for students who are taking constructive action.

The reality of the situation is that we have wasted many months. The tragedy of lost American lives, the tragedy of the division of our country, the tragedy of the diversion of resources that we ought to be applying to the many urgent needs in this country should be brought to an end.

But if policies giving Thieu a veto are continued, there is no end to the war. The idea that Vietnamization is going to force the North Vietnamese to negotiate on our terms is nonsense. The hope that if the American people stand behind the Vietnamization of the war, Hanoi will give in just doesn't make any sense.

Some people talk about an "honorable" settlement. Are we trying to save our face and our military honor? No! We have responsibility and I am for a responsible withdrawal. There must and there can be agreement on no reprisals and on immediate return of our prisoners. We have to stop the killing. We have an obligation to do so. The kind of America I believe in would do that.

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## A CONFERENCE WITH DELEGATE GEN. MAI VAN BO OF NORTH VIETNAM

Mr. GRIFFIN. Mr. President, as we approach another Thanksgiving Day—with Hanukkah, Christmas, and the dawning of a New Year soon to follow—we enter a most appropriate season to focus our thoughts and prayers upon the American men held prisoners by the Communists in Southeast Asia and upon their brave families.

The names of more than 1,500 Americans are carried on the Defense Department's list of those missing in action. Of that number, only 376 have been identified, in one way or another, as being among those held prisoner.

There is little doubt that others are held captive by the Hanoi authorities. And we believe that additional Americans are in Communist hands in Laos, Cambodia, and South Vietnam. Unfortunately, many of those listed as missing in action have probably perished.

Not knowing, in some cases for as long as 5 or 6 years, whether one is a wife or a widow is a cruel and agonizing state of uncertainty for those at home who watch and wait.

Thoughts about the plight and agony of those brave Americans who will spend this holiday season in Communist prison camps filled my mind as I visited Europe recently.

At The Hague, from November 6 to November 10, I served as a member of the U.S. delegation to the 16th annual North Atlantic Assembly, a meeting of elected parliamentarians from the NATO countries.

Like many of my colleagues in the group, I was caught up in the shock waves which reverberated around the world in the wake of the death of Gen. Charles de Gaulle, one of the greatest leaders in French history and in all the world.

At Vatican City, His Holiness Pope Paul VI received Mrs. Griffin and me in a private audience on November 11. We discussed the plight of those held prisoner in Indochina. It was very apparent that His Holiness is deeply concerned, and he assured me that those held prisoner are constantly remembered in his prayers.

In Paris, I conferred at length with Ambassadors David E. K. Bruce and Philip Habib on the disappointingly slow progress in the peace negotiations with the Hanoi government and the National Liberation Front.

While in Paris, I met the wife and father of a Navy pilot missing in Southeast Asia. Their ordeal illustrates the agony experienced by many who are next of kin. Four years ago the family of this pilot was informed that he had been killed when his plane crashed in North Vietnam. However, a letter has come out of a Communist prison camp recently from his copilot who, until now, had been assumed to be dead also.

While I was in Paris, the wife and father of the Navy pilot were there seeking information from the North Vietnamese as to whether he, too, was alive. After days of waiting, they finally left—with no information.

After some difficulty, I was finally successful in arranging a conference with the senior permanent representative of the North Vietnamese government in Paris, Delegate General Mai Van Bo, who is an associate of Minister Xuan Thuy on Hanoi's delegation to the peace talks.

During my meeting with Delegate General Bo, which lasted about an hour, we covered more or less familiar ground on other aspects of the Vietnam war and the peace negotiations, before our discussion focused on captured military men. I told the delegate general that his government suffered from a huge "credibility gap" in the United States and around the world on the prisoners of war issue. I emphasized that, despite the obligations of the Hanoi government under the Geneva Convention, Americans do not know whether mail and packages are actually delivered to prisoners; that we do not know the names of all who are being held; and we do not know the condition of the prisoners.

In the course of our conversation he made repeated assertions that captured military men are being treated humanely until, finally, I challenged him to back up his statements by allowing me to visit the prisoner camps. I told the delegate general:

As a member of the President's part in the Senate, I would be believed if I could make a report on the true conditions.

So that Hanoi's military security would not be compromised, I offered to travel blindfolded in North Vietnam and to abide by other conditions which might be appropriate to facilitate such a trip. I suggested that a colleague from the other political party might accompany me on such a visit to the prison camps.

I can report no real basis for optimism but it is a fact that the Delegate General did not reject my proposal out of hand. He indicated that he would "think about it" and would "pass the information along."

Near the end of our meeting I presented Delegate General Bo with an up-to-date list of 1,558 Americans missing or believed to be held prisoner in Southeast Asia. I requested Mr. Bo to provide information as to those on the list who are held captive and those who are known to be dead. Included were the names of 52 Michigan men. This was the first time since December 1969 that the Hanoi authorities have acknowledged receipt of such a missing-in-action list.

While no firm commitment was made, I have the hope that I may receive some information about those missing in action in response to my request.

Two other proposals which I advanced during our conference drew no response from Mr. Bo. One was that sick and wounded be released by Christmas. The other was that those prisoners who have been held a long time should be transferred to a third country, such as Hungary, Poland, or Sweden. Presumably, Delegate General Bo has referred my several proposals to higher authorities in his government.

While it would be unrealistic to expect too much still we must patiently and persistently continue to work for progress on the prisoner issue. In the past the North Vietnamese have responded to some American requests, and it is apparent that they are influenced to some extent by American public opinion.

Following my visit with Delegate General Bo, the North Vietnamese issued a press release which referred to our conference. I am told that this was something of a first, since they have not referred publicly to similar conferences in the past with other American officials.

I am told that the members of the other side at the Paris peace talks read the CONGRESSIONAL RECORD regularly. For that reason I have no doubt that these words of mine will come to their attention.

As I told Delegate General Bo during the course of our conference, it would be in the interest of his side to comply with the standards of human decency set forth in the Geneva Convention on prisoners of war, whether or not his government considers itself legally bound.

World opinion is turning against you, I told Delegate General Bo, and for two reasons: First, because of the flat rejection of President Nixon's very generous five-point peace proposal, and second, because of the attitude of your side toward captured military men.

The proposals and requests which I advanced during the conference with Delegate General Bo were reasonable and constructive. I am waiting for a reply. I hope the reply will be reasonable and constructive.

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

REPORT OF ANNUAL COMPENSATION IN EXCESS OF $45,000 FROM FEDERAL FUNDS

A letter from the Deputy Secretary of Defense, transmitting, pursuant to law, a report of the annual compensation of any officer or employee of a Federal Contract Research Center in excess of $45,000 from Federal funds (with an accompanying report); to the Committee on Armed Services.

REPORT OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

A letter from the Chairman, Foreign Claims Settlement Commission of the United States, transmitting, pursuant to law, the report of the Commission for the calendar year ended December 31, 1969 (with an accompanying report); to the Committee on Foreign Relations.

TREATY OF TLATELOLCO

A letter from the Assistant Secretary for Congressional Relations, transmitting from the Mexican Foreign Office an appeal, approved by the Senate of the United Mexican States on September 14, 1970, with respect to the Treaty of Tlatelolco, a protocol to which is now pending before the Committee on Foreign Relations (with an accompanying paper); to the Committee on Foreign Relations.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on how the funds appropriated for roads and trails could be used more effectively by the Forest Service, Department of Agriculture, dated November 20, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Control Over Medicaid Drug Program in Ohio Need Improvement," Social and Rehabilitation Service, Department of Health, Education and Welfare, dated November 23, 1970 (with an accompanying report); to the Committee on Government Operations.

PROPOSED LEGISLATION TO PROVIDE RELIEF IN PATENT AND TRADEMARK CASES AFFECTED BY THE EMERGENCY SITUATION IN THE U.S. POSTAL SERVICE

A letter from the Acting Secretary of Commerce, transmitting a draft of proposed legislation to provide relief in patent and trademark cases affected by the emergency situation in the U.S. Postal Service which began on March 18, 1970 (with accompanying papers); to the Committee on the Judiciary.

REPORT OF THE NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS

A letter from the Secretary, Department of Health, Education, and Welfare, transmitting, pursuant to law, a report of the National Center for Deaf-Blind Youths and Adults, for the year ended June 23, 1970 (with an accompanying report); to the Committee on Labor and Public Welfare.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 3870. A bill for the relief of Dr. Dionisio Teng Libi and Dr. Bernadette Libi (Rept. No. 91–1353);

H.R. 3373. An act for the relief of Giuseppe Delina (Rept. No. 91–1354);

H.R. 4670. An act for the relief of Ok Yon (Mrs. Charles G.) Kirsch (Rept. No. 91–1355);

H.R. 6951. An act to enact the Interstate Agreement on Detainers into law (Rept. No. 91–1356);

H.R. 14543. An act for the relief of Mrs. Rolando C. Dayao (Rept. No. 91–1357);

H.R. 15767. An act for the relief of Mrs. Maria Zahaniacz (nee Bojkiwska) (Rept. No. 91–1358);

H.R. 15922. An act for the relief of Somporn (Leeta Noi) Bell (Rept. No. 91–1359);

H.R. 16857. An act for the relief of Soon Ho Yoo (Rept. No. 91–1360);

H.R. 17431. An act for the relief of Jacqueline and Barbara Andrews (Rept. No. 91–1361);

H.R. 17508. An act for the relief of Jung Yung Mi and Jung Ae Ri (Rept. No. 91–1362); and

H.R. 17912. An act for the relief of Jin Soo Park and Moon Mi Park (Rept. No. 91–1363).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 3540. A bill for the relief of George K. Liu (Rept. No. 91–1351).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 4029. A bill for the relief of Soon Ae Kwalk (Rept. No. 91–1352).

By Mr. BAYH, from the Committee on the Judiciary, without amendment:

H.R. 10658. An act conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Philip J. Fichman (Rept. No. 91–1364).

## S. 4536—ORIGINAL BILL REPORTED TO AMEND THE SMALL BUSINESS ACT (S. REPT. NO. 91–1366)

Mr. McINTYRE, from the Committee on Banking and Currency, reported an original bill (S. 4536) to amend the Small Business Act, and submitted a report thereon, which bill was placed on the calendar, and the report was ordered to be printed.

## REPORT ENTITLED "CONSTITUTIONAL AMENDMENTS"—REPORT OF A COMMITTEE (S. REPT. NO. 91–1367)

Mr. BAYH. Mr. President, on behalf of the Committee on the Judiciary I submit to the Senate the annual report of the Subcommittee on Constitutional Amendments, pursuant to Senate Resolution 42, 91st Congress, first session.

The PRESIDING OFFICER (Mr. CRANSTON). The report will be received and printed.

## CONSUMER PROTECTION ORGANIZATION ACT OF 1970—REPORT OF A COMMITTEE—PERMISSION TO FILE WRITTEN REPORT AT A SUBSEQUENT DATE

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Washington (Mr. MAGNUSON), I report the bill (S. 4459) to establish a Council of Consumers Advisers in the Executive Office of the President and to establish an independent consumer, with amendments, and ask unanimous consent that the Committee on Commerce be given until the close of business Tuesday, November 24, 1970, to file the written report to accompany the bill.

The PRESIDING OFFICER (Mr. CRANSTON). The bill will be placed on the calendar; and, without objection, the request of the Senator from Montana is agreed to.

## EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Sam H. Roberts, of Texas, to be United States marshal for the western district of Texas.

By Mr. HRUSKA, from the Committee on the Judiciary:

Manuel Ruiz, Jr., of California, to be a member of the Commission on Civil Rights.

Mr. FULBRIGHT, from the Committee on Foreign Relations, Executive D, E, I, 91st Congress, second session, and Executive G, 91st Congress, first session, Tax Conventions with Belgium, Finland and Trinidad and Tobago, and the estate tax convention with the Netherlands, respectively, including a reservation to the tax convention with Trinidad and Tobago (Executive D, 91–2) (Executive Rept. No. 91–24).

## BILLS INTRODUCED OR REPORTED

Bills were introduced or reported, read the first time, and, by unanimous consent, the second time, and referred or placed on the calendar, as follows:

By Mr. GORE:

S. 4528. A bill for the relief of Mr. Panayotis Koniavitis; to the Committee on the Judiciary.

By Mr. MILLER:

S. 4529. A bill for the relief of Sidney G. Wilson; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 4530. A bill for the relief of Kuay Ten Chang (Kuay Hong Chang); to the Committee on the Judiciary.

By Mr. INOUYE (for himself and Mr. FONG):

S. 4531. A bill to authorize the Secretary of the Army to grant certain rights-of-way for road improvement and location of public utility lines over a portion of Fort DeRussy, Hawaii: to the Committee on Armed Services.

(The remarks of Mr. INOUYE when he introduced the bill appear below under the appropriate heading.)

By Mr. TYDINGS:

S. 4532. A bill for the relief of Mr. Dimitrios Matheos; and

S. 4533. A bill for the relief of Miss Salvacion Olmedo; to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 4534. A bill to amend the Merchant Marine Act, 1936, as amended; to the Committee on Commerce.

(The remarks of Mr. MAGNUSON when he introduced the bill appear below under the appropriate heading.)

By Mr. MATHIAS:

S. 4535. A bill for the relief of Antonio Joaquin Pueo-Mateu; to the Committee on the Judiciary.

By Mr. McINTYRE:

S. 4536. A bill to amend the Small Business Act; placed on the calendar.

(Reference is made to the bill under "Reports of Committees," which appears earlier in the RECORD.)

## S. 4531—INTRODUCTION OF A BILL TO GRANT CERTAIN RIGHTS-OF-WAY FOR ROAD IMPROVEMENT OVER A PORTION OF FORT DERUSSY, HAWAII

Mr. INOUYE. Mr. President, I introduce, for appropriate reference, on my own and Senator FONG's behalf, a bill to authorize the grant of the necessary easement for the widening and improvement of Kalia Road by the city and county of Honolulu through the Fort DeRussy area. While this project is not a military necessity and therefore requires legislative authorization it does have the support of the military. Such widening will do much to relieve the presently congested traffic in the area as well as improving the appearance of Kalia Road.

I hope the necessary authorization will be speedily granted.

The PRESIDING OFFICER (Mr. DOLE). The bill will be received and appropriately referred.

The bill (S. 4531) to authorize the Secretary of the Army to grant certain rights-of-way for road improvement and location of public utility lines over a portion of Fort DeRussy, Hawaii, introduced by Mr. INOUYE (for himself and Mr. FONG), was received, read twice by its title, and referred to the Committee on Armed Services.

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## S. 4534—INTRODUCTION OF A BILL TO AMEND THE MERCHANT MARINE ACT, 1936, AS AMENDED

Mr. MAGNUSON. Mr. President, by request, I introduce for appropriate reference a bill to amend the Merchant Marine Act, 1936, as amended. The bill would revise title XI of that act which deals with Federal ship mortgage insurance. I do not expect that any action will be taken on this matter this year. It is far too late for that. However, I hope that in this manner, interested persons and Government agencies will have the opportunity to study and review this proposal and use it as a working paper for possible future legislative action.

I ask unanimous consent that the bill, and the accompanying memorandum and comparative text be printed in the RECORD.

The PRESIDING OFFICER (Mr. CRANSTON). The bill will be received and appropriately referred; and, without objection, the bill, memorandum, and comparative text will be printed in the RECORD.

The bill (S. 4534) to amend the Merchant Marine Act, 1936, as amended, introduced by Mr. MAGNUSON (by request), was received, read twice by its title, referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

S. 4534

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Sections 1101 through 1111 of Title XI of the Merchant Marine Act, 1936, (52 Stat. 969), as amended, are amended to read as follows:

SEC. 1101. As used in this title—

(a) The term "mortgage" includes a preferred mortgage as defined in the Ship Mortgage Act, 1920, as amended, on any vessel of the United States (other than a tow boat, barge, scow, lighter, car float, canal boat, or tank vessel, of less than twenty-five gross tons), and a mortgage on such vessel which will become a preferred mortgage when recorded and endorsed as required by the Ship Mortgage Act, 1920, as amended: *Provided, however,* That it shall include a mortgage on, including a chattel mortgage on or other security interest in, any barge or container to be carried on a vessel;

(b) The term "vessel" includes all types of passenger, cargo, and combination passenger-cargo carrying vessels, tankers, tugs, towboats, barges, and dredges documented under the laws of the United States, fishing vessels, floating drydocks which have a capacity of thirty-five thousand or more lifting tons and a beam of one hundred and twenty-five feet or more between the wing walls and oceanographic research or instruction vessels owned by citizens of the United States, and shall include barges or containers (including chassis used to move such containers on land) to be carried on other vessels;

(c) The term "mortgagee" includes the original maker of a loan secured by a mortgage and his successors and assigns, except that in the case of a mortgage involving a trust indenture and an issue of bonds or notes thereunder, it means the trustee designated in such trust indenture and his successors and assigns as trustee, but does not include the holders of the bonds or notes issued under such trust indenture; where the Secretary of Commerce is the holder of a mortgage under the provisions of this title the term "mortgagee" shall refer to the Secretary of Commerce;

(d) The term "mortgagor" includes the original borrower under a mortgage and his successors and assigns approved by the Secretary of Commerce;

(e) The term "obligation" shall mean any note, bond or other evidence of indebtedness, including any short-term obligation incurred for the purpose of obtaining temporary funds with a view to refinancing from time to time (exclusive of notes or other obligations issued by the Secretary of Commerce pursuant to subsection (b) of section 1105 of this title and obligations eligible for investment of funds under section 1102 and subsection (d) of section 1110 of this title), whether or not secured by a mortgage, issued for one of the purposes specified in subsection (a) of section 1104 of this title; the term "obligor" shall mean any party (including a borrower or mortgagor) primarily liable for payment of the principal of or interest on any obligation; the term "obligee" shall include any party (including a lender or mortgagee) entitled to receive payment of the principal of or interest on an obligation, except that, in the event the obligation consists of bonds, notes or other evidence of indebtedness issued pursuant to a trust indenture, the term "obligee" means the trustee designated in such trust indenture and his successors and assigns as trustee, but does not include the holders of the bonds or notes issued under such trust indenture; references in this title to obligations secured by a mortgage or other security shall include obligations the security for which is held by the Secretary of Commerce under section 1106 (a) (2) of this title; and

(f) The term "actual cost" of a vessel or vessels as of any specified date means the aggregate as determined by the Secretary of Commerce of (i) all amounts paid by or for the account of the obligor on or before that date, and (ii) all amounts which the obligor is then obligated to pay from time to time thereafter, for the construction, reconstruction or reconditioning of such vessel or vessels: *Provided,* That in no event shall the Secretary of Commerce pay as insurance under this title in respect of the unpaid balance of the principal of obligations an amount in excess of 75 per centum, or 87½ per centum, as the case may be, of the amount paid by or for the account of the obligor for the construction, reconstruction, or reconditioning of such vessel or vessels used as security for such obligations, except that if the obligor creates an escrow fund as authorized by section 1110 of this Act, the amount that shall be paid as insurance is the interest on and the unpaid balance of the principal of such obligations. The terms "construction," "reconstruction," or "reconditioning," as used in this title with respect to any vessel, shall include, but shall not be limited to, designing, inspecting, outfitting and equipping.

SEC. 1102.

There is hereby created a Federal Ship Mortgage Insurance Fund (hereinafter referred to as the "Fund") which shall be used by the Secretary of Commerce as a revolving fund for the purpose of carrying out the provisions of this title, and there shall be allocated to such Fund the sum of $1,000,000 out of funds made available to the Secretary of Commerce under the appropriation authorized by section 1109. Moneys in the Fund shall be deposited in the Treasury of the United States to the credit of the Fund or invested in bonds or other obligations of, or guaranteed as to principal and interest by, the United States.

SEC. 1103.

(a) The Secretary of Commerce, upon application by the obligor, is authorized to insure as hereinafter provided the payment of the interest on, and the unpaid balance of the principal of, any obligation offered to him which is eligible for insurance as hereinafter provided, including the payment of such interest and principal in accordance with the tenor of such obligation, and upon the terms as the Secretary of Commerce may prescribe, is authorized to make commitments to insure any such obligation prior to the date of execution of such obligation or disbursement thereon.

(b) Each insurance contract made under this section shall run to the obligee and be for the benefit of such obligee, and if the obligee is a trustee under a trust indenture, for the benefit of the holders of the bonds or notes issued under such trust indenture.

(c) The faith of the United States is solemnly pledged to the payment of interest on and the unpaid balance of the principal amount of each obligation insured under this title.

(d) The aggregate unpaid principal amount of the obligations insured under this section and outstanding at any one time shall not exceed $3,000,000,000.

Sec. 1104.

(a) Pursuant to the authority granted under section 1103(a), the Secretary of Commerce, upon such terms as he shall prescribe, may insure or make a commitment to insure, payment of the principal of and interest on any obligation, which obligations aids in:

(1) financing, including payment of obligations previously created to finance, or reimbursement of an obligor for expenditures previously made for, construction, reconstruction or reconditioning of vessels (whether or not such vessels are those used to secure such obligations):

(A) under title V of this Act, as amended;

(B) owned by citizens of the United States which are designed principally for research, or for commercial use (1) in the coastwise or intercoastal trade; (2) on the Great Lakes, or on bays, sounds, rivers, harbors, or inland lakes of the United States; (3) in foreign trade; (4) in the fishing trade or industry; or (5) with respect to floating drydocks, in

the construction, reconstruction, reconditioning or repair of vessels;

(2) refinancing existing obligations including short-term obligations incurred for the purpose of obtaining temporary funds with the view to refinancing from time to time;

(3) financing the purchase of vessels theretofore acquired by the Fund under the provisions of section 1105 and to secure obligations created for reconditioning and reconstruction of such vessels;

(4) financing the purchase by citizens of the United States of vessels for use on the Great Lakes pursuant to the Merchant Ship Sales Act of 1946, as amended; and

(5) financing, in whole or in part, the repayment to the United States of any amount of construction-differential subsidy paid with respect to a vessel pursuant to title V of this Act, as amended, in order to release such vessel from all restrictions imposed as a result of the payment of such construction-differential subsidy.

(b) Obligations insured under this title shall be secured by a mortgage or mortgages or such other security as the Secretary of Commerce may require.

(c) If obligations insured hereunder are secured by a mortgage placed on any vessel at the time such vessel is delivered (or redelivered in the case of a vessel reconstructed or reconditioned) by the builder (or, in the case of a vessel acquired under the Merchant Ship Sales Act of 1946, as amended, at the time of delivery thereof):

(1) such mortgage shall have a mortgagee approved by the Secretary of Commerce as responsible and able to service the mortgage properly (unless the Secretary of Commerce is the mortgagee) and a mortgagor approved by the Secretary of Commerce as possessing the ability, experience, financial resources, and other qualifications necessary to the adequate operation and maintenance of the mortgaged property;

(2) subject to the provisions of subsection (f) of this section, the aggregate principal amount of all obligations insured under this title which relate to the mortgaged vessel shall not exceed 75 per centum of the actual cost of the vessel, such actual cost to be determined by the Secretary of Commerce prior to the execution of the mortgage and such determination to be conclusive for the purpose of determining the principal amount of the obligations: *Provided, however,* That in the case of a vessel, the size and speed of which are approved by the Secretary of Commerce, and which is, or in the case of a vessel to be reconstructed or reconditioned would have been, eligible for mortgage aid for construction under section 509 of this Act and in respect of which the minimum down payment by the mortgagor required by that section would be 12½ per centum of the cost of such vessel, such obligations may be in an amount which does not exceed 87½ per centum of such actual cost; or, in the case of a vessel purchased pursuant to the Merchant Ship Sales Act of 1946, as amended, for exclusive use on the Great Lakes, such obligations may be in a principal amount which does not exceed 75 per centum of the net purchase price of such vessel plus 75 per centum of the amounts expended for altering, modifying, converting, and equipping such vessel in excess of that purchase price, or 75 per centum of the amount which the Secretary of Commerce estimates will be the value of such vessel so purchased for exclusive use on the Great Lakes when the reconstruction or reconditioning is completed, whichever is the lesser: *Provided, further,* That in the case of any barge or container which is constructed without the aid of construction-differential subsidy, or, if so subsidized, on which the construction-differential subsidy has been repaid, and is to be carried on a vessel, the obligations secured by a mortgage on such barge or container may be in an amount which does not exceed 87½ per centum of the actual cost thereof;

(3) the obligations shall have maturity dates satisfactory to the Secretary of Commerce, but, subject to the provisions of subsection (f) of this section, not to exceed twenty-five years from the date of execution of the mortgage;

(4) the obligations or related agreements shall contain amortization provisions satisfactory to the Secretary of Commerce requiring periodic payments by the obligor;

(5) the obligations shall bear interest (exclusive of premium charges for insurance, and service charges, if any) at rates not to exceed such per centum per annum on the unpaid principal as the Secretary of Commerce determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the Department of Commerce;

(6) the obligations or related agreements shall provide, in a manner satisfactory to the Secretary of Commerce, for the application of the obligor's periodic payments to amortization of the principal of the obligations, exclusive of the amount allocated to interest;

(7) the obligations or related agreements shall contain such terms and provisions with respect to the construction, reconstruction, reconditioning, maintenance, purchase of a vessel for use on the Great Lakes pursuant to the Merchant Ship Sales Act of 1946, as amended, or operation of the property, repairs, alterations, payment of taxes, insurance, delinquency charges, revisions, foreclosure proceedings, anticipation of maturity, additional and secondary liens, and other matters pertinent to the security as the Secretary of Commerce may prescribe; and

(8) such mortgage may, in the case of a passenger vessel having the tonnage, speed, passenger accommodations and other characteristics set forth in title V of this Act, as amended, with the approval of the Secretary of Commerce, provide that the sole recourse against the mortgagor by the United States as assignee of the mortgage or as mortgagee for the payment of the principal of, and interest on, obligations secured thereby shall be limited to repossession of the vessel and the assignment of insurance claims and that the liability of the mortgagor for such principal and interest shall be satisfied and discharged by the surrender of the vessel and all right, title and interest therein to the United States: *Provided,* That the vessel upon surrender shall be (i) free and clear of all liens and encumbrances whatsoever except the lien of the preferred mortgage, (ii) in class and (iii) in as good order and condition, ordinary wear and tear excepted, as when acquired by the mortgagor, except that any deficiencies with respect to freedom from encumbrances, condition and class may, to the extent covered by valid policies of insurance, be satisfied by the assignment to the United States of claims of the mortgagor under such policies.

(d) If obligations insured hereunder are secured by a mortgage placed on any vessel subsequent to the time such vessel is delivered by the builder:

(1) The vessel subject to the mortgage shall not be, at the time of insuring the obligations, subject to a mortgage which does not secure obligations insured by the Secretary of Commerce;

(2) subject to the provisions of subsection (f) of this section, the aggregate principal amount of all obligations insured under this title which relate to the mortgaged vessel, when added to the unpaid balance of obligations secured by prior mortgages on such vessel (other than mortgages that are being refinanced by such mortgage) shall result in a sum which will not, (a) if the vessel was not built with the aid of construction-differential subsidy, or if so built, such construction-differential subsidy has been repaid, and complies with the requirements of section 509 of this Act exceed (A) if the vessel has not been reconstructed or reconditioned before such mortgage is executed, 87½ per centum of all amounts the obligor has paid or is obligated to pay for the construction of the vessel, depreciated at the rate of 4 per centum per annum from the date the vessel was delivered by the shipbuilder to the date such mortgage is executed, or (B) if the vessel has been reconstructed or reconditioned before such mortgage is executed, 87½ per centum of all amounts the obligor has paid or is obligated to pay for the construction of the vessel, depreciated at the rate of 4 per centum per annum from the date the vessel was delivered by the shipbuilder to the date of such reconstruction or reconditioning, and depreciated, from the date of such reconstruction or reconditioning to the date such mortgage is executed, on a straight-line basis and on the basis of a useful life of the vessel determined jointly by the Secretary of Commerce and the Secretary of the Treasury, plus 87½ per centum of all amounts the mortgagor has paid or is obligated to pay for the reconstruction or reconditioning of the vessel (if such reconstruction or reconditioning was done without aid of construction-differential subsidy and the vessel complies with the requirements of section 509 of this Act; otherwise, 75 per centum of such amount), depreciated, from the date of such reconstruction or reconditioning to the date such mortgage is executed, on a straight-line basis and on the basis of a useful life of the vessel determined jointly by the Secretary of Commerce and the Secretary of the Treasury, and (b) if the vessel was built with the aid of construction-differential subsidy which construction-differential subsidy has not been repaid, or does not comply with the requirements of section 509 of this Act, exceed the amount computed under (a) above except that, where (a) above provides for 87½ per centum of the construction cost of the vessel, the percentage shall be 75 per centum: *Provided, however,* That if any container or barge which does not comply with the requirements of section 509 of this Act was constructed without construction-differential subsidy, or if so subsidized, if the construction-differential subsidy has been repaid, the obligations secured by a mortgage on such container or barge may be in an amount which does not exceed 87½ per centum of the actual cost thereof, depreciated as above provided, except that the useful life and rate of depreciation of containers shall be as determined by the Secretary of Commerce;

(3) subject to the provisions of subsection (f) of this section, the obligations shall have maturity dates which, if the vessel has not been reconstructed or reconditioned, do not exceed the remaining years of a useful life of the mortgaged vessel of twenty-five years computed from the date the vessel was delivered by the shipbuilder or, if the vessel has been reconstructed or reconditioned, do not exceed the remaining years of a useful life of the vessel determined jointly by the Secretary of the Treasury and the Secretary of Commerce;

(4) the mortgaged vessel shall be in class A–1, American Bureau of Shipping, with all required certificates, including but not limited to, marine inspection certificates of the United States Coast Guard, with all outstanding requirements and recommendations necessary for retention of class accomplished, unless the Secretary of Commerce permits a deferment of such repairs, and shall be tight, stanch, strong and well and sufficiently tackled, appareled, furnished and equipped, and in every respect seaworthy and in good running condition and repair and in all respects fit for service: *Provided,* That containers shall meet such standards as may be

prescribed by the Secretary of Commerce; and

(5) the mortgage, the obligations or related agreements shall comply with the requirements of paragraphs (1) and (4) through (8), inclusive, of subsection (c) of this section 1104.

(e) If the security for obligations insured under this title relates to a vessel to be constructed, reconstructed or reconditioned:

(1) such obligations shall have an obligee approved by the Secretary of Commerce and an obligor approved by the Secretary of Commerce as possessing the ability, experience, financial resources and other qualifications necessary to the adequate operation and maintenance of the property;

(2) subject to the provisions of subsection (f) of this section, the aggregate principal amount of all obligations insured under this title which relate to such vessel shall not exceed 75 per centum or 87½ per centum, as determined pursuant to subsection (c) of this section, of the actual cost of such vessel, such actual cost to be determined by the Secretary of Commerce and such determination to be conclusive for the purpose of determining the principal amount of such obligations;

(3) such obligations shall bear interest at an average interest rate not to exceed the maximum rate permitted by paragraph (5) of subsection (c) of this section; and

(4) such obligations or related agreements *shall provide* that a mortgage conforming to the requirements of subsection (c) of this section shall be placed on the vessel upon delivery unless the payment of such obligations at or prior to the delivery of the vessel is required.

(f) (1) The security for an obligation insured under this title may relate to more than one vessel and may consist of any combination of the security described in sections (c), (d) and (e) of this section. The aggregate principal amount of such obligations may equal, but not exceed, the sum of the principal amount of obligations permissible with respect to each vessel.

(2) If the security for an obligation insured under this title relates to more than one vessel, such obligation may have the latest maturity date permissible under subsection (c), (d) or (e) of this section with respect to any such security: *Provided,* That such obligation or related agreements shall contain provisions requiring the payment, prior to maturity, of such portion of the principal amount of all obligations to which such security relates as may be required by the Secretary of Commerce in order to maintain adequate security for such obligations.

(g) No commitment to insure an obligation shall be made by the Secretary of Commerce unless he finds, at or prior to the time such commitment is made, that the property or project with respect to which the obligation will be executed will be, in his opinion, economically sound, and no obligation, unless made pursuant to a prior commitment, shall be insured unless the Secretary of Commerce finds, at or prior to the time the insurance becomes effective, that the property or project with respect to which the obligation is executed will be in his opinion economically sound.

(h) The Secretary of Commerce is authorized to fix a premium charge for the insurance of an obligation under this title. If the security for an obligation relates to a delivered vessel, such charge shall not be less than one-half of 1 per centum per annum nor more than 1 per centum per annum of the average principal amount of such obligation outstanding, excluding the average amount (except interest) on deposit in an escrow fund created under section 1110 of this Act. If the security for an obligation relates to a vessel to be constructed, reconstructed or reconditioned, such charge shall not be less than one-quarter of 1 per centum per annum nor more than one-half of 1 per centum per annum of the average principal amount of such obligation outstanding, excluding the average amount (except interest) on deposit in an escrow fund created under section 1110 of this Act. For purposes of this subsection (h), the principal amount of an obligation that relates to a delivered vessel and to a vessel to be constructed, reconstructed or reconditioned shall be prorated in accordance with regulations prescribed by the Secretary of Commerce. Premium payments shall be made when moneys are first advanced under an insured obligation and on each anniversary date thereafter. The obligor shall pay to the obligee the amount required for the payment of each insurance premium charge hereunder at least sixty days before the payment of such premium charge to the Secretary of Commerce is due, and the failure of the obligor to make such payments shall be a default: *Provided, however,* That when the Secretary of Commerce holds the security, the obligor shall pay such premium charge directly to the Secretary of Commerce when due; all such premium charges shall be computed and shall be payable to the Secretary of Commerce under such regulations as the Secretary of Commerce may prescribe.

(i) The Secretary of Commerce shall charge and collect such amounts as he may deem reasonable for the investigation of applications for insurance, for the appraisal of properties offered for insurance, for the issuance of commitments, for services in connection with the escrow fund authorized by section 1110, and for the inspection of such properties during construction, reconstruction, or reconditioning: *Provided,* That such charges shall not aggregate more than one-half of 1 per centum of the original principal amount of the obligations to be insured. Unless otherwise agreed, the charge for any such services shall be paid by the obligor.

(j) All moneys received under the provisions of sections 1101–1109 of this title shall be deposited in the Fund.

(k) All or part of the proceeds from an obligation insured hereunder may be deposited in a fund maintained by the operator under section 607 of this Act, as amended, or if the operator does not maintain such a fund, in a fund maintained under section 511 of this Act, as amended. If any deposit is made in a fund under this subsection (k), such deposit may be withdrawn only to pay for the construction, reconstruction or reconditioning of a vessel or vessels in accordance with this section, or if for any reason such payments do not exhaust the deposit, then to redeem, to the extent of the balance remaining on deposit, insured obligations.

(l) Obligations insured under this title and agreements relating thereto may contain such other provisions as shall be agreed upon between the obligor and obligee which are not inconsistent with the provisions of this section 1104 and which are not disapproved by the Secretary of Commerce.

SEC. 1105.

(a) (1) If an obligation is secured by a mortgage under which the obligee is the mortgagee, and any act or failure to act which gives the obligee the right to foreclose occurs, any such act or failure to act being herein called a default, and the obligor fails to remove and remedy and default within thirty days, the obligee shall have the right (i) in the case of a default in respect of the payment of principal or interest or the payment of any amount to provide for the payment of premium charges for insurance under this title, to demand at or before the expiration of sixty days after any such default, and (ii) in the case of any other default, to demand at any time during the continuance of such default, payment by the Secretary of Commerce or the unpaid principal amount of said obligation and of the unpaid interest thereon to the date of payments or, if the contract of insurance so provides, payment of the principal of and interest on such obligation then due, owing, and unpaid and that the Secretary of Commerce make all future payments of principal and interest as they shall become due and payable in accordance with the tenor of the obligation secured by the mortgage: *Provided,* That an assignment of the mortgage and of the obligations secured by the mortgage be tendered to the Secretary of Commerce at the time such demand is made. The Secretary of Commerce may at any time during the continuance of any default notify the obligee in writing, specifying the default, that by reason of such default the Secretary of Commerce intends to terminate the insurance contract sixty days after such notice is received by the obligee, and the obligee shall be entitled to demand payment by the Secretary of Commerce as above provided at any time during said sixty-day period, whether or not the default is removed and remedied, and if the obligee shall fail to make such demand, the insurance contract may be terminated by the Secretary of Commerce on or after the expiration of such period. Within a period of thirty days from the date of any such demand, the Secretary of Commerce shall accept the assignment and promptly pay to the obligee the unpaid principal amount of such obligation and unpaid interest thereon to the date of payment or, if the contract of insurance so provides, the principal of and interest on such obligation then due, owing and unpaid and shall make all future payments of principal and interest as they shall become due in accordance with the tenor of such obligation: *Provided,* That, except in any case in which the Secretary of Commerce has given notice of intention to terminate the insurance contract pursuant to the foregoing provisions, the Secretary of Commerce shall not be required to accept such assignment if prior to the expiration of said thirty-day period he shall find that there was no default or that such default was removed and remedied prior to any such demand.

(2) If an obligation insured under the title is not secured by a mortgage and any security relating thereto is held by the obligee and an act or failure to act occurs which constitutes a default under the obligation or related agreements including any loan agreement, any such act or failure to act being herein called a default, and the obligor fails to remove and remedy the default within thirty days, the obligee shall have the right (i) in the case of a default in respect of the payment of principal or interest or the payment of any amount to provide for the payment of premium charges for insurance under this title, to demand at or before the expiration of sixty days after any such default, and (ii) in the case of any other default, to demand at any time during the continuance of such default, payment by the Secretary of Commerce of the unpaid principal amount of said obligation and of the unpaid interest thereon to the date of payment, or if the contract of insurance so provides, payment of the principal and interest on such obligation then due, owing and unpaid and that of the Secretary of Commerce make all future payments of principal and interest as they shall become due and payable in accordance with the tenor of such obligation: *Provided,* That an assignment of the obligations and related agreements including any loan agreement be tendered to the Secretary of Commerce at the time such demand is made. The Secretary of Commerce may at any time during the continuance of any default notify the obligee in writing, specifying such default, that by reason of such default the Secretary of Commerce intends to terminate the insurance contract sixty days after such notice is received by the obligee, and the obligee shall be entitled to demand payment by the Secretary of Commerce as above provided at any time during said sixty-day

period, whether or not the default is removed and remedied, and if the obligee shall fail to make such demand, the insurance contract may be terminated by the Secretary of Commerce on or after the expiration of such period. Within a period of thirty days from the date of any such demand, the Secretary of Commerce shall accept the assignment and promptly pay to the obligee the unpaid principal amount of such obligation and unpaid interest thereon to the date of payment or, if the contract of insurance so provides, the principal of and interest on such obligation then due, owing and unpaid and shall make all future payments of principal and interest as they shall become due in accordance with the tenor of such obligation: *Provided,* That, except in any case in which the Secretary of Commerce has given notice of intention to terminate the insurance contract pursuant to the foregoing provisions, the Secretary of Commerce shall not be required to accept such assignment if prior to the expiration of said thirty-day period he shall find that there was no default or that such default was removed and remedied prior to any such demand.

(b) Any amount required to be paid by the Secretary of Commerce pursuant to subsection (a) of this section, shall be paid in cash. If at any time the moneys in the Fund authorized by section 1102 of this Act are not sufficient to pay any amount the Secretary of Commerce is required to pay by subsection (a) of this section, the Secretary of Commerce is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Secretary of Commerce, with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations to be issued hereunder and for such purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Funds borrowed under this section shall be deposited in the Fund and redemptions of such notes and obligations shall be made by the Secretary of Commerce from such Fund.

(c) (1) In the event the Secretary of Commerce shall accept the assignment of a mortgage upon the default of the obligor pursuant to subsection (a) (1) of this section, he may institute foreclosure proceedings and in connection therewith repossess the mortgaged vessel forthwith and, subject to the provisions of section 1104(c) (8), take such other action against the obligor that, in his discretion, may be required to protect the interests of the United States and of the obligee, as they may appear. Any suit may be brought in the name of the United States or in the name of the obligee and the obligee shall make available to the United States all records and evidence necessary to prosecute any such suit. If the Secretary of Commerce shall determine that the interests of the United States do not require foreclosure of the mortgage, he may make such agreement with the obligor as in the opinion of the Secretary of Commerce will result in remedying the defaults. The Secretary of Commerce shall have the right in his discretion to accept a conveyance of title to and possession of the vessel from the obligor, and in the event of a sale under foreclosure proceedings, may purchase the vessel for an amount not greater than the unpaid principal amount of obligations insured under this title secured by such mortgage and unpaid interest thereon. In the event the Secretary of Commerce shall receive through the sale of the vessel an amount of cash in excess of any payment made to the obligee under subsection (a) (1) of this section, and the expenses of collection of such amount, he shall pay such excess to the obligor.

(2) In the event the Secretary of Commerce shall accept the assignments of obligations and related agreements, including any loan agreement, pursuant to subsection (a) (2) of this section, he shall take such action against the obligor or any other parties liable under such obligations or related agreements that, in his discretion, may be required to protect the interests of the United States and of the obligee, as they may appear. Any suit may be brought in the name of the United States or in the name of the obligee and the obligee shall make available to the United States all records and evidence necessary to prosecute any such suit. The Secretary of Commerce shall have the right in his discretion to accept a conveyance of title to and possession of the property from the obligor, and may purchase the property for an amount not greater than the unpaid principal amount of such obligations and unpaid interest thereon. In the event the Secretary of Commerce shall receive through the sale of the property an amount of cash in excess of any payment made to the obligee under subsection (a) (2) of this section, and the expenses of collection of such amount, he shall pay such excess to the obligor.

(d) Notwithstanding any other provision of law relating to the acquisition, handling or disposal of property by the United States, the Secretary of Commerce shall have the right in his discretion to complete, recondition, reconstruct, renovate, repair, maintain, operate, charter, or sell any property acquired by him pursuant to the assignment as provided in this section and may place a mortgaged vessel in the national defense reserve or may sell the same upon competitive bids for not less than the minimum sales price provided by the Merchant Marine Act, 1936, as amended. The buyer shall be required to make cash payment to the Secretary of Commerce of not less than 25 per centum of the sales price, and the balance shall be paid in equal annual installments over the remaining period of the expected useful life of such vessel. Such installments shall include interest on the purchase price remaining unpaid at a rate not less than (i) a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such installments, adjusted to the nearest one-eighth of 1 per centum, plus (ii) an allowance adequate in the judgment of the Secretary of Commerce to cover administrative costs.

(e) Any contract or commitment of insurance entered into by the Secretary of Commerce under the provisions of this title shall not be terminated, canceled, or otherwise revoked for any reason, except as provided in section 1105 or section 1106 of this title, and shall be conclusive evidence that the obligations comply fully with the provisions of this title and of the approval of the principal amount, interest rate, and all other terms of the obligations and of the obligor and of the obligee; and any contract or commitment of insurance so entered into shall be incontestable from the date as of which such contract or commitment is entered into.

SEC. 1106.

(a) The Secretary of Commerce is authorized, at the request of the applicant for insurance under this title:

(1) to provide that the security relating to an insured obligation provided for in section 1104 shall run to the obligee, or, alternatively;

(2) to provide that such security shall run to the Secretary of Commerce and be subject to the provisions of subsection (b) of this section.

(b) If such security runs to the Secretary of Commerce:

(1) in the event of a default in any payment by the obligor of principal or interest due under an obligation insured under this title, the obligee shall have the right to demand, at or before the expiration of sixty days after such default, payment by the Secretary of Commerce of the unpaid principal amount of said obligation and of the unpaid interest thereon to the date of payment or, if the contract of insurance so provides, payment of the principal of and interest on the obligation then due, owing, and unpaid and that the Secretary of Commerce make all future payments of principal and interest as they shall become due and payable in accordance with the tenor of such obligation: *Provided,* That, unless the contract of insurance provides that no such assignment is required, an assignment of the obligation and any security held by the obligee be tendered to the Secretary of Commerce at the time such demand is made;

(2) the Secretary of Commerce may at any time during the continuance of a default under the provisions of an obligation, or any agreement relating thereto or to security held by the Secretary of Commerce, notify the obligee in writing, specifying the default, that by reason of such default the Secretary of Commerce intends to terminate the insurance contract sixty days after such notice is received by the obligee, and the obligee shall be entitled to demand payment by the Secretary of Commerce as above provided at any time during said sixty-day period, whether or not the default is removed and remedied, and if the obligee shall fail to make such demand, the insurance contract may be terminated by the Secretary of Commerce on or after the expiration of such period;

(3) within a period of thirty days from the date of any such demand pursuant to paragraph (1) or (2) of this subsection (b), the Secretary of Commerce shall accept any assignment provided for under this section, and promptly pay to the obligee the unpaid principal amount of said obligation and unpaid interest thereon to the date of payment or, if the contract of insurance so provides, the principal of and interest on said obligation then due, owing and unpaid and shall make all future payments of principal and interest as they shall become due in accordance with the tenor of said obligation: *Provided,* That, except in any case in which the Secretary of Commerce has given notice of intention to terminate the insurance contract pursuant to the foregoing provisions, the Secretary of Commerce shall not be required to accept such assignment or make such payment if prior to the expiration of said thirty-day period he shall find that there was no default or that such default was removed and remedied prior to any such demand;

(4) in the event the Secretary of Commerce is required to make payment of any

insured obligation the security for which is held by the Secretary of Commerce pursuant to subsection (a)(2) of this section or in the event there shall be a default under any provision of any agreement relating to such obligation or the security therefor which shall give the Secretary of Commerce such rights, he shall have all rights with respect to such obligation and any security held by him as are conferred upon the Secretary of Commerce under subsection (c) and (d) of section 1105 of this title: *Provided, however,* That if the contract of insurance so provides, it shall not be necessary for the obligation to be assigned to the Secretary of Commerce as provided in subsections (a) and (c) of section 1105; and

(5) the Secretary of Commerce may make such arrangements with the obligor with regard to the security he holds as he shall deem appropriate, including, but not limited to, substituting one form of security for another.

SEC. 1107.

Whoever, for the purpose of obtaining any loan or advance of credit from any person, partnership, association, or corporation with the intent that an obligation relating to such loan or advance of credit shall be offered to or accepted by the Secretary of Commerce for insurance, or for the purpose of obtaining any extension or renewal of any loan, advance of credit, or mortgage relating to an obligation insured by the said Secretary of Commerce, or the acceptance, release, or substitution of any security on such a loan, advance of credit, or for the purpose of influencing in any way the action of the said Secretary of Commerce under this title, makes, passes, utters, or publishes, or causes to be made, passed, uttered, or published any statement, knowing the same to be false, or alters, forges, or counterfeits, or causes or procures to be altered, forged, or counterfeited, any instrument, paper, or document, or utters, publishes, or passes as true, or causes to be uttered, published, or passed as true, any instrument, paper, or document, knowing it to have been altered, forged, or counterfeited, or willfully overvalues any security, asset, or income, shall be guilty of a misdemeanor and punished as provided under the first paragraph of section 806(b) of this Act.

SEC. 1108.

The Secretary of Commerce is authorized and directed to make such rules and regulations as may be deemed necessary or appropriate to carry out the purposes and provisions of this title.

SEC. 1109.

There is hereby authorized to be appropriated the sum of $1,000,000 and such further sums as may be necessary to carry out the provisions of this title.

SEC. 1110.

(a) CREATION OF THE ESCROW FUND.—In connection with the insurance of an obligation, the Secretary of Commerce is authorized to accept a deposit in escrow in an amount which at the time of such deposit is equal to: (i) the excess of the principal of all obligations which have the same security as such obligation over 75 per centum, or 87½ per centum, as the case may be, of the amount paid by or for the account of the obligor for the construction, reconstruction or reconditioning of the vessel, including vessels to be constructed, reconstructed, or reconditioned, used or to be used as security for such obligation: *Provided,* That, for purposes of this section, if an existing vessel is used as security for such obligation, the amount paid by or for the account of the obligor for the contruction, reconstruction or reconditioning of such vessel shall be depreciated as provided in subsection (d) of section 1104 of this title; (ii) with interest thereon for the period of the escrow agreement.

(b) DISBURSEMENT PRIOR TO TERMINATION OF THE ESCROW AGREEMENT.—The Secretary of Commerce shall, as specified in the escrow agreement, disburse the escrow fund to pay amounts the obligor is obligated to pay as interest on such obligation or for the construction, reconstruction, or reconditioning of the vessels used as security for such obligation or to redeem such obligation in connection with a refinancing under paragraph (2) of subsection (a) of section 1104, except that if insurance becomes payable under the insurance contract prior to the termination of the escrow agreement, all amounts in the escrow fund at the time such insurance becomes payable (including realized income which has not yet been paid to the obligor) shall, subject to the application of the provisions of section 1104(c)(8) of this title, be paid into the Fund and (i) be credited against any amounts due or to become due to the Secretary of Commerce from the obligor with respect to the insured obligation and (ii) to the extent not so required, be paid to the obligor.

(c) DISBURSEMENTS UPON TERMINATION OF THE ESCROW AGREEMENT.—If insurance has not become payable under the insurance contract prior to the termination of the escrow agreement, any balance of the escrow fund at the time of such termination shall be disbursed to prepay the excess of the principal of all obligations which relate to a vessel over 75 per centum, or 87½ per centum, as the case may be, of the actual cost of such vessel to the extent paid, and to pay interest on such prepaid amount of principal, and the remainder of such balance of the escrow fund shall be paid to the obligor.

(d) INVESTMENT OF THE ESCROW FUND.—The Secretary of Commerce may invest and reinvest all or any part of the escrow fund in obligations of the United States or agencies thereof, in time deposits in banks which are members of the Federal Deposit Insurance Corporation or in such other debt securities as the Secretary of Commerce may designate, with such maturities that such fund will be available as required for purposes of the escrow agreement.

(e) INCOME ON THE ESCROW FUND.—Any income realized on the escrow fund shall, upon receipt, be paid to the obligor.

(f) OTHER TERMS.—The escrow agreement shall contain such other terms as the Secretary of Commerce may consider necessary to fully protect the interests of the United States.

The material presented by Mr. MAGNUSON is as follows:

EXPLANATION OF PROPOSED LEGISLATION REPLACING SECTIONS 1101 THROUGH 1111 OF TITLE XI OF THE MERCHANT MARINE ACT, 1936

A need for revision of Title XI of the Merchant Marine Act of 1936 has long been thought desirable by the maritime industry and the financial community. However, the impetus leading toward this particular bill stems from a letter to the American Institute of Merchant Shipping from the Division of Government Aid, Maritime Administration of June 29, 1969. High interest rates stimulated all parties concerned with Title XI to make a re-examination to insure that Government credit available under Title XI be utilized in the most efficient manner possible.

The proposed bill, which is highly technical, has been developed through extensive liaison between steamship lines and the Maritime Administration, and between steamship lines and the financial community.

Technical innovations are rapidly transforming the shipping industry into a highly capital intensive business enterprise. As a consequence, Title XI financing is becoming of increasingly crucial importance. The accomplishment of the proposed bill would be to provide much needed simplicity and flexibility. Therefore, the proposed changes to Title X should be considered by the Congress as early as practicable.

CHANGES IN TITLE XI—FEDERAL SHIP MORTGAGE INSURANCE

(Following are changes which are made in Title XI of the Merchant Marine Act, 1936, as amended, by the proposed bill (references are to sections of the Act). Unless otherwise indicated, existing law proposed to be omitted is enclosed in black brackets; new provisions are italic; existing law in which no change is contemplated is shown in roman.)

Sec. 1101. As used in this title—

(a) The term "mortgage" includes a preferred mortgage as defined in the Ship Mortgage Act, 1920, as amended, on any vessel of the United States (other than a towboat, barge, scow, lighter, car float, canal boat, or tank vessel, of less than [two hundred] *twenty-five gross tons*), and a mortgage on such a vessel which will become a preferred mortgage when recorded and endorsed as required by the Ship Mortgage Act, 1920, as amended: *Provided, however, That it shall include a mortgage on, including a chattel mortgage on or other security interest in, any barge or container to be carried on a vessel;*

[(b) The term "loan" includes any loan or advance of credit other than a mortgage loan;]

[(c)] (*b*) The term "vessel" includes all types of passenger, cargo, and combination passenger-cargo carrying vessels, tankers, tugs, towboats, barges, and dredges documented under the laws of the United States, fishing vessels, floating drydocks which have a capacity of thirty-five thousand or more lifting tons and a beam of one hundred and twenty-five feet or more between the wing walls and oceanographic research or instruction vessels owned by citizens of the United States, *and shall include barges or containers (including chassis used to move such containers on land) to be carried on other vessels;*

[(d)](*c*) The term "mortgagee" includes the original maker of a loan secured by a mortgage and his successors and assigns, except that in the case of a mortgage involving a trust indenture and an issue of bonds or notes thereunder, it means the trustee designated in such trust indenture and his successors and assigns as trustee, but does not include the holders of the bonds or notes issued under such trust indenture; *where the Secretary of Commerce is the holder of a mortgage under the provisions of this title the term "mortgagee" shall refer to the Secretary of Commerce;* [and the term "lender" includes the original maker of any loan or advance of credit other than a loan secured by a mortgage, and his successors and assigns, except that in the case of a loan or advance of credit involving a trust indenture and an issue of bonds or notes thereunder, it means the trustee designated in such trust indenture and his successors and assigns as trustee, but does not include the holders of the bonds or notes issued under such trust indenture;] [and]

[(e)](*d*) The term "mortgagor" includes the original borrower under a mortgage and his successors and assigns approved by the *Secretary of Commerce* [Commission];

(*e*) *The term "obligation" shall mean any note, bond or other evidence of indebtedness, including any short-term obligation incurred for the purpose of obtaining temporary funds with a view to refinancing from time to time (exclusive of notes or other obligations issued by the Secretary of Commerce pursuant to subsection (b) of section 1105 of this title and obligations eligible for investment of funds under section 1102 and subsection (d) of section 1110 of this title), whether or not secured by a mortgage, issued for one of the purposes specified in subsection (a) of section 1104 of this title; the term "obligor"*

*shall mean any party (including a borrower or mortgagor) primarily liable for payment of the principal of or interest on any obligation; the term "obligee' shall include any party (including a lender or mortgagee) entitled to receive payment of the principal of or interest on an obligation, except that, in the event the obligation consists of bonds, notes or other evidence of indebtedness issued pursuant to a trust indenture, the term "obligee" means the trustee designated in such trust indenture and his successors and assigns as trustee, but does not include the holders of the bonds or notes issued under such trust indenture; references in this title to obligations secured by a mortgage or other security shall include obligations the security for which is held by the Secretary of Commerce under section 1106(a) (2) of this title; and*

(f) The term "actual cost" of a vessel *or vessels* as of any specified date means the aggregate as determined by the Secretary of Commerce of (i) all amounts paid by or for the account of the [mortgagor or borrower] *obligor* on or before that date, and (ii) all amounts which the [mortgagor or borrower] *obligor* is then obligated to pay from time to time thereafter, for the construction, reconstruction or reconditioning [(including designing, inspecting, outfitting, and equipping)] of such vessel *or vessels*: *Provided,* that in no event shall the Secretary of Commerce pay as insurance under this title in respect of the unpaid balance of the principal of [a mortgage or loan] *obligations* an amount in excess of 75 per centum, or 87½ per centum, as the case may be, of the amount paid by or for the account of the [mortgagor or borrower] *obligor* for the construction, reconstruction, or reconditioning [(including designing, inspecting, outfitting, and equipping)] of such vessel *or vessels used as security for such obligations,* except that if the [mortgagor or borrower] *obligor* creates an escrow fund as authorized by section [1111] *1110* of this Act, the amount that shall be paid as insurance is the interest on and the unpaid balance of the principal of such [loan or mortgage] *obligations. The terms "construction," "reconstruction," or "reconditioning," as used in this title with respect to any vessel, shall include, but shall not be limited to, designing, inspecting, outfitting, and equipping.*

Sec. 1102.

There is hereby created a Federal Ship Mortgage Insurance Fund (hereinafter referred to as the "Fund") which shall be used by the Secretary of Commerce as a revolving fund for the purpose of carrying out the provisions of this title, and there shall be allocated to such Fund the sum of $1,000,000 out of funds made available to the Secretary of Commerce under the appropriation authorized by section [1110] *1109.* Moneys in the Fund shall be deposited in the Treasury of the United States to the credit of the Fund, or invested in bonds or other obligations of, or guaranteed as to principal and interest by, the United States.

Sec. 1103.

(a) The Secretary of Commerce, upon application by the [mortgagor] *obligor,* is authorized to insure as hereinafter provided the *payment of the* interest on, and the unpaid balance of the principal or, any [mortgage] *obligation* offered to him which is eligible for insurance as hereafter provided *including the payment of such interest and principal in accordance with the tenor of such obligation,* and upon such terms as the Secretary of Commerce may prescribe, is authorized to make commitments to insure any such [mortgage] *obligation* prior to the date of execution *of such obligation* or disbursement thereon.

[(b) The Secretary of Commerce, upon application by the borrower, is authorized to insure as hereinafter provided the interest on and the unpaid balance of the principal of, any loan offered to him which is eligible for insurance as hereinafter provided and, upon such terms as the Secretary of Commerce may prescribe, is authorized to make commitments to insure any such loan prior to the date of execution or disbursement thereon.]

[(c)] (b) Each insurance contract made under this section shall run to the [mortgagee or lender] *obligee* and be for the benefit of such [mortgagee or lender] *obligee,* [and the holders of the obligations secured by the mortgage or evidencing the loan,] and if the [mortgagee or lender] *obligee* is a trustee under a trust indenture, for the benefit of the holders of the bonds or notes issued under such trust indenture.

[(d)] (c) The faith of the United States is solemnly pledged to the payment of interest on and the unpaid balance of the principal amount of each [mortgage and loan] *obligations* insured this title.

[(e)] (d) The aggregate unpaid principal amounts of the [mortgages and loans] *obligations* insured under this section and outstanding at any one time shall not exceed $3,000,000,000.

Sec. 1104. [NOTE: It is proposed that § 1104 be amended to encompass present § 1104, and §§ 1106 and 1107 as well; present §§ 1106 and 1107 are deleted. Provisions which have been included in their present form or substantially in their present form are identified as to source in the margin; wholly new language is underlined. Where practical, omitted matter is bracketed.]

(a) *Pursuant to the authority granted under section 1103(a), the Secretary of Commerce, upon such terms as he shall prescribe, may insure or make a commitment to insure, payment of the principal of and interest on an obligation, which obligation aids in:*

§§ 1104(a) (8) and 1107

(1) financing, including payment of [loans] *obligations* previously [made] *created* to finance, [and] *or* reimbursement of [the mortgagor] *an obligator* for expenditures previously made for, construction [(including designing, inspecting, outfitting, and equipping)] reconstruction or reconditioning of vessels, *(whether or not such vessels are those used to secure such obligations)*:

(A) under title V of this Act, as amended;

(B) owned by citizens of the United States which are designed principally for research, or for commercial use (1) in the coastwise or intercoastal trade; (2) on the Great Lakes, or on bays, sounds, rivers, harbors, or inland lakes of the United States; (3) in foreign trade; (4) in the fishing trade or industry; or (5) with respect to floating drydocks, in the construction, reconstruction, reconditioning, or repair of vessels;

(2) *refinancing existing obligations including short-term obligations incurred for the purpose of obtaining temporary funds with the view to refinancing from time to time;*

§ 1106 (4)

(3) financing the purchase of vessels heretofore acquired by the Fund under the provisions of section 1105 and to secure [loans or advances made] *obligations created* for reconditioning and reconstruction of such vessels;

§ 1104(a) (8)

(4) financing the purchase by citizens of the United States of vessels for use on the Great Lakes pursuant to the Merchant Ship Sales Act of 1946, as amended; and

(5) *financing, in whole or in part, the repayment to the United States of any amount of construction-differential subsidy paid with respect to a vessel pursuant to title V of this Act, as amended, in order to release such vessel from all restrictions imposed as a result of the payment of such construction-differential subsidy.*

(b) *Obligations insured under this title shall be secured by a mortgage or mortgages or such other security as the Secretary of Commerce may require.*

(c) *If obligations insured hereunder are secured by a mortgage placed on any vessel at the time such vessel is delivered (or redelivered in the case of a vessel reconstructed or reconditioned) by the builder (or, in the case of a vessel acquired under the Merchant Ship Sales Act of 1946, as amended, at the time of delivery thereof):*

§ 1104(a) (1)

(1) *such mortgage* shall have a mortgagee approved by the Secretary of Commerce as responsible and able to service the mortgage properly *(unless the Secretary of Commerce is the mortgagee)* and a mortgagor approved by the Secretary of Commerce as possessing the ability, experience, financial resources, and other qualifications necessary to the adequate operation and maintenance of the mortgaged property;

(2) [shall involve an obligation in a] *subject to the provisions of subsection (f) of this section, the aggregate* principal amount [which does] *of all obligations insured under this title which relate to the mortgaged vessel shall* not exceed 75 per centum of the actual cost of the vessel, such actual cost to be determined by the Secretary of Commerce prior to the execution of the mortgage and such determination to be conclusive for the purpose of determining the principal amount of the [mortgage] *obligations: Provided, however,* That in the case of a vessel, the size and speed of which are approved by the Secretary of Commerce, and which is, or in the case of a vessel to be reconstructed or reconditioned would have been, eligible for mortgage aid for construction under section 509 of this Act and in respect of which the minimum downpayment by the mortgagor required by that section would be 12½ per centum of the cost of such vessel, [the] *such* obligations may be in an amount which does not exceed 87½ per centum of such actual cost; or, in the case of a vessel[s] purchased pursuant to the Merchant Ship Sales Act of 1946, as amended, for exclusive use on the Great Lakes, [involves an] *such* obligations *may be* in a principal amount which does not exceed 75 per centum of the net purchase price of such vessel[s] plus 75 per centum of the amounts expended for altering, modifying, converting, and equipping such vessel[s] in excess of that purchase price, or 75 per centum of the amount which the Secretary of Commerce estimates will be the value of such vessel so purchased for exclusive use on the Great Lakes when the reconstruction or reconditioning is completed, whichever is the lesser: *Provided, further, That in the case of any barge or container which is constructed without the aid of construction-differential subsidy, or, if so subsidized, on which the construction-differential subsidy has been repaid, and is to be carried on a vessel, the obligations secured by a mortgage on such barge or container may be in an amount which does not exceed 87½ per centum of the actual cost thereof;*

§ 1104(a) (3)

(3) [shall secure bonds, notes, or other] *the* obligations [having] *shall have* maturity dates satisfactory to the Secretary of Commerce, but, *subject to the provisions of subsection (f) of this section,* not to exceed twenty-five years from the date of [its] execution *of the mortgage;*

§ 1104(a) (4)

(4) [shall contain] *the obligations or related agreements shall contain* amortization provisions satisfactory to the Secretary of Commerce requiring periodic payments by the [mortgagor] *obligor;*

§ 1104(a) (5)

(5) [shall secure bonds, notes or other] *the* obligations [bearing] *shall bear* interest (exclusive of premium charges for insurance, and service charges, if any) at rates not to exceed such per centum per annum on the [principal obligation outstanding] *unpaid principal* as the Secretary of Commerce de-

termines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the Department of Commerce;

§ 1104(a)(6)

(6) *the obligations or related agreements* shall provide, in a manner satisfactory to the Secretary of Commerce, for the application of the [mortgagor's] *obligor's* periodic payments to amortization of the principal of [the mortgage] *the obligations*, exclusive of the amount allocated to interest;

§ 1104(a)(7)

(7) *the obligations or related agreements* shall contain such terms and provisions with respect to the construction, reconstruction, reconditioning, maintenance, purchase of a vessel for use on the Great Lakes pursuant to the Merchant Ship Sales Act of 1946, as amended, or operation of the property, repairs, alterations, payment of taxes, insurance, delinquency charges, revisions, foreclosure proceedings, anticipation of maturity, additional and secondary liens, and other matters pertinent to the security as the Secretary of Commerce may prescribe; *and*

§ 1104(a)(10)

(8) *such mortgage* may, in the case of a passenger vessel having the tonnage, speed, passenger accommodations and other characteristics set forth in title V of this Act, as amended, with the approval of the [Federal Maritime Board] *Secretary of Commerce*, provide that the sole recourse against the mortgagor by the United States as assignee of the mortgage *or as mortgagee* for the payment of the principal of, and interest on, [the mortgage and the bonds, notes or other] obligations secured thereby shall be limited to repossession of the vessel and the assignment of insurance claims and that the [obligations] *liability* of the mortgagor for such principal and interest shall be satisfied and discharged by the surrender of the vessel and all right, title and interest therein to the United States: *Provided*, That the vessel upon surrender shall be (i) free and clear of all liens and encumbrances whatsoever except the lien of the preferred mortgage, (ii) in class and (iii) in as good order and condition, ordinary wear and tear excepted, as when acquired by the mortgagor, except that any deficiencies with respect to freedom from encumbrances, condition and class may, to the extent covered by valid policies of insurance, be satisfied by the assignment to the United States of claims of the mortgagor under such policies.

(d) *If obligations insured hereunder are secured by a mortgage placed on any vessel subsequent to the time such vessel is delivered by the builder:*

§ 1107(a)

(1) the vessel *subject to the mortgage* [is not] *shall not be*, at the time of insuring the [mortgage pursuant to the commitment] *obligations*, subject to a mortgage which [has] *does* not [been] *secure obligations* insured by the Secretary of Commerce;

§ 1107(4)

(2) [the mortgage involves a principal obligation] *subject to the provisions of subsection (f) of this section, the aggregate principal amount of all obligations insured under this title which relate to the mortgaged vessel* [which], when added to the unpaid balance of [the principal] obligations [of] *secured by* prior mortgages on [the] *such* vessel (other than mortgages that are being refinanced by [this] *such* mortgage) [will] *shall* result in a sum which will not, (a) if the vessel was not built with the aid of construction-differential subsidy, *or if so built, such construction-differential subsidy has been repaid,* and complies with the requirements of section 509 of this Act exceed (A) if the vessel has not been reconstructed or reconditioned before such mortgage is executed, 87½ per centum of all amounts the [mortgagor] *obligor* has paid or is obligated to pay for the construction [(including designing, inspecting, outfitting, or equipping)] of the vessel, depreciated at the rate of 4 per centum per annum from the date the vessel was delivered by the shipbuilder to the date such mortgage is executed, or (B) if the vessel has been reconstructed or reconditioned before such mortgage is executed, 87½ per centum of all amounts the [mortgagor] *obligor* has paid or is obligated to pay for the construction [(including designing, inspecting, outfitting, and equipping)] of the vessel, depreciated at the rate of 4 per centum per annum from the date the vessel was delivered by the shipbuilder to the date of such reconstruction or reconditioning, and depreciated, from the date of such reconstruction or reconditioning to the date such mortgage is executed, on a straight-line basis and on the basis of a useful life of the vessel determined jointly by the Secretary of Commerce and the Secretary of the Treasury, plus 87½ per centum of all amounts the mortgagor has paid or is obligated to pay for the reconstruction or reconditioning of the vessel (if such reconstruction or reconditioning was done without aid of construction-*differential* subsidy and the vessel complies with the requirements of section 509 of this Act; otherwise, 75 per centum of such amount), depreciated, from the date of such reconstruction or reconditioning to the date such mortgage is executed, on a straight-line basis and on the basis of a useful life of the vessel determined jointly by the Secretary of Commerce and the Secretary of the Treasury, and (b) if the vessel was built with the aid of construction-differential subsidy, *which construction-differential subsidy has not been repaid,* or does not comply with the requirements of section 509 of this Act, exceed the amount computed under (a) above except that, where (a) above provides for 87½ per centum of the construction cost of the vessel, the percentage shall be 75 per centum: *Provided, however, That if any container or barge which does not comply with the requirements of section 509 of this Act was constructed without construction-differential subsidy, or if so subsidized, if the construction-differential subsidy has been repaid, the obligations secured by a mortgage on such container or barge may be in an amount which does not exceed 87½ per centum of the actual cost thereof, depreciated as above provided, except that the useful life and rate of depreciation of containers shall be as determined by the Secretary of Commerce;*

§ 1107(5)

(3) [the mortgage has] *subject to the provisions of subsection (f) of this section, the obligations shall have* maturity dates which, if the vessel has not been reconstructed or reconditioned, do not exceed the remaining years of a useful life of the mortgaged vessel of twenty-five years computed from the date the vessel was delivered by the shipbuilder or, if the vessel has been reconstructed or reconditioned, do not exceed the remaining years of a useful life of the vessel determined jointly by the Secretary of the Treasury and the Secretary of Commerce;

§ 1107(8)

(4) the mortgaged vessel shall be in class A–1, American Bureau of Shipping, with all required certificates, including but not limited to marine inspection certificates of the United States Coast Guard, with all outstanding requirements and recommendations necessary for retention of class accomplished, unless the Secretary of Commerce permits a deferment of such repairs, and shall be tight, stanch, strong and well and sufficiently tackled, appareled, furnished and equipped, and in every respect seaworthy and in good running condition and repair and in all respects fit for service: *Provided, That containers shall meet such standards as may be prescribed by the Secretary of Commerce; and*

(5) *the mortgage, the obligations or related agreements shall comply with the requirements of paragraphs (1) and (4) through (8), inclusive, of subsection (c) of this section 1104.*

(e) *If the security for obligations insured under this title relates to a vessel to be constructed, reconstructed or reconditioned:*

§ 1104(b)(1)

(1) *such obligations* shall [be made by a lender] *have an obligee* approved by the Secretary of Commerce [to a borrower] and *an obligor* approved by the Secretary of Commerce as possessing the ability, experience, financial resources and other qualifications necessary to the adequate operation and maintenance of the property;

§ 1105(b)(4)

(2) *subject to the provisions of subsection (f) of this section, the aggregate principal amount of all obligations insured under this title which relate to such vessel* shall [provide that no advance shall be made thereunder unless the sum of such advance and the principal amount of all other advances under insured loans then outstanding at the time of said advance shall] not exceed 75 per centum or 87½ per centum, *as determined pursuant to subsection (c) of this section,* of the actual cost of such vessel, such actual cost to be determined by the Secretary of Commerce and such determination to be conclusive for the purpose of determining the principal amount of [the loan] *such obligations; [Provided, however,* That in the case of a vessel, the size and speed of which are approved by the Secretary of Commerce, and which is eligible for mortgage aid for construction under section 509 of this Act and in respect of which the minimum down payment by the mortgagor required by that section would be 12½ per centum of the cost of such vessel, the advance and the principal amount of all other advances under insured loans outstanding at the time of said advance shall not exceed 87½ per centum of such actual cost;]

§ 1104(b)(6)

(3) *such obligations* shall bear interest at an average interest rate not to exceed the maximum rate permitted by paragraph (5) of subsection [(a)] (*c*) of this section; and

(4) *such obligations or related agreements shall provide that a mortgage conforming to the requirements of subsection (c) of this section shall be placed on the vessel upon delivery unless the payment of such obligations at or prior to the delivery of the vessel is required.*

(f)(1) *The security for an obligation insured under this title may relate to more than one vessel and may consist of any combination of the security described in subsections (c), (d) and (e) of this section. The aggregate principal amount of such obligations may equal, but not exceed, the sum of the principal amount of obligations permissible with respect to each vessel.*

(2) *If the security for an obligation insured under this title relates to more than one vessel, such obligation may have the latest maturity date permissible under subsection (c), (d) or (e) of this section with respect to any such security: Provided, That such obligation or related agreements shall contain provisions requiring the payment, prior to maturity, of such portion of the principal amount of all obligations to which such security relates as may be required by the Secretary of Commerce in order to maintain adequate security for such obligations.*

§ 1104(c)

(g) No commitment to insure [a mortgage or loan] *an obligation* shall be made by the Secretary of Commerce unless he finds, at or prior to the time such commitment is made, that the property or project with respect to which the [a mortgage or loan] *obligation* will be executed will be, in his opinion, economically sound, and no [mortgage or loan] *obligation*, unless made pursuant to a prior commitment, shall be insured unless the Secretary of Commerce finds, at or prior to the time the insurance becomes effective, that the property or project with respect to which the [mortgage or loan] *obligation* is executed will be in his opinion economically sound.

substantially

§ 1104(d)

(h) The Secretary of Commerce is authorized to fix a premium charge for the insurance of [mortgages and loans] *an obligation* under this title. [In the case of any mortgage under section 1103(a),] *If the security for an obligation relates to a delivered vessel*, such charge shall not be less than one-half of 1 per centum per annum nor more than 1 per centum per annum of the average principal amount of [the mortgage] *such obligation* outstanding, excluding the average amount (except interest) on deposit in an escrow fund created under section [1111] *1110* of this Act. [In the case of loans insured under section 1103(b)] *If the security for an obligation relates to a vessel to be constructed, reconstructed or reconditioned*, such charge shall not be less than one-quarter of 1 per centum per annum nor more than one-half of 1 per centum per annum of the average principal amount of [the loan] *such obligation* outstanding, excluding the average amount (except interest) on deposit in an escrow fund created under section [1111] *1110* of this Act. *For the purposes of this subsection (h), the principal amount of an obligation that relates to a delivered vessel and to a vessel to be constructed, reconstructed or reconditioned shall be prorated*

§ 1104(a)(9)

§ 1104(b)(5)

*in accordance with regulations prescribed by the Secretary of Commerce.* Premium payments shall be made when moneys are first advanced under [the mortgage or loan agreement] *an insured obligation* and on each anniversary date thereafter. The [mortgagor] *obligor* shall pay to the [mortagee] *obligee* the amount required for the payment of each insurance premium charge *hereunder* at least sixty days before the payment of such premium charge to the Secretary of Commerce is due, and [shall further provide that] the failure of the [mortgagor] *obligor* to make such payments shall be a default [under the mortgage]: *Provided, however, That when the Secretary of Commerce holds the security, the obligor shall pay such premium charge directly to the Secretary of Commerce when due;* all such premium charges shall be computed and shall be payable to the Secretary of Commerce under such regulations as the Secretary of Commerce may prescribe.

§ 1104(e)

(i) The Secretary of Commerce shall charge and collect such amounts as he may deem reasonable for the investigation of applications for insurance, for the appraisal of properties offered for insurance, for the issuance of commitments, for services in connection with the escrow fund authorized by section [1111] *1110*, and for the inspection of such properties during construction, reconstruction, or reconditioning: *Provided*, That such charges shall not aggregate more than one-half of 1 per centum of the original principal amount of the [mortgage or loan] *obligations* to be insured. Unless otherwise agreed, the charge for any such services shall be paid by the [mortagor or the borrower] *obligor*.

§ 1104(f)

(j) All moneys received under the provisions of sections 1101–[1110] *1109* of this title shall be deposited in the Fund.

(k) *All or part of the proceeds from an obligation insured hereunder may be deposited in a fund maintained by the operator under section 607 of this Act, as amended, or, if the operator does not maintain such a fund, in a fund maintained under section 511 of this Act, as amended. If any deposit is made in a fund under this subsection (k), such deposit may be withdrawn only to pay for the construction, reconstruction or reconditioning a vessel or vessels in accordance with this section, or if for any reason such payments do not exhaust the deposit, then to redeem, to the extent of the balance remaining on deposit, insured obligations.*

Substantially § 1104(a)(11) and § 1104(b)(7)

(l) *Obligations insured under this title and agreements relating thereto may* [shall] contain such other provisions as [may] *shall* be agreed upon between the [mortgagor] *obligor* and [mortgagee] *obligee* which are not inconsistent with the provisions of [the preceding paragraphs of this subsection (a)] *this section 1104* and which are not disapproved by the Secretary of Commerce.

(a)(1) [In the event of] *If an obligation is secured by a mortgage under which the obligee is the mortgagee, and* any act or failure to act which gives the [mortgagee] *obligee* the right to foreclose *occurs*, any such [events] *act or failure to act* being herein called *a* default[s] and [failure on the part of the mortgagor] *the obligator fails* to remove the remedy the default within thirty days, the [mortgagee] *obligee* shall have the right (i) in the case of a default in respect of the payment of principal or interest or the payment of any amount to provide for the payment of premium charges for [mortgage] insurance *under this title*, to demand at or before the expiration of sixty days after any such default, and (ii) in the case of any other default, to demand at any time during the continuance of such default, payment by the Secretary of the unpaid principal amount of said [mortgage] *obligation* and of the unpaid interest thereon to the date of payment *or, if the contract of insurance so provides, payment of the principal of and interest on such obligation then due, owing, and unpaid and that the Secretary of Commerce make all future payments of principal and interest as they shall become due and payable in accordance with the tenor of the obligation secured by the mortgage: Provided,* That an assignment of the mortgage and of the obligations secured by the mortgage be tendered to the Secretary of Commerce at the time such demand is made. The Secretary of Commerce may at any time during the continuance of any default notify the [mortgagee] *obligee* in writing, specifying the default, that by reason of such default the Secretary of Commerce intends to terminate the insurance contract sixty days after such notice is received by the [mortgagee] *obligee*, and the [mortgagee] *obligee* shall be entitled to demand payment by the Secretary of Commerce as above provided at any time during said sixty-day period, whether or not the default is removed and remedied, and if the [mortgagee] *obligee* shall fail to make such demand, the insurance contract may be terminated by the Secretary of Commerce on or after the expiration of such period. Within a period of thirty days from the date of any such demand, the Secretary of Commerce shall accept the assignment and promptly pay to the [mortgagee] *obligee* the unpaid principal amount of [said mortgage] *such obligation* and unpaid interest thereon to the date or payment *or, if the contract of insurance so provides, the principal of and interest on such obligation then due, owing and unpaid and shall make all future payments of principal and interest as they shall become due in accordance with the tenor of such obligation: Provided,* That, except in any case in which the Secretary of Commerce has given notice of intention to terminate the insurance contract pursuant to the foregoing provisions, the Secretary of Commerce shall not be required to accept such assignment if prior to the expiration of said thirty-day period he shall find that there was no default or that such default was removed and remedied prior to any such demand.

(2) [In the event of] *If an obligation insured under the title is not secured by a mortgage and any security relating thereto is held by the obligee and* an act or failure to act occurs which [gives the lender the right to mature the loan] *constitutes a default under the obligation or related agreements including any loan agreement*, any such [events] *act or failure to act* being herein called *a* [defaults], and [failure on the part of the borrower] *the obligor fails* to remove and remedy the default within thirty days, the [lender] *obligee* shall have the right (i) in the case of a default in respect of the payment of principal or interest or the payment of any amount to provide for the payment of premium charges for [loan] insurance *under this title*, to demand at or before the expiration of sixty days after any such default, and (ii) in the case of any other default, to demand at any time during the continuance of such default, payment by the Secretary of Commerce of the unpaid principal amount of said [loan] *obligation* and of the unpaid interest thereon to the date of payment, *or if the contract of insurance so provides, payment of the principal of and interest on such obligation then due, owing and unpaid and that the Secretary of Commerce makes all future payments of principal and interest as they shall become due and payable in accordance with the tenor of such obligation: Provided,* That an assignment of the [loan agreement and of the obligations evidencing such loan] *obligations and related agreements including any loan agreement* be tendered to the Secretary of Commerce at the time such demand is made. The Secretary of Commerce may at any time during the continuance of any default notify the [lender] *obligee* in writing, specifying such default, that by reason of such default the Secretary of Commerce intends to terminate the insurance contract sixty days after such notice is received by the [lender] *obligee*, and the [lender] *obligee* shall be entitled to demand payment by the Secretary of Commerce as above provided at any time during said sixty-day period, whether or not the default is removed and remedied, and if the [lender] *obligee* shall fail to make such demand, the insurance contract may be terminated by the Secretary of Commerce on or after the expiration of such period. Within a period of thirty days from the date of any such demand, the Secretary of Commerce shall accept the assignment and promptly pay to the [lender] *obligee* the unpaid principal amount of [said loan] *such obligation* and unpaid interest thereon to the date of payment *or, if the contract of insurance so provides, the principal of and interest on such obligation then due, owing and unpaid and shall make all future payments of principal and interest as they shall become due in accordance with the tenor of such obligation: Provided,* That, except in any case in which the Secretary of Commerce has given notice of intention to terminate the insurance contract pursuant to the foregoing provisions, the Secretary of Commerce shall not be required to accept such assignment if prior to the expiration of said thirty-day period

he shall find that there was no default or that such default was removed and remedied prior to any such demand.

(b) Any amount required to be paid by the Secretary of Commerce pursuant to subsection (a) of this section, shall be paid in cash. If at any time the moneys in the [Federal Ship Mortgage Insurance] Fund authorized by section 1102 of this Act are not sufficient to pay any amount the Secretary of Commerce is required to pay by subsection (a) of this section, the Secretary of Commerce is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Secretary of Commerce, with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations to be issued hereunder and for such purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Funds borrowed under this section shall be deposited in the [Federal Ship Mortgage Insurance] Fund and redemptions of such notes and obligations shall be made by the Secretary of Commerce from such Fund.

(c) (1) In the event the Secretary of Commerce shall accept the assignment of a mortgage upon the default of the [mortgagor] *obligor* pursuant to subsection (a) (1) of this section, he may institute foreclosure proceedings and in connection therewith repossess the mortgaged vessel forthwith and, subject to the provisions of section [1104(a)(10)] *1104(c)(8)*, take such other action against the [mortgagor] *obligor* that, in his discretion, may be required to protect the interests of the United States and of the [mortgagee] *obligee*, as they may appear. Any suit may be brought in the name of the United States or in the name of the [mortgagee] *obligee* and the [mortgagee] *obligee* shall make available to the United States all records and evidence necessary to prosecute any such suit. If the Secretary of Commerce shall determine that the interests of the United States do not require foreclosure of the mortgage, he may make such agreement with the [mortgagor] *obligor* as in the opinion of the Secretary of Commerce will result in remedying the defaults. The Secretary of Commerce shall have the right in his discretion to accept a conveyance of title to and possession of the vessel from the [mortgagor] *obligor*, and in the event of a sale under foreclosure proceedings, may purchase the vessel for an amount not greater than the unpaid principal abount of *obligations insured under this title secured by* such mortgage and unpaid interest thereon. In the event the Secretary of Commerce shall receive through the sale of the vessel an amount of cash in excess of any payment made to the [mortgagee] *obligee* under section (a) (1) of this section, and the expenses of collection of such amount, he shall pay such excess to the [borrower] *obligor*.

(2) In the event the Secretary of Commerce shall accept the assignment of [a loan agreement upon the default of a borrower] *obligations and related agreements, including any loan agreement*, pursuant to subsection (a) (2) of this section, he shall take such action against the [borrower] *obligor* or any other parties liable [under the loan agreement or the obligations evidencing such loan thereunder] *under such obligations or related agreements* that, in his discretion, may be required to protect the interests of the United States and of the [lender] *obligee* as they may appear. Any suit may be brought in the name of the United States or in the name of the [lender] *obligee* and the [lender] *obligee* shall make available to the United States all records and evidence necessary to prosecute any such suit. The Secretary of Commerce shall have the right in his discretion to accept a conveyance of title to and possession of the property from the [borrower] *obligor*, and may purchase the property for an amount not greater than the unpaid principal amount of such [loan] *obligations* and unpaid interest thereon. In the event the Secretary of Commerce shall receive through the sale of the property an amount of cash in excess of any payment made to the [lender] *obligee* under subsection (a) (2) of this section and the expenses of collection of such amount, he shall pay such excess to the [borrower] *obligor*.

(d) Notwithstanding any other provision of law relating to the acquisition, handling or disposal of property by the United States, the Secretary of Commerce shall have the right in his discretion to complete, recondition, reconstruct, renovate, repair, maintain, operate, charter, or sell any property acquired by him pursuant to the assignment as provided in this section and may place [the] *a* mortgaged vessel in the national defense reserve or may sell the same upon competitive bids for not less than the minimum sales price provided by the Merchant Marine Act, 1936, as amended. The buyer shall be required to make cash payment to the Secretary of Commerce of not less than 25 per centum of the sales price, and the balance shall include interest on the purchase price over the remaining period of the expected useful life of such vessel. Such installments shall include interest on the purchase price remaining unpaid at a rate not less than (i) a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such installments, adjusted to the nearest one-eighth of 1 per centum, plus (ii) an allowance adequate in the judgment of the Secretary of Commerce to cover administrative costs.

(e) Any contract or commitment of insurance entered into by the Secretary of Commerce under the provisions of this title shall not be terminated, canceled, or otherwise revoked for any reason, except as provided in section 1105 *or section 1106* of this title, and shall be conclusive evidence that the [mortgage or loan] *obligations* [complies] *comply* fully with the provisions of this title and of the approval of the principal amount, interest rate, and all other terms of the [mortgage or loan] *obligations* and of the [mortgagor or borrower] *obligor* and of the [mortgagee or lender] *obligee;* and any contract or commitment of insurance so entered into shall be incontestable from the date as of which such contract or commitment is entered into [except for fraud, duress, or mutual mistake of fact].

Sec. 1106. [Present § 1106 is deleted, provision for refinancing having been incorporated into §1104; the new provisions of § 1106 as as follows:]

(a) *The Secretary of Commerce is authorized, at the request of the applicant for insurance under this title:*

(1) *to provide that the security relating to an insured obligation provided for in section 1104 shall run to the obligee, or, alternatively;*

(2) *to provide that such security shall run to the Secretary of Commerce and be subject to the provisions of subsection (b) of this section.*

(b) *If such security runs to the Secretary of Commerce:*

(1) *in the event of a default in any payment by the obligor of principal or interest due under an obligation insured under this title, the obligee shall have the right to demand, at or before the expiration of sixty days after such default, payment by the Secretary of Commerce of the unpaid principal amount of said obligation and of the unpaid interest thereon to the date of payment or, if the contract of insurance so provides, payment of the principal of and interest on the obligation then due, owing, and unpaid and that the Secretary of Commerce make all future payments of principal and interest as they shall become due and payable in accordance with the tenor of such obligation: Provided, That, unless the contract of insurance provides that no such assignment is required, an assignment of the obligation and any security held by the obligee be tendered to the Secretary of Commerce at the time such demand is made;*

(2) *the Secretary of Commerce may at any time during the continuance of a default under the provisions of an obligation, or any agreement relating thereto or to security held by the Secretary of Commerce, notify the obligee in writing, specifying the default, that by reason of such default the Secretary of Commerce intends to terminate the insurance contract sixty days after such notice is received by the obligee, and the obligee shall be entitled to demand payment by the Secretary of Commerce as above provided at any time during said sixty-day period, whether or not the default is removed and remedied, and if the obligee shall fail to make such demand, the insurance contract may be terminated by the Secretary of Commerce on or after the expiration of such period;*

(3) *within a period of thirty days from the date of any such demand pursuant to paragraph (1) (2) of this subsection (b), the Secretary of Commerce shall accept any assignment provided for under this section, and promptly pay to the obligee the unpaid principal amount of said obligation and unpaid interest thereon to the date of payment or, if the contract of insurance so provides, the principal of and interest on said obligation then due, owing and unpaid and shall make all future payments of principal and interest as they shall become due in accordance with the tenor of said obligation: Provided, That, except in any case in which the Secretary of Commerce has given notice of intention to terminate the insurance contract pursuant to the foregoing provisions, the Secretary of Commerce shall not be required to accept such assignment or make such payment if prior to the expiration of said thirty-day period he shall find that there was no default or that such default was removed and remedied prior to any such demand;*

(4) *in the event the Secretary of Commerce is required to make payment of any insured obligation the security for which is held by the Secretary of Commerce pursuant to subsection (a) (2) of this section or in the event there shall be a default under any provision of any agreement relating to such obligation or the security therefor which shall give the Secretary of Commerce such rights, he shall have all rights with respect to such obligation and any security held by him as are conferred upon the Secretary of Commerce under subsections (c) and (d) of section 1105 of this title: Provided, however, That if the contract of insurance so provides, it shall not be necessary for the obligation to be assigned to the Secretary of Commerce as provided in subsections (a) and (c) of section 1105; and*

(5) *the Secretary of Commerce may make such arrangements with the obligor with regard to the security he holds as he shall deem appropriate, including, but not limited to, substituting one form of security for another.*

[Section 1107 is deleted, provision for mortgages on existing vessels having been incorporated into § 1104.]

[Sec. 1108] *Sec. 1107.*

Whoever, for the purpose of obtaining any loan or advance or credit from any person, partnership, association, or corporation with the intent that *an obligation relating* to such loan or advance of credit shall be offered to or accepted by the Secretary of Commerce for insurance, or for the purpose of obtaining any extension or renewal of any loan, advance of credit, or mortgage *relating to an obligation* insured by the said Secretary of Commerce, or the acceptance, release, or substitution of any security on such a loan, advance of credit, or for the purpose of influencing in any way the action of the said Secretary of Commerce under this title, makes, passes, utters, or publishes, or causes to be made, passed, uttered, or published any statement, knowing the same to be false, or alters, forges, or counterfeits, or causes or procures to be altered, forged, or counterfeited, any instrument, paper, or document, or utters, publishes, or passes as true, or causes to be uttered, published, or passed as true, any instrument, paper, or document, knowing it to have been altered, forged, or counterfeited, or willfully overvalues any security, asset, or income, shall be guilty of a misdemeanor and punished as provided under the first paragraph of section 806(b) of this Act.

[Sec. 1109.] *Sec. 1108.*

The Secretary of Commerce is authorized and directed to make such rules and regulations as may be deemed necessary or appropriate to carry out the purposes and provisions of this title.

[Sec. 1110.] *Sec. 1109.*

There is hereby authorized to be appropriated the sum of $1,000,000 and such further sums as may be necessary to carry out the provisions of this title.

[Sec. 1111.] *Sec. 1110.*

(a) CREATION OF THE ESCROW FUND.—In connection with the insurance of [loans and mortgages] *an obligation* [which are financed by sale of bonds to the general public], the Secretary of Commerce is authorized to accept a deposit in escrow in an amount which at the time of such deposit is equal to: (i) the excess of the principal of [such loan or mortgage] *all obligations which have the same security as such obligation* over 75 per centum, or 87½ per centum, as the case may be, of the amount paid by or for the account of the [mortgagor or borrower] *obligor* for the construction, reconstruction or reconditioning [(including designing, inspecting, outfitting, and equipping)] of the vessel, *including vessels to be constructed, reconstructed or reconditioned, used or to be used as security for such obligation: Provided, That, for purposes of this section, if an existing vessel is used as security for such obligation the amount paid by or for the account of the obliger for the construction, reconstruction or reconditioning of such vessel shall be depreciated as provided in subsection (d) of section 1104 of this title;* (ii) with interest thereon for the period of the escrow agreement.

(b) DISBURSEMENT PRIOR TO TERMINATION OF THE ESCROW AGREEMENT.—The Secretary of Commerce shall, as specified in the escrow agreement, disburse the escrow fund to pay amounts the [mortgagor or borrower] *obligor* is obligated to pay as interest on such [loan or mortgage] *obligation* or for the construction, reconstruction, or reconditioning [(including designing, inspecting, outfitting, and equipping)] of the [vessel] *vessels used as security for such obligation or to redeem such obligation in connection with a refinancing under paragraph (2) of subsection (a) of section 1104,* except that if insurance becomes payable under the insurance contract prior to the termination of the escrow agreement, all amounts in the escrow fund at the time such insurance becomes payable (including realized income which has not yet been paid to the [borrower or mortgagor] *obligor*) shall, subject [in the case of insurance on a mortgage] to the application of [mortgage] *the* provisions [contemplated by] *of* section [1104(a)(10))] *1104(c)(8)* of this title, be paid into the [Federal Ship Mortgage Insurance] *Fund* and (i) be credited against any amounts due or to become due to the Secretary of Commerce from the [borrower or mortgagor] *obligor* with respect to the insured [loan or mortgage] *obligation* and (ii) to the extent not so required, be paid to the [borrower or mortgagor] *obligor.*

(c) DISBURSEMENTS UPON TERMINATION OF THE ESCROW AGREEMENT.—If insurance has not become payable under the insurance contract prior to the termination of the escrow agreement, any balance of the escrow fund at the time of such termination shall be disbursed [by the Secretary of Commerce] to prepay the excess of the principal of the [loan or mortgage] *all obligations which relate to a vessel* over 75 per centum, or 87½ per centum, as the case may be, of the actual cost of [the] *such* vessel to the extent paid, to pay interest on such prepaid amount of principal, and the remainder of such balance of the escrow fund shall be paid to the [borrower or mortgagor] *obligor.*

(d) INVESTMENT OF THE ESCROW FUND.—The Secretary of Commerce may invest and reinvest all or any part of the escrow fund in obligations of the United States *or agencies thereof, in time deposits in banks which are members of the Federal Deposit Insurance Corporation or in such other debt securities as the Secretary of Commerce may designate,* with such maturities that such fund will be available as required for purposes of the escrow agreement.

(e) INCOME ON THE ESCROW FUND.—Any income realized on the escrow fund shall receipt [by the Secretary of Commerce], be paid to the [borrower or mortgagor] *obligor.*

(f) OTHER TERMS.—The escrow agreement shall contain such other terms as the Secretary of Commerce may consider necessary to fully protect the interests of the United States.

## RE-REFERRAL OF A BILL

Mr. MATHIAS. Mr. President, I ask unanimous consent that the Committee on Public Works be discharged from the further consideration of S. 4439, for the relief of Carlo Bianchi & Co., Inc., and that the bill be referred to the Committee on the Judiciary.

Mr. President, in making this request, I note that the chairman of the Committee on Public Works, the Senator from West Virginia, has been consulted and has no objection to this re-referral.

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

## AMENDMENT OF THE HIGHER EDUCATION ACT OF 1965—AMENDMENT

AMENDMENT NO. 1078

Mr. JAVITS. Mr. President, I submit for appropriate reference on amendment to S. 3636, the Higher Education Opportunity Act of 1970, the administration's higher education bill which I originally introduced on March 25th.

This amendment is designed to meet the problem of discrimination against particular categories of students in the granting of guaranteed student loans. The discrimination takes such forms as a requirement that the student or his family maintain an account or business relationship with the lender, refusal to make loans to students during their freshman year of study and discrimination because of race or sex. These problems were documented in the Survey of Lender Practices Relating to the Guaranteed Student Loan program conducted in accord with subsection 6 (A) of the Emergency Insured Student Loan Act of 1969.

It is estimated that some 100,000 to 150,000 students could benefit from this proposal.

My amendment would require that as a condition precedent to the use of the secondary market and warehouse mechanisms provided in S. 3636, lenders must contract that they will not discriminate against particular classes or categories of students, including a requirement that the student or his family maintain a business relationship with the lender, the practice of refusing to make a loan to freshmen students, and discrimination on the basis of sex, color, creed, or national origin.

The survey revealed, for example, that:

In the judgment of financial aid officers interviewed, discretionary practices that prevent the largest number of students from receiving loans related to account relationships and year in school.

A similar conclusion was reached in a sampling of student loan applicants. The survey also found that:

An analysis of demographic characteristics of respondents who did not get loans indicated, for example, that the proportion of females and nonwhites not receiving loans was significantly higher than could be explained by chance occurrence.

My amendment seeks to meet these shortcomings.

In the current school year, an estimated 1,087,000 young Americans will borrow in the area of $1 billion to further their educations. And these figures, it is anticipated, will grow in the future. My amendment will foster that healthy growth.

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

The amendment (No. 1078) was referred to the Committee on Labor and Public Welfare.

## PREVENTION AND TREATMENT OF DRUG ABUSE AND DRUG DEPENDENCE—AMENDMENTS

AMENDMENT NO. 1079

Mr. HUGHES (for himself and Mr. HRUSKA) submitted amendments, intended to be proposed by them, jointly, to the bill (S. 3562) to provide a com-

prehensive Federal program for the prevention and treatment of drug abuse and drug dependence, which were ordered to lie on the table and to be printed.

## EMERGENCY SCHOOL AID ACT OF 1970—AMENDMENTS

AMENDMENT NO. 1080

Mr. MONDALE. Mr. President, I send to the desk an amendment to S. 3883, a bill entitled "The Emergency School Aid Act of 1970." I ask unanimous consent that the amendment be printed and be appropriately referred.

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

The amendment, No. 1080, was referred to the Committee on Labor and Public Welfare.

Mr. MONDALE. Mr. President, the amendment would add a new section authorizing an expenditure of $80 million in Federal funds over the next 2 years for research, development, and production of educational television programs for children.

We have seen over the past year how one imaginative and dedicated group of individuals has successfully demonstrated that the television our children watch for so many hours every day can have an important impact on educational achievement and the development of cognitive and effective skills. I refer, of course, to Sesame Street, which has been widely acclaimed and which has unquestionably benefited children from disadvantaged inner-city communities, from middle-class suburbs, and from isolated rural areas by providing an effective medium for teaching them important facts and learning skills.

The Educational Testing Service report, over 400 pages in length and based on a year-long study using the most advanced techniques of social science analysis, proves beyond a doubt that children benefited educationally from watching Sesame Street.

I ask unanimous consent that at the conclusion of my remarks a summary of a report by the Educational Testing Service of Princeton, N.J., evaluating the results of Sesame Street, entitled "A Summary of the Major Findings in 'The First Year of Sesame: An Evaluation'" be printed in the RECORD.

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

(See exhibit 1.)

These results are no surprise. They simply confirm what the citizens of my State and people throughout the Nation have discovered for themselves.

Our children no longer have to wait until they reach school age to begin learning the three R's. "Sesame Street" has changed all that.

It is preparing our children for school, and it is making education interesting. The people who created "Sesame Street" have made learning fun, and by so doing, made it effective.

In my State of Minnesota, "Sesame Street" is broadcast over three educational television stations: KTCJ, channel 17; and KTCA, channel 2, both in Minneapolis, St. Paul, and KWCM, channel 10 in Appleton. John Schwarzwalder, general manager of the Twin Cities educational television stations, reports to me that the public response to the showing of "Sesame Street" has been tremendous. There has been 10 times as much mail about "Sesame Street" as there has been about any other program his stations have ever presented. And what have all the letter writers been saying about "Sesame Street"? John Schwarzwalder describes it as "universal acclaim."

Parents from Minnetonka, St. Paul, Sauk Rapids, St. Louis Park, Minneapolis, Lake City, and St. Cloud, and numerous other communities in Minnesota and across the land have written calling "Sesame Street" excellent, wonderful, educational and interesting, dynamic, unique, and by far the best thing that has happened in television. Mothers who operate the Northeast Minneapolis Cooperative Nursery School reported, for example, that:

> Each mother has agreed her child has learned from this program.

Perhaps the best indication of people's reaction to "Sesame Street" was contained in a letter from a parent in Minneapolis, Minn., who wrote:

> In the words of my three year old daughter when she sees Sesame Street "I like this stuff."

The popularity of this program is further reflected in the fact that churches, individuals and voluntary associations in St. Paul, St. Cloud, Minneapolis, and elsewhere have made financial contributions to educational TV stations so that they could continue broadcasting shows like "Sesame Street" and "Mr. Rogers' Neighborhood." It costs money to broadcast TV programs, but it costs even more money to research, develop, and produce sensitive, interesting and educationally effective programs like "Sesame Street." That is precisely the reason I am introducing this amendment today.

The amendment would provide Federal funds to nonprofit agencies to pay the costs of development and production of educational television programs for preschool children and children of all ages. Thirty million dollars would be provided next year and $50 million the following year for the establishment of research, development, and production centers around the country. Programs would be made available free of charge for transmission by any television station, including commercial stations, although commercial sponsorship of the program broadcast would not be allowed.

If adopted, this amendment will provide the necessary backing, on a national basis, to develop and produce more programs like "Sesame Street." It will encourage the creation of TV programs that reach children of all ethnic, racial, and economic backgrounds wherever they live. And, it will help children throughout the country enjoy learning in the crucial developmental preschool years.

EXHIBIT 1

A SUMMARY OF THE MAJOR FINDINGS IN "THE FIRST YEAR OF 'SESAME STREET': AN EVALUATION"

(A report by Samuel Ball, Gerry Ann Bogatz)

BACKGROUND

In the summer of 1968, the Children's Television Workshop (CTW) began planning its *Sesame Street* program. All concerned recognized that the plans should provide for an independent evaluation of the program's impact. CTW asked Educational Testing Service (ETS)—a nonprofit educational measurement and research organization in Princeton, New Jersey—to conduct an evaluation to determine the extent to which *Sesame Street* accomplished its stated objectives during its first year on television.

Among the questions the research tried to answer are these:

What, overall, is the impact of *Sesame Street?*

What are the moderating effects of age, sex, prior achievement level, and socioeconomic status (SES) on the impact of *Sesame Street?*

Do children at home watching *Sesame Street* benefit in comparison with children at home who do not watch it?

Do children in preschool classrooms benefit from watching *Sesame Street* as part of their school curriculum?

Do children from Spanish-speaking homes benefit from *Sesame Street?*

What are the effects of home background conditions on the impact of *Sesame Street?*

The Children's Television Workshop's innovative educational program received substantial support from both public and private agencies. The original agencies included the Carnegie Corporation of New York, the Ford Foundation, the National Center for Educational Research and Development in the U.S. Office of Education, the U.S. Office of Economic Opportunity, and the National Institute of Child Care and Human Development. Other agencies that subsequently provided support included the Corporation for Public Broadcasting, the National Foundation of Arts and Humanities, and the John & Mary R. Markle Foundation.

The results of ETS's research study are described in detail in the report entitled "The First Year of Sesame Street: An Evaluation." This Summary brings together a few of the major findings in the full report.

HIGHLIGHTS OF THE FINDINGS

In its first season of 26 weeks, *Sesame Street* showed that television can be an effective medium for teaching 3-to-5-year-old children important simple facts and skills, such as recognizing the labeling letters and numerals, and more complex higher cognitive skills, such as classifying and sorting by a variety of criteria. The ETS research results reveal that *Sesame Street* benefits children from disadvantaged inner-city communities, middle class suburbs, and isolated rural areas—all the groups studied in this evaluation.

The potential of educational television as a teaching medium is suggested by three primary findings of the research:

First, children who watched the most learned the most. The amount of learning that took place—that is, the gains a child showed between being tested for certain skills before watching *Sesame Street* and being tested for the same skills after—increased in relation to the amount of time the child watched the program.

Second, the skills that received the most time and attention on the program itself were, with rare exceptions, the skills that were best learned. An analysis of the content of the show revealed, for example, that more time (13.9 percent) was devoted to let-

ter-related skills than to any other single subject; it was in the areas of letters and numbers that the children's gains were the most dramatic. In addition to acquiring skills that were directly and deliberately taught, it appears that there was some transfer of learning that some children learned to do things—such as recognize full words or write their own names—which were not taught on the program.

Third, the program did not require formal adult supervision in order for children to learn in the areas the program covers. Children viewing *Sesame Street* at home showed gains as great as, and in some cases greater than, children who watched in school under the supervision of a teacher. This finding has special significance in light of the fact that more than four-fifths of all children 3 and 4 years of age do not attend any kind of school, and more than a quarter of all 5-year-olds do not.

The major finding—that children learned more the more they watch—holds true across age, sex, geographical location, socioeconomic status (SES), mental age (intelligence), and whether children watch at home or at school. In all eight goal areas in which the children were tested, gains in learning increased steadily with amount of viewing. Gains were greater on certain tests and subtests, however, and some groups of children showed greater gains than others.

The 3-year-old children gained the most; 5-year-olds gained the least. This is, 3-year-old children who viewed the show a great deal had higher attainments at posttest than those 4- and 5-year-olds who viewed the show less, even though the younger children scored lower at pretest than the older children. This finding has important implications for education in general, for it suggests that 3-year-old children are able to learn many skills that have traditionally been introduced at later ages.

A similar phenomenon appeared with advantaged and disadvantaged children. Although the disadvantaged children started out with considerably lower achievement scores on the skills being taught, those who watched a great deal surpassed the middle class children who watched only a little. It thus appears that such television programs can reduce the distinct educational gap that usually separates advantaged and disadvantaged children even by the time they enter first grade.

An extremely provocative, although *highly tentative*, finding suggests that *Sesame Street* may be particularly effective for teaching some skills to children whose first language is not English and who do not test well or perform well in school. A very small sample of children from Spanish-speaking homes in the Southwest made more spectacular gains than any other subgroup of children.

*Sesame Street* was more successful in promoting certain of its educational goals than others. The research suggests why, and provides clues for improving the programming. It appears that in some cases the relative lack of success resulted from an initial underestimation of children's prior knowledge and skills, and in other cases from an initial overstatement of prior knowledge. It was also found that learning was greater when skills were presented in direct fashion (as letters were) rather than indirectly (as initial sounds were).

### THE SAMPLE AND THE TESTS

Approximately 1,200 children were originally selected from five different locales: Boston, Massachusetts; Durham, North Carolina; Philadelphia, Pennsylvania; Phoenix, Arizona; and a rural area in the Northeastern part of California. The sample, which finally numbered 943, included disadvantaged children from the inner city, advantaged children from suburban areas, children from rural areas, and disadvantaged Spanish-speaking children. Overall, the research sample included more boys than girls and more lower class than middle class children. More of the disadvantaged were black than white; most of the children were 4 years old, although some were 3 and some were 5; and more of the sample's children viewed *Sesame Street* at home than at school.

The producers of *Sesame Street* established specific educational goals for the program. Measurement instruments, all developed by ETS specifically for this evaluation, were used to assess progress toward those goals and "transfer of learning" effects. The eight major tests and their subtests were:

*Body parts test.*—Pointing to Body Parts; Naming Body Parts; Function of Body Parts (point); and Function of Body Parts (verbal).

*Letters test.*—Recognizing Letters; Naming Capital Letters; Naming Lower Case Letters; Matching Letters in Words; Recognizing Letters in Words; Initial Sounds; and Reading Words.

*Forms test.*—Recognizing Forms and Naming Forms.

*Numbers test.*—Recognizing Numbers; Naming Numbers; Numerosity (See sample Item 2.); Counting; and Addition and Subtraction.

(Matching Subtest for letters, numbers, and forms.)

*Relational terms test.*—Amount Relationships; Size Relationships; and Position Relationships (See sample Item 5).

*Sorting skills test.*

Classification skills test.—Classification by Size; Classification by Form; Classification by Number; and Classification by Function (See sample Item 6).

*Puzzles test.*

All of the tests followed the same basic format. The test materials were simple and were administered to the children individually by a trained adult from the child's neighborhood. Information was also collected on each child's home background and on how much he watched *Sesame Street* during the season.

The group of 943 children was divided into quartiles according to how much they had watched *Sesame Street* during the course of the study. All subsequent analyses were based on these quartiles. They ranged from Q1, in which children watched *Sesame Street* rarely or never, through Q4, in which children watched the program an average of more than five times a week. (*Sesame Street* was so popular that there were few true nonviewers; many children in Q1 watched the program occasionally.)

### OVERALL RESULTS

For the sample as a whole, children in the highest viewing quartiles performed better on the tests than children in the lowest quartiles. Children who watched the most (Q4) had the highest pretest scores (that is, they started out ahead), had the highest posttest scores, and gained the most from pretest to posttest. The general tendency—to gain more with more viewing—was greater on some tests than on others, however. It was especially pronounced on the Letters, Numbers, and Classification tests; it was least marked on the Body Parts Test.

### DISADVANTAGED CHILDREN

Of the total sample of 943 children, 731 were considered to be from disadvantaged backgrounds. For them as for the total group, gain scores increased in relation to the amount they viewed *Sesame Street*.

In terms of the grand total score for the 203 test items common to both pretest and posttest, Q1 children gained 19 points, Q2 children gained 29 points, Q3 children gained 38 points, and Q4 children gained 47 points. (See Table 11 and Figure 2a.) Some of the gains made by Q1 children are assumed to be largely a function of maturation, since many of them never watched the show. However, the greater gains of children in other quartiles are largely a function of their viewing frequency. The same sort of relationship was observed among separate totals for all of the eight major tests. The greatest gains were in the Letters, Numbers, and Classification tests. (See Table 11 and Figures 2b, 2c, 2d, and 2e.)

Complex statistical analyses were conducted to determine whether the observed differences could have occurred by chance, were significantly affected by other factors, or were—as they appeared to be—largely a function of amount of viewing. (See full report for description of statistical techniques used.) Amount of viewing proved to be by far the most important variable—that is, its effect was equally felt irrespective of sex and whether the children watched at home or at school.

In order to isolate sharply the effect of amount of viewing, two matched groups of children were the subjects of a special study (the Age Cohorts Study). Group 1 was 53 to 58 months of age at the time of pretesting; Group 2 was 53 to 58 months of age at the time of posttesting. In addition to being of the same chronological age at the point of comparison, they were of comparable mental age and they lived in the same communities. There were, in short, no observable differences between the two groups in important matters of previous attainments, IQ, and home background. There were more than 100 disadvantaged children, who were not attending school, in each group.

The pretest scores of Group 1 (before the children could have watched *Sesame Street*) were compared with the posttest scores of Group 2 after the Group 2 children had watched the program. The frequent viewers in Group 2—children in Q3 and Q4—scored about 40 points higher on the 203 common items than the comparable children in Group 1 who had never watched the show. (See Table 45 and Figure 10a.) Equally significant is the fact that infrequent viewers (Q1) in Group 2 differed by only about 12 points from comparable children in Group 1 who had not viewed *Sesame Street* at all. In short, holding maturational effects, IQ, previous attainments, and home background constant, the frequent viewers made large and important gains.

Although the amount of viewing did not vary markedly according to age of the children, test scores did. At the time of the pretest, as would be predicted, 3-year-olds did less well than 4-year-olds, and 4-year-olds did less well than 5-year-olds. In terms of gains, however, the results were reversed. Although the most-frequent-viewing 3-year-old group started out, at pretest, lower than any 5-year-old group, by the time of the posttest the 3-year-olds who viewed most frequently scored higher on the average than 4-year-olds in Q1, Q2, and Q3, and higher than 5-year-olds in Q1 and Q2. Even 3-year-olds who viewed only two or three times a week gained a great deal compared with other age groups. (See Tables 12a, 12b, 12c and Figure 3a.)

Some test results were clearly related to age. Among frequent viewers, the largest gains on the Body Parts Test were made by 3-year-olds; 3- and 4-year-olds gained more than 5-year-olds in Number; and 5-year-olds showed higher gains than the others in Reading Words (which indicates a transfer of learning) and in Initial Sounds (which was taught indirectly on *Sesame Street*). In short, goals that were indirectly taught were better learned by older viewers, and transfer

of learning was more apparent among them, as would be expected. Generally, where specific knowledge and skills were taught directly, young children gained more than the others.

ADVANCED CHILDREN

There were 169 children in the study who were considered to be advantaged. They scored higher on the pretest than other groups, and they watched more of the show, on the average, than any of the groups of disadvantaged children. Relatively small amounts of viewing produced relatively large gains among these children. (See Table 24 and Figure 7a.)

SPANISH-SPEAKING CHILDREN

There were only 43 Spanish-speaking children included in the study, and there was considerable variation among them in the extent to which they had been exposed to English before watching *Sesame Street*. Owing to this variability and the small size of the sample, conclusions must be drawn with great caution.

The largest concentration of Spanish-speaking children was in Q1, leaving only 18 in frequent-viewing groups. These frequent-viewing children gained almost incredible amounts; in fact, the gains among Q3 Spanish-speaking children were as high as those for Q4 children in the rest of the study. In the Letters Test, the Q4 Spanish-speaking children started lowest at pretest and scored highest at posttest. Other Letters subtests, and tests of Numbers, Forms, Sorting, Relational Terms, and Classification, showed the same phenomenon: a low start with subsequent very high gains for the children who viewed most.

RURAL CHILDREN

The rural children in the study scored relatively low on pretests and made great gains with viewing. Their parents tended to be better educated than those of the disadvantaged city children. The large gains they made suggest that *Sesame Street* holds great promise as an educational medium for children who live on remote farms or in small villages.

SESAME STREET IN THE SCHOOLS

The teachers whose classes watched *Sesame Street* as a part of the study were asked to indicate their reactions to the program. Although they admired *Sesame Street* for its effectiveness as one means of teaching young children, they were divided in their opinions about the appropriateness of its use in the classroom. Some felt strongly that the show took up valuable time that could better be given to other activities; others felt that it was a worthwhile addition to the school day.

CHILDREN, PARENTS, AND SESAME STREET

Children who watched *Sesame Street* the most—and hence learned the most—tended to have mothers who often watched the show with them and often talked to them about it. In these same homes, the parents tended to have somewhat higher expectations for their children.

OVERALL CONCLUSION

In terms of its own stated goals, *Sesame Street* was in general highly successful. The ETS study shows that 3-to-5-year-old youngsters from a variety of backgrounds acquired important simple and complex cognitive skills as a result of watching the program. Those who watched the most gained the most.

The overall conclusion is that the potential of educational television as an effective medium for teaching certain skills to very young children has been demonstrated by *Sesame Street*.

TABLE 11.—PRETEST AND GAIN SCORES FOR ALL DISADVANTAGED CHILDREN (BY QUARTILES)

[N=731]

| Test and subtest | Maximum possible score | $Q_1$ N=198 | | | | $Q_2$ N=197 | | | | $Q_3$ N=172 | | | | $Q_4$ N=164 | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Pretest | | Gain | | Pretest | | Gain | | Pretest | | Gain | | Pretest | | Gain | |
| | | Mean | SD | Mean | SD | Mean | SD | Mean | SD | Mean | SD | Mean | SD | Mean | SD | Mean | SD |
| Grand total | 203 | 75.62 | 24.73 | 18.63 | 20.04 | 84.42 | 27.60 | 29.11 | 22.51 | 87.74 | 27.63 | 37.97 | 25.29 | 97.54 | 32.16 | 47.36 | 26.15 |
| Body parts total | 32 | 18.11 | 6.51 | 3.88 | 5.71 | 20.00 | 6.35 | 4.38 | 5.50 | 21.09 | 6.04 | 4.74 | 5.31 | 22.47 | 6.05 | 5.24 | 4.88 |
| Pointing to body parts | 5 | 3.07 | 1.40 | 0.71 | 1.38 | 3.51 | 1.34 | 0.59 | 1.21 | 3.69 | 1.15 | 0.51 | 1.22 | 3.88 | 1.14 | 0.69 | 1.05 |
| Naming body parts | 15 | 8.24 | 2.92 | 1.36 | 2.67 | 9.28 | 2.95 | 1.40 | 2.69 | 9.70 | 2.53 | 1.68 | 2.49 | 10.37 | 2.44 | 1.79 | 2.27 |
| Function of body parts (point) | 8 | 4.77 | 2.39 | 1.10 | 2.64 | 4.94 | 2.29 | 1.53 | 2.31 | 5.34 | 2.13 | 1.56 | 2.17 | 5.48 | 2.30 | −1.87 | 2.06 |
| Function of body parts (verbal) | 4 | 2.03 | 1.55 | 0.72 | 1.72 | 2.27 | 1.43 | 0.85 | 1.53 | 2.35 | 1.54 | 0.99 | 1.53 | 2.74 | 1.48 | 0.89 | 1.35 |
| Letters total | 58 | 13.07 | 5.95 | 4.30 | 7.43 | 14.42 | 7.37 | 8.22 | 9.26 | 14.95 | 7.00 | 11.89 | 11.00 | 17.98 | 10.12 | 15.97 | 1.19 |
| Recognizing letters | 8 | 2.26 | 1.67 | 0.65 | 2.31 | 2.38 | 1.89 | 1.37 | 2.41 | 2.50 | 1.84 | 2.06 | 2.55 | 3.04 | 2.12 | 2.56 | 2.62 |
| Naming capital letters | 16 | 1.24 | 2.36 | 1.35 | 3.44 | 1.47 | 3.25 | 3.31 | 4.90 | 1.49 | 3.02 | 5.17 | 5.15 | 2.85 | 4.53 | 7.25 | 2.68 |
| Naming lower case letters | 8 | 0.47 | 1.06 | 0.37 | 1.63 | 0.63 | 1.42 | 1.02 | 2.30 | 0.44 | 1.09 | 1.91 | 2.42 | 1.00 | 1.89 | 2.60 | 5.64 |
| Matching letters in words | 4 | 2.81 | 1.21 | 0.65 | 1.21 | 3.03 | 1.22 | 0.72 | 1.18 | 3.13 | 1.16 | 0.67 | 1.08 | 3.24 | 1.07 | 0.65 | 1.11 |
| Recognizing letters in words | 4 | 1.34 | 1.11 | 0.31 | 1.40 | 1.36 | 1.07 | 0.58 | 1.38 | 1.35 | 1.08 | 0.82 | 1.55 | 1.49 | 1.20 | 1.16 | 1.53 |
| Initial sounds | 4 | 0.68 | 0.74 | 0.14 | 1.08 | 0.80 | 0.76 | 0.19 | 1.16 | 0.94 | 0.81 | 0.11 | 1.21 | 0.89 | 0.81 | 0.30 | 1.16 |
| Reading words | 6 | 0.02 | 0.16 | 0.02 | 0.28 | 0.06 | 0.49 | 0.05 | 0.55 | 0.03 | 0.20 | 0.18 | 0.60 | 0.12 | 0.59 | 0.37 | 0.75 |
| Forms total | 20 | 8.43 | 3.50 | 2.29 | 3.77 | 9.89 | 4.01 | 3.15 | 4.05 | 10.04 | 3.64 | 4.29 | 4.07 | 10.64 | 3.50 | 5.49 | 3.52 |
| Recognizing forms | 4 | 1.96 | 1.20 | 0.41 | 1.64 | 2.16 | 1.20 | 0.38 | 1.62 | 2.12 | 1.26 | 0.69 | 1.72 | 2.13 | 1.15 | 1.10 | 1.52 |
| Naming forms | 4 | 0.87 | 1.08 | 0.64 | 1.29 | 1.34 | 1.31 | 0.86 | 1.43 | 1.29 | 1.22 | 1.28 | 1.43 | 1.39 | 1.27 | 1.83 | 1.34 |
| Numbers total | 54 | 16.18 | 8.20 | 5.43 | 7.05 | 18.56 | 9.38 | 8.52 | 8.23 | 19.64 | 10.10 | 10.88 | 9.51 | 23.69 | 11.15 | 13.01 | 9.52 |
| Recognizing numbers | 6 | 1.64 | 1.40 | 0.60 | 1.71 | 1.76 | 1.52 | 1.26 | 1.91 | 1.77 | 1.52 | 1.67 | 2.10 | 2.38 | 1.87 | 1.78 | 2.11 |
| Naming numbers | 15 | 1.12 | 2.58 | 1.13 | 2.96 | 1.57 | 2.95 | 2.43 | 3.96 | 1.56 | 3.07 | 3.74 | 4.01 | 3.09 | 4.04 | 5.15 | 4.44 |
| Numerosity | 6 | 2.93 | 1.50 | 0.92 | 1.68 | 3.47 | 1.72 | 0.92 | 1.69 | 3.59 | 1.72 | 0.97 | 1.79 | 4.05 | 1.72 | 1.11 | 1.56 |
| Counting | 9 | 4.35 | 2.51 | 1.24 | 2.34 | 4.74 | 2.62 | 1.81 | 2.38 | 5.22 | 2.56 | 1.79 | 2.53 | 5.72 | 2.50 | 1.74 | 2.41 |
| Addition and subtraction | 7 | 1.30 | 1.29 | 0.64 | 1.56 | 1.64 | 1.61 | 0.72 | 1.53 | 1.93 | 1.78 | 0.76 | 1.84 | 2.13 | 1.82 | 1.04 | 1.79 |
| Matching subtest | 11 | 7.83 | 2.76 | 1.26 | 2.87 | 8.38 | 2.55 | 1.50 | 2.50 | 8.90 | 2.19 | 1.12 | 2.09 | 9.32 | 1.77 | 1.02 | 1.82 |
| Relational terms total | 17 | 9.07 | 2.98 | 1.11 | 3.18 | 9.88 | 3.06 | 1.52 | 3.34 | 10.08 | 2.77 | 1.80 | 2.93 | 10.15 | 3.13 | 2.47 | 3.34 |
| Amount relationships | 9 | 4.37 | 1.73 | 0.63 | 2.04 | 4.52 | 1.99 | 0.93 | 2.34 | 4.64 | 1.90 | 1.00 | 2.21 | 4.73 | 1.95 | 1.23 | 2.22 |
| Size relationships | 2 | 1.64 | 0.58 | 0.09 | 0.70 | 1.75 | 0.46 | 0.13 | 0.54 | 1.73 | 0.49 | 0.19 | 0.51 | 1.73 | 0.46 | 0.18 | 0.51 |
| Position relationships | 5 | 2.69 | 1.46 | 0.27 | 1.68 | 3.10 | 1.34 | 0.39 | 1.63 | 3.19 | 1.28 | 0.52 | 1.39 | 3.24 | 1.33 | 0.80 | 1.50 |
| Sorting total | 6 | 2.30 | 1.33 | 0.47 | 1.85 | 2.54 | 1.44 | 0.81 | 1.82 | 2.52 | 1.50 | 1.38 | 1.76 | 2.73 | 1.39 | 1.64 | 1.71 |
| Classification total | 24 | 10.57 | 4.15 | 1.67 | 4.41 | 11.98 | 4.63 | 2.96 | 4.78 | 12.06 | 4.68 | 4.56 | 4.97 | 12.88 | 4.60 | 5.32 | 4.67 |
| Classification by size | 2 | 1.08 | 0.74 | 0.08 | 1.03 | 1.10 | 0.78 | 0.27 | 0.95 | 1.13 | 0.78 | 0.32 | 0.92 | 1.20 | 0.74 | 0.43 | 0.85 |
| Classification by form | 6 | 1.98 | 1.26 | 0.51 | 1.53 | 2.45 | 1.48 | 0.87 | 1.70 | 2.53 | 1.44 | 1.22 | 1.84 | 2.69 | 1.45 | 1.48 | 1.58 |
| Classification by number | 6 | 1.87 | 1.29 | 0.49 | 1.65 | 2.26 | 1.31 | 0.48 | 1.78 | 2.28 | 1.47 | 1.00 | 1.82 | 2.64 | 1.52 | 1.11 | 1.85 |
| Classification by function | 9 | 5.19 | 1.95 | 0.75 | 2.27 | 5.65 | 2.04 | 1.34 | 2.20 | 5.63 | 1.94 | 1.90 | 2.17 | 5.88 | 1.91 | 2.02 | 1.95 |
| Puzzles total | 5 | 1.88 | 1.40 | 0.43 | 1.86 | 2.04 | 1.37 | 0.80 | 1.64 | 2.15 | 1.28 | 0.83 | 1.58 | 2.41 | 1.45 | 0.98 | 1.57 |

TABLE 45.—PRETEST AND POSTTEST SCORES FOR DISADVANTAGED, AT-HOME CHILDREN (BY VIEWING QUARTILES)

[Group 1=children who were 53 to 58 months old at time of pretest. Group 2=children who were 53 to 58 months old at time of posttest (age cohorts)]

| Test and subtest | Maximum possible score | $Q_1$ | | | | $Q_2$ | | | | $Q_3$ | | | | $Q_4$ | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Group 1 N=31, pretest | | Group 2 N=26, posttest | | Group 1 N=33, pretest | | Group 2 N=33, posttest | | Group 1 N=27, pretest | | Group 2 N=18, posttest | | Group 1 N=23, pretest | | Group 2 N=24, posttest | |
| | | Mean | SD | Mean | SD | Mean | SD | Mean | SD | Mean | SD | Mean | SD | Mean | SD | Mean | SD |
| Grand total | 203 | 76.77 | 22.27 | 88.42 | 21.83 | 81.97 | 18.90 | 101.70 | 24.78 | 90.37 | 25.21 | 130.33 | 29.59 | 99.04 | 36.42 | 139.33 | 35.99 |
| Body parts total | 32 | 17.87 | 6.49 | 21.04 | 6.01 | 20.24 | 5.74 | 22.91 | 5.84 | 21.93 | 5.57 | 26.83 | 3.73 | 22.87 | 5.51 | 26.75 | 4.58 |
| Pointing to body parts | 5 | 3.13 | 1.50 | 3.31 | 1.46 | 3.91 | 1.04 | 3.88 | 1.08 | 3.78 | .97 | 4.39 | .78 | 4.17 | 1.15 | 4.42 | .93 |
| Naming body parts | 15 | 8.58 | 2.85 | 9.15 | 2.69 | 9.39 | 3.29 | 9.97 | 2.58 | 10.22 | 2.41 | 11.67 | 2.14 | 10.43 | 2.37 | 11.50 | 2.38 |
| Function of body parts (point) | 8 | 4.03 | 2.37 | 5.77 | 2.16 | 4.55 | 2.12 | 6.15 | 2.05 | 5.52 | 1.83 | 7.17 | 1.15 | 5.48 | 2.31 | 7.29 | 1.20 |
| Function of body parts (verbal) | 4 | 2.13 | 1.48 | 2.81 | 1.41 | 2.39 | 1.22 | 2.91 | 1.42 | 2.41 | 1.55 | 3.61 | .61 | 2.78 | 1.35 | 3.54 | .93 |

Footnotes at end of table.

| Test and subtest | Maximum possible score | $Q_1$ Group 1 N=31, pretest Mean | $Q_1$ Group 1 N=31, pretest SD | $Q_1$ Group 2 N=26, posttest Mean | $Q_1$ Group 2 N=26, posttest SD | $Q_2$ Group 1 N=33, pretest Mean | $Q_2$ Group 1 N=33, pretest SD | $Q_2$ Group 2 N=33, posttest Mean | $Q_2$ Group 2 N=33, posttest SD | $Q_3$ Group 1 N=27, pretest Mean | $Q_3$ Group 1 N=27, pretest SD | $Q_3$ Group 2 N=18, posttest Mean | $Q_3$ Group 2 N=18, posttest SD | $Q_4$ Group 1 N=23, pretest Mean | $Q_4$ Group 1 N=23, pretest SD | $Q_4$ Group 2 N=24, posttest Mean | $Q_4$ Group 2 N=24, posttest SD |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Letters total | 58 | 14.06 | 6.45 | 14.65 | 3.91 | 13.09 | 3.65 | 18.24 | 6.82 | 14.81 | 5.90 | 26.83 | 11.89 | 18.52 | 11.33 | 31.92 | 14.18 |
| Recognizing letters | 8 | 2.00 | 1.46 | 2.31 | 1.52 | 2.42 | 1.64 | 3.21 | 1.76 | 2.37 | 1.62 | 4.72 | 2.59 | 2.91 | 2.09 | 4.96 | 2.65 |
| Naming capital letters | 16 | 1.32 | 2.99 | .85 | 1.08 | .67 | 1.34 | 2.24 | 3.36 | .96 | 2.16 | 6.22 | 5.16 | 3.17 | 5.37 | 9.29 | 5.80 |
| Naming lower case letters | 8 | .77 | 1.50 | .54 | .76 | .27 | .45 | .64 | 1.11 | .44 | 1.09 | 2.33 | 2.45 | .96 | 2.18 | 3.17 | 2.90 |
| Matching letters in words | 4 | 2.97 | 1.17 | 3.38 | 1.02 | 2.88 | 1.17 | 3.82 | .39 | 3.48 | .89 | 4.00 | 0 | 3.52 | .79 | 3.83 | .64 |
| Recognizing letters in words | 4 | 1.74 | 1.18 | 1.77 | .99 | 1.33 | .99 | 1.52 | 1.06 | 1.56 | 1.12 | 2.17 | 1.38 | 1.57 | 1.20 | 2.54 | 1.38 |
| Initial sounds | 4 | .90 | .87 | .81 | .75 | .73 | .63 | 1.00 | .90 | .89 | .64 | 1.00 | 1.14 | 1.00 | .67 | 1.25 | .74 |
| Reading words | 6 | 0 | 0 | 0 | 0 | .03 | .17 | 0 | 0 | 0 | 0 | .11 | .32 | .17 | .83 | .54 | 1.38 |
| Forms total | 20 | 7.45 | 3.36 | 11.04 | 3.43 | 9.09 | 3.21 | 11.21 | 3.27 | 9.93 | 4.08 | 14.22 | 3.61 | 10.35 | 4.21 | 15.46 | 3.91 |
| Recognizing forms | 4 | 1.68 | 1.30 | 2.77 | 1.21 | 2.27 | 1.28 | 2.06 | 1.27 | 2.00 | 1.11 | 2.72 | 1.45 | 1.83 | 1.30 | 3.25 | 1.15 |
| Naming forms | 4 | .42 | .50 | 1.46 | 1.14 | .88 | .89 | 1.48 | 1.25 | 1.04 | 1.13 | 2.44 | 1.42 | 1.26 | 1.39 | 3.04 | 1.04 |
| Numbers total | 54 | 16.77 | 7.06 | 19.00 | 7.64 | 17.97 | 7.10 | 23.76 | 9.63 | 20.37 | 9.42 | 32.67 | 10.67 | 23.96 | 12.42 | 35.54 | 11.77 |
| Recognizing numbers | 6 | 1.71 | 1.37 | 2.00 | 1.33 | 2.03 | 1.49 | 2.33 | 1.74 | 1.96 | 1.51 | 2.83 | 1.69 | 2.56 | 1.88 | 4.13 | 1.75 |
| Naming numbers | 15 | 1.06 | 2.86 | 1.04 | 2.65 | 1.00 | 1.84 | 2.58 | 3.40 | 1.26 | 2.92 | 5.72 | 4.57 | 3.91 | 4.35 | 7.58 | 5.06 |
| Numerosity | 6 | 3.39 | 1.20 | 3.46 | 1.58 | 3.58 | 1.58 | 4.06 | 1.60 | 3.74 | 1.83 | 5.11 | .90 | 4.04 | 1.77 | 4.96 | 1.30 |
| Counting | 9 | 4.32 | 2.40 | 5.19 | 2.04 | 4.85 | 2.25 | 5.97 | 2.26 | 5.63 | 2.54 | 7.00 | 1.97 | 5.43 | 2.83 | 7.38 | 1.79 |
| Addition and subtraction | 7 | 1.29 | 1.24 | 1.62 | 1.47 | 1.52 | 1.33 | 2.30 | 1.69 | 1.89 | 1.22 | 2.94 | 1.55 | 2.04 | 1.89 | 3.17 | 1.69 |
| Matching subtest | 11 | 7.97 | 2.93 | 9.31 | 1.85 | 8.45 | 1.99 | 9.97 | 1.16 | 8.78 | 2.28 | 10.33 | .59 | 9.17 | 1.67 | 10.00 | 1.50 |
| Relational terms total | 17 | 9.61 | 2.35 | 10.65 | 2.79 | 10.33 | 2.98 | 11.30 | 2.27 | 10.81 | 2.32 | 12.39 | 2.48 | 10.26 | 3.77 | 18.00 | 2.52 |
| Amount relationships | 9 | 4.65 | 1.64 | 5.27 | 1.54 | 5.09 | 1.74 | 5.61 | 1.58 | 5.37 | 1.39 | 6.11 | 1.41 | 5.17 | 2.10 | 5.58 | 1.67 |
| Size relationships | 2 | 1.65 | .55 | 1.81 | .40 | 1.67 | .54 | 1.79 | .42 | 1.85 | .46 | 2.00 | 0 | 1.52 | .51 | 1.83 | .38 |
| Position relationships | 5 | 3.00 | 1.39 | 3.12 | 1.37 | 3.09 | 1.33 | 3.39 | 1.14 | 2.96 | 1.34 | 3.61 | 1.29 | 3.09 | 1.50 | 3.92 | 1.21 |
| Sorting total | 6 | 2.13 | 1.38 | 2.69 | 1.41 | 1.67 | 1.29 | 3.33 | 1.49 | 2.81 | 1.55 | 4.28 | 1.32 | 2.30 | 1.22 | 4.54 | 1.25 |
| Classification total | 24 | 10.71 | 3.84 | 11.96 | 4.25 | 11.03 | 2.91 | 13.79 | 4.25 | 12.89 | 4.50 | 17.78 | 4.10 | 13.04 | 5.06 | 17.75 | 5.14 |
| Classification by size | 2 | 1.19 | .79 | .96 | .77 | .97 | .73 | 1.27 | .57 | 1.26 | .71 | 1.44 | .70 | 1.17 | .65 | 1.46 | .83 |
| Classification by form | 6 | 1.77 | 1.38 | 2.50 | 1.27 | 2.06 | 1.12 | 2.88 | 1.22 | 2.70 | 1.61 | 3.61 | 1.42 | 2.78 | 1.81 | 4.08 | 1.50 |
| Classification by number | 6 | 2.06 | 1.09 | 2.35 | 1.29 | 2.18 | .92 | 2.36 | 1.37 | 2.44 | 1.45 | 4.22 | 1.48 | 2.65 | 1.27 | 3.67 | 1.76 |
| Classification by function | 9 | 5.29 | 1.47 | 5.81 | 1.81 | 5.45 | 1.50 | 6.76 | 1.97 | 5.93 | 1.73 | 7.78 | 1.44 | 5.91 | 2.21 | 7.79 | 1.82 |
| Puzzles total | 5 | 2.03 | 1.56 | 2.31 | .93 | 2.55 | 1.37 | 2.55 | 1.39 | 2.26 | 1.02 | 3.44 | 1.38 | 2.52 | 1.44 | 2.92 | 1.35 |
| Peabody IQ [1] | | 75.97 | 26.63 | 81.08 | 20.17 | 80.03 | 21.94 | 85.09 | 15.82 | 82.67 | 19.28 | 88.33 | 19.94 | 86.61 | 28.72 | 88.08 | 20.06 |

[1] Differences in IQ between group 1 and group 2 within each quartile are not significant.

TABLE 12a.—PRETEST AND GAIN SCORES FOR ALL DISADVANTAGED 3-YEAR-OLD CHILDREN (BY QUARTILES)
[N=127]

| Test and subtest | Maximum possible score | $Q_1$ N=33 Pretest Mean | $Q_1$ N=33 Pretest SD | $Q_1$ N=33 Gain Mean | $Q_1$ N=33 Gain SD | $Q_2$ N=38 Pretest Mean | $Q_2$ N=38 Pretest SD | $Q_2$ N=38 Gain Mean | $Q_2$ N=38 Gain SD | $Q_3$ N=25 Pretest Mean | $Q_3$ N=25 Pretest SD | $Q_3$ N=25 Gain Mean | $Q_3$ N=25 Gain SD | $Q_4$ N=31 Pretest Mean | $Q_4$ N=31 Pretest SD | $Q_4$ N=31 Gain Mean | $Q_4$ N=31 Gain SD |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Grand total | 203 | 60.76 | 20.34 | 12.42 | 25.67 | 62.42 | 20.82 | 30.71 | 21.14 | 65.48 | 15.76 | 37.20 | 28.28 | 75.81 | 25.14 | 57.23 | 25.66 |
| Body parts total | 32 | 13.88 | 5.21 | 3.03 | 6.26 | 15.76 | 5.77 | 4.79 | 5.91 | 16.72 | 5.44 | 6.64 | 6.94 | 18.84 | 6.26 | 8.00 | 5.52 |
| Pointing to body parts | 5 | 2.55 | 1.39 | .39 | 1.30 | 2.58 | 1.35 | .82 | 1.54 | 2.88 | 1.30 | .92 | 1.32 | 3.44 | 1.27 | 1.00 | 1.15 |
| Naming body parts | 15 | 6.85 | 2.50 | 1.18 | 2.72 | 7.87 | 3.03 | 1.13 | 2.88 | 8.52 | 2.38 | 1.68 | 3.59 | 9.53 | 2.49 | 2.32 | 2.63 |
| Function of body parts (point) | 8 | 3.27 | 2.36 | 1.00 | 3.46 | 3.92 | 2.28 | 1.66 | 2.58 | 3.72 | 2.01 | 2.64 | 2.20 | 4.09 | 2.36 | 3.00 | 2.24 |
| Function of body parts (verbal) | 4 | 1.21 | 1.47 | .45 | 2.11 | 1.39 | 1.41 | 1.18 | 1.86 | 1.60 | 1.55 | 1.40 | 1.71 | 1.78 | 1.60 | 1.68 | 1.66 |
| Letters total | 58 | 10.73 | 5.99 | 3.79 | 9.20 | 10.18 | 4.95 | 7.53 | 8.99 | 11.32 | 3.99 | 10.52 | 9.71 | 11.91 | 6.65 | 20.13 | 12.14 |
| Recognizing letters | 8 | 2.06 | 1.95 | .82 | 2.69 | 1.47 | 1.66 | 1.45 | 2.23 | 2.28 | 1.59 | 1.32 | 2.53 | 1.63 | 1.58 | 3.74 | 2.65 |
| Naming capital letters | 16 | 1.03 | 2.51 | .55 | 4.04 | .58 | 2.61 | 2.03 | 5.06 | .40 | 1.00 | 4.36 | 4.39 | 1.00 | 2.78 | 8.90 | 6.38 |
| Naming lower case letters | 8 | .33 | 1.41 | .18 | 1.94 | .37 | 1.38 | .45 | 2.30 | .12 | .33 | 1.36 | 2.08 | .44 | 1.46 | 2.77 | 2.80 |
| Matching letters in words | 4 | 2.12 | 1.22 | 1.00 | 1.27 | 2.45 | 1.50 | .92 | 1.60 | 2.32 | 1.55 | 1.12 | 1.56 | 2.59 | 1.36 | 1.23 | 1.52 |
| Recognizing letters in words | 4 | 1.03 | .98 | .36 | 1.27 | 1.50 | 1.01 | .79 | 1.21 | 1.08 | 1.08 | .84 | 1.72 | 1.00 | 1.02 | 1.55 | 1.46 |
| Initial sounds | 4 | .48 | .62 | .21 | .99 | .68 | .70 | .16 | 1.13 | 1.04 | 1.02 | −.16 | 1.21 | .81 | .82 | .03 | 1.14 |
| Reading words | 6 | .06 | .35 | −.06 | .35 | 0 | .00 | .03 | .16 | 0 | 0 | .08 | .40 | 0 | 0 | .19 | .40 |
| Forms total | 20 | 7.70 | 3.16 | 1.03 | 3.83 | 7.84 | 3.90 | 3.39 | 3.96 | 7.36 | 2.81 | 5.00 | 4.25 | 9.13 | 3.50 | 6.29 | 3.59 |
| Recognizing forms | 4 | 2.24 | 1.09 | .18 | 1.57 | 1.84 | 1.26 | .47 | 1.81 | 1.80 | 1.41 | .60 | 1.50 | 1.97 | 1.12 | 1.23 | 1.54 |
| Naming forms | 4 | .52 | 1.00 | .30 | 1.55 | .84 | 1.05 | 1.03 | 1.37 | .52 | .82 | 1.76 | 1.13 | 1.22 | 1.43 | 2.26 | 1.55 |
| Numbers total | 54 | 11.21 | 6.40 | 2.94 | 9.34 | 1.37 | 6.08 | 9.34 | 7.53 | 13.00 | 5.39 | 8.08 | 10.02 | 16.38 | 8.39 | 14.13 | 9.79 |
| Recognizing numbers | 6 | .91 | 1.04 | .76 | 1.94 | 1.03 | 1.24 | 1.58 | 2.18 | 1.08 | 1.12 | 1.12 | 2.03 | 1.47 | 1.44 | 2.03 | 2.26 |
| Naming numbers | 15 | .42 | 1.92 | .21 | 2.64 | .45 | 1.50 | 1.63 | 3.36 | .16 | .37 | 2.64 | 3.04 | 1.25 | 2.46 | 5.16 | 5.41 |
| Numerosity | 6 | 2.24 | 1.30 | .45 | 1.82 | 2.53 | 1.69 | .74 | 1.91 | 3.20 | 1.76 | .44 | 2.06 | 3.28 | 1.82 | 1.26 | 1.53 |
| Counting | 9 | 3.09 | 2.23 | .82 | 2.88 | 3.13 | 2.56 | 2.32 | 2.70 | 3.32 | 1.93 | 2.32 | 3.24 | 4.41 | 2.45 | 1.81 | 2.43 |
| Addition and subtraction | 7 | .85 | 1.20 | .09 | 1.53 | .71 | .98 | .61 | 1.31 | .88 | .93 | .60 | 1.38 | .94 | 1.24 | 1.10 | 1.14 |
| Matching subtest | 11 | 6.94 | 2.70 | .94 | 3.43 | 6.53 | 3.33 | 3.05 | 3.04 | 7.00 | 2.68 | 2.40 | 2.72 | 8.25 | 2.53 | 2.03 | 2.74 |
| Relational terms total | 17 | 7.42 | 2.46 | 1.39 | 3.55 | 8.45 | 3.13 | 1.79 | 3.46 | 8.24 | 2.62 | 1.76 | 3.44 | 8.72 | 2.39 | 3.23 | 2.70 |
| Amount relationships | 9 | 3.70 | 1.72 | .88 | 2.23 | 3.61 | 2.40 | 1.32 | 2.80 | 3.52 | 1.56 | 1.04 | 2.32 | 3.75 | 1.46 | 1.42 | 1.67 |
| Size relationships | 2 | 1.42 | .56 | .03 | .88 | 1.74 | .45 | .16 | .49 | 1.64 | .49 | .24 | .52 | 1.72 | .52 | .23 | .62 |
| Position relationships | 5 | 2.03 | 1.42 | .24 | 1.90 | 2.76 | 1.50 | .13 | 1.79 | 2.80 | 1.35 | .24 | 1.59 | 2.88 | 1.31 | 1.23 | 1.54 |
| Sorting total | 6 | 2.33 | 1.29 | −.12 | 1.73 | 2.21 | 1.36 | .42 | 1.73 | 2.44 | 1.26 | .92 | 1.85 | 2.41 | 1.10 | 1.52 | 1.59 |
| Classification total | 24 | 8.67 | 3.53 | 1.27 | 3.59 | 8.50 | 4.43 | 4.53 | 4.69 | 9.12 | 3.48 | 4.44 | 4.81 | 10.56 | 4.66 | 5.71 | 3.68 |
| Classification by size | 2 | .94 | .61 | −.18 | .81 | .50 | .60 | .68 | .96 | .68 | .75 | .44 | .92 | .97 | .78 | .39 | .88 |
| Classification by form | 6 | 1.67 | 1.22 | .33 | 1.41 | 1.84 | 1.64 | .84 | 1.81 | 2.08 | 1.22 | .80 | 1.76 | 2.00 | 1.37 | 1.48 | 1.31 |
| Classification by number | 6 | 1.18 | 1.07 | .61 | 1.78 | 1.45 | .95 | .87 | 1.28 | 1.84 | 1.11 | .44 | 1.71 | 2.16 | 1.42 | 1.19 | 1.94 |
| Classification by function | 9 | 4.36 | 1.95 | .76 | 2.21 | 4.24 | 2.48 | 2.18 | 2.82 | 4.20 | 1.55 | 2.60 | 1.98 | 5.03 | 1.99 | 2.35 | 1.43 |
| Puzzles total | 5 | 1.76 | 1.28 | .21 | 1.85 | 1.63 | 1.10 | .45 | 1.43 | 1.28 | 1.02 | 1.24 | 1.48 | 2.03 | 1.49 | 1.19 | 1.60 |
| Peabody raw score (pretest only) | 89 | 21.09 | 7.53 | | | 22.42 | 7.77 | | | 24.68 | 9.38 | | | 31.84 | 11.14 | | |
| Peabody mental age (months) | | 31.12 | 5.53 | | | 31.39 | 7.22 | | | 33.92 | 7.88 | | | 40.31 | 12.61 | | |
| Hidden triangles total (posttest) | 10 | 3.36 | 1.69 | | | 4.11 | 1.66 | | | 4.15 | 1.46 | | | 4.77 | 1.52 | | |
| Which comes first total (posttest) | 12 | 4.36 | 2.16 | | | 4.46 | 2.09 | | | 5.51 | 2.17 | | | 5.94 | 2.35 | | |

TABLE 12b.—PRETEST AND GAIN SCORES FOR ALL DISADVANTAGED 4-YEAR-OLD CHILDREN (BY QUARTILES)

[N=433]

| Test and subtest | Maximum possible score | $Q_1$ N=127 | | | | $Q_2$ N=119 | | | | $Q_3$ N=105 | | | | $Q_4$ N=82 | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Pretest | | Gain | | Pretest | | Gain | | Pretest | | Gain | | Pretest | | Gain | |
| | | Mean | SD | Mean | SD | Mean | SD | Mean | SD | Mean | SD | Mean | SD | Mean | SD | Mean | SD |
| Grand total | 203 | 75.13 | 22.21 | 18.24 | 18.40 | 84.09 | 23.25 | 30.60 | 24.35 | 86.63 | 23.64 | 38.50 | 25.44 | 93.79 | 29.50 | 49.01 | 24.6 |
| Body parts total | 32 | 18.35 | 6.22 | 4.09 | 5.31 | 20.08 | 6.22 | 4.92 | 5.47 | 21.14 | 5.85 | 4.64 | 5.19 | 22.27 | 5.75 | 5.10 | 4.50 |
| Pointing to body parts | 5 | 3.13 | 1.37 | .75 | 1.37 | 3.56 | 1.30 | .66 | 1.23 | 3.74 | 1.11 | .52 | 1.23 | 3.89 | 1.12 | .65 | 1.02 |
| Naming body parts | 15 | 8.18 | 2.86 | 1.51 | 2.52 | 9.33 | 2.97 | 1.68 | 2.82 | 9.74 | 2.52 | 1.70 | 2.43 | 10.13 | 2.32 | 1.77 | 2.09 |
| Function of body parts (point) | 8 | 4.89 | 2.29 | 1.09 | 2.52 | 4.88 | 2.18 | 1.74 | 2.13 | 5.42 | 1.95 | 1.40 | 1.99 | 5.48 | 2.21 | 1.85 | 1.97 |
| Function of body parts (verbal) | 4 | 2.15 | 1.52 | .74 | 1.66 | 2.32 | 1.36 | .83 | 1.47 | 2.25 | 1.54 | 1.02 | 1.63 | 2.77 | 1.47 | .83 | 1.24 |
| Letters total | 58 | 13.20 | 5.92 | 3.45 | 6.37 | 13.94 | 6.08 | 8.46 | 9.17 | 14.56 | 5.67 | 12.02 | 11.17 | 17.33 | 8.84 | 15.37 | 10.45 |
| Recognizing letters | 8 | 2.26 | 1.62 | .48 | 2.26 | 2.25 | 1.76 | 1.40 | 2.32 | 2.33 | 1.67 | 2.28 | 2.52 | 2.94 | 1.87 | 2.43 | 2.33 |
| Naming capital letters | 16 | 1.17 | 2.32 | 1.09 | 2.90 | 1.25 | 2.63 | 3.40 | 4.76 | 1.34 | 2.64 | 5.17 | 5.34 | 2.58 | 4.39 | 7.07 | 5.58 |
| Naming lower case letters | 8 | .50 | 1.01 | .16 | 1.20 | .52 | 1.08 | 1.11 | 2.18 | .41 | .89 | 1.90 | 2.46 | .76 | 1.63 | 2.40 | 2.54 |
| Matching letters in words | 4 | 2.91 | 1.15 | .56 | 1.18 | 3.04 | 1.16 | .82 | 1.07 | 3.19 | 1.02 | .65 | 1.01 | 3.30 | .98 | .65 | .96 |
| Recognizing letters in words | 4 | 1.35 | 1.14 | .29 | 1.41 | 1.43 | 1.04 | .44 | 1.45 | 1.42 | 1.09 | .76 | 1.41 | 1.46 | 1.13 | 1.13 | 1.46 |
| Initial sounds | 4 | .70 | .78 | .09 | 1.11 | .73 | .70 | .29 | 1.15 | .81 | .72 | .24 | 1.23 | .87 | .74 | .30 | 1.09 |
| Reading words | 6 | .0 | 0 | .04 | .29 | .08 | .57 | −.02 | .61 | .03 | .17 | .07 | .37 | .07 | .56 | .30 | .78 |
| Forms total | 20 | 8.21 | 3.42 | 2.55 | 3.82 | 9.87 | 3.67 | 3.31 | 4.40 | 9.94 | 3.59 | 4.32 | 4.13 | 10.38 | 3.39 | 5.63 | 3.72 |
| Recognizing forms | 4 | 1.83 | 1.22 | .58 | 1.61 | 2.12 | 1.14 | .50 | 1.67 | 2.13 | 1.23 | .64 | 1.77 | 2.23 | 1.20 | .95 | 1.57 |
| Naming forms | 4 | .88 | 1.05 | .77 | 1.24 | 1.36 | 1.30 | .86 | 1.60 | 1.35 | 1.24 | 1.17 | 1.42 | 1.24 | 1.23 | 1.94 | 1.30 |
| Numbers total | 54 | 15.82 | 6.89 | 5.69 | 6.32 | 18.72 | 7.96 | 8.84 | 8.83 | 19.08 | 8.85 | 11.37 | 9.81 | 21.95 | 10.43 | 14.65 | 8.65 |
| Recognizing numbers | 6 | 1.66 | 1.38 | .53 | 1.68 | 1.82 | 1.44 | 1.29 | 1.93 | 1.76 | 1.42 | 1.57 | 2.07 | 2.20 | 1.76 | 1.88 | 1.91 |
| Naming numbers | 15 | 1.06 | 2.35 | .98 | 2.85 | 1.60 | 2.91 | 2.49 | 4.33 | 1.29 | 2.51 | 3.85 | 4.15 | 2.70 | 3.80 | 5.33 | 4.01 |
| Numerosity | 6 | 2.88 | 1.38 | .98 | 1.65 | 3.43 | 1.53 | 1.11 | 1.64 | 3.56 | 1.72 | 1.12 | 1.92 | 3.79 | 1.76 | 1.33 | 1.59 |
| Counting | 9 | 4.21 | 2.38 | 1.51 | 2.18 | 4.79 | 2.42 | 1.85 | 2.37 | 5.16 | 2.55 | 1.86 | 2.63 | 5.37 | 2.52 | 2.28 | 2.28 |
| Addition and subtraction | 7 | 1.18 | 1.07 | .86 | 1.44 | 1.69 | 1.46 | .71 | 1.72 | 1.85 | 1.70 | .70 | 1.94 | 1.89 | 1.58 | 1.44 | 1.94 |
| Matching subtest | 11 | 7.81 | 2.77 | 1.35 | 2.76 | 8.41 | 2.28 | 1.49 | 2.40 | 8.98 | 2.05 | 1.05 | 1.94 | 9.46 | 1.31 | .77 | 1.33 |
| Relational terms total | 17 | 8.99 | 2.79 | 1.02 | 3.11 | 9.78 | 2.70 | 1.65 | 3.33 | 9.99 | 2.62 | 1.95 | 3.11 | 9.70 | 3.22 | 2.80 | 3.50 |
| Amount relationships | 9 | 4.26 | 1.62 | .59 | 2.06 | 4.48 | 1.68 | 1.03 | 2.25 | 4.65 | 1.82 | 1.09 | 2.26 | 4.39 | 2.01 | 1.52 | 2.47 |
| Size relationships | 2 | 1.67 | .60 | .10 | .69 | 1.74 | .46 | .13 | .56 | 1.70 | .52 | .24 | .55 | 1.68 | .47 | .18 | .55 |
| Position relationships | 5 | 2.68 | 1.39 | .24 | 1.61 | 3.06 | 1.30 | .45 | 1.59 | 3.08 | 1.32 | .62 | 1.46 | 3.13 | 1.40 | .90 | 1.54 |
| Sorting total | 6 | 2.05 | 1.28 | .62 | 1.91 | 2.48 | 1.40 | .95 | 1.84 | 2.47 | 1.46 | 1.36 | 1.81 | 2.52 | 1.28 | 1.87 | 1.59 |
| Classification total | 24 | 10.52 | 3.84 | 1.17 | 4.60 | 12.01 | 3.98 | 2.91 | 4.66 | 11.83 | 4.33 | 4.86 | 5.02 | 12.33 | 4.38 | 5.77 | 5.07 |
| Classification by size | 2 | 1.06 | .77 | −.13 | 1.13 | 1.16 | .77 | .24 | .92 | 1.12 | .75 | .31 | .95 | 1.23 | .70 | .38 | .84 |
| Classification by form | 6 | 1.98 | 1.20 | .43 | 1.58 | 2.37 | 1.28 | .94 | 1.66 | 2.39 | 1.38 | 1.42 | 1.77 | 2.55 | 1.48 | 1.65 | 1.66 |
| Classification by number | 6 | 1.84 | 1.10 | .35 | 1.62 | 2.24 | 1.22 | .46 | 1.84 | 2.12 | 1.34 | 1.26 | 1.95 | 2.36 | 1.41 | 1.32 | 1.88 |
| Classification by function | 9 | 5.18 | 1.90 | .55 | 2.34 | 5.72 | 1.81 | 1.29 | 2.04 | 5.75 | 1.81 | 1.75 | 2.16 | 5.73 | 1.99 | 2.18 | 2.20 |
| Puzzles total | 5 | 1.86 | 1.44 | .32 | 1.84 | 2.10 | 1.37 | .78 | 1.69 | 2.17 | 1.24 | .79 | 1.58 | 2.19 | 1.33 | 1.01 | 1.58 |
| Peabody raw score (pretest only) | 80 | 32.40 | 10.45 | | | 35.37 | 9.99 | | | 32.26 | 10.92 | | | 36.25 | 11.51 | | |
| Peabody mental age (months) | | 40.65 | 11.30 | | | 43.48 | 11.50 | | | 40.88 | 12.11 | | | 45.15 | 13.95 | | |
| Hidden triangles total (posttest) | 10 | 4.26 | 1.27 | | | 4.66 | 1.57 | | | 4.84 | 1.42 | | | 4.68 | 1.32 | | |
| Which comes first total (posttest) | 12 | 4.45 | 1.98 | | | 4.92 | 2.42 | | | 5.87 | 2.74 | | | 6.80 | 2.54 | | |

TABLE 12c.—PRETEST AND GAIN SCORES FOR ALL DISADVANTAGED 5-YEAR-OLD CHILDREN (BY QUARTILES)

[N=159]

| Test and subtest | Maximum possible score | $Q_1$ N=37 | | | | $Q_2$ N=40 | | | | $Q_3$ N=38 | | | | $Q_4$ N=44 | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Pretest | | Gain | | Pretest | | Gain | | Pretest | | Gain | | Pretest | | Gain | |
| | | Mean | SD | Mean | SD | Mean | SD | Mean | SD | Mean | SD | Mean | SD | Mean | SD | Mean | SD |
| Grand Total | 203 | 88.68 | 29.20 | 23.08 | 19.14 | 101.23 | 30.69 | 26.75 | 17.30 | 104.13 | 30.82 | 38.97 | 25.73 | 120.91 | 29.78 | 37.32 | 26.37 |
| Body parts total | 32 | 20.38 | 7.15 | 3.92 | 6.68 | 23.35 | 4.34 | 2.93 | 4.98 | 23.18 | 6.02 | 4.08 | 5.34 | 25.73 | 4.40 | 3.41 | 3.55 |
| Pointing to body parts | 5 | 3.27 | 1.41 | .76 | 1.48 | 4.23 | .95 | .20 | .72 | 4.00 | 1.01 | .32 | 1.07 | 4.20 | .99 | .55 | .98 |
| Naming body parts | 15 | 9.24 | 3.09 | 1.19 | 3.07 | 10.45 | 1.84 | .95 | 2.10 | 10.16 | 2.70 | 1.76 | 2.27 | 11.69 | 1.90 | 1.27 | 1.96 |
| Function of body parts (point) | 8 | 5.57 | 2.38 | 1.14 | 2.25 | 5.85 | 2.14 | 1.05 | 2.58 | 6.05 | 2.31 | 1.26 | 2.55 | 6.53 | 1.90 | 1.14 | 1.81 |
| Function of body parts (verbal) | 4 | 2.30 | 1.61 | .84 | 1.69 | 2.83 | 1.30 | .73 | 1.28 | 2.97 | 1.26 | .74 | 1.18 | 3.31 | 1.16 | .45 | .95 |
| Letters total | 58 | 14.97 | 5.59 | 6.35 | 8.45 | 18.40 | 10.05 | 8.70 | 9.70 | 18.79 | 8.98 | 13.66 | 11.64 | 24.16 | 12.71 | 14.32 | 11.71 |
| Recognizing letters | 8 | 2.46 | 1.63 | .95 | 2.34 | 3.20 | 2.05 | 1.28 | 2.61 | 3.32 | 2.04 | 2.24 | 2.76 | 4.36 | 2.50 | 1.93 | 2.94 |
| Naming capital letters | 16 | 1.65 | 2.37 | 2.57 | 3.86 | 2.68 | 4.72 | 4.03 | 4.99 | 2.58 | 4.18 | 6.34 | 5.19 | 5.04 | 5.66 | 6.55 | 5.32 |
| Naming lower case letters | 8 | .54 | .84 | 1.05 | 2.21 | 1.10 | 2.05 | 1.28 | 2.53 | .84 | 1.72 | 2.61 | 2.64 | 1.89 | 2.52 | 2.82 | 2.93 |
| Matching letters in words | 4 | 3.05 | 1.20 | .73 | 1.15 | 3.28 | 1.20 | .50 | 1.20 | 3.64 | .57 | .21 | .58 | 3.58 | .75 | .32 | .77 |
| Recognizing letters in words | 4 | 1.59 | 1.01 | .16 | 1.48 | 1.43 | 1.17 | .80 | 1.36 | 1.42 | 1.13 | 1.03 | 1.68 | 1.82 | 1.39 | 1.07 | 1.70 |
| Initial sounds | 4 | .78 | .67 | .24 | 1.09 | 1.08 | .89 | .03 | 1.21 | 1.08 | .78 | .21 | 1.04 | 1.09 | .93 | .45 | 1.37 |
| Reading words | 6 | 0 | 0 | 0 | 0 | .08 | .47 | .28 | .55 | .05 | .32 | .55 | .98 | .31 | .82 | .61 | .87 |
| Forms total | 20 | 9.35 | 3.74 | 2.81 | 3.06 | 11.08 | 4.15 | 3.30 | 3.04 | 11.97 | 3.15 | 3.39 | 3.58 | 12.20 | 3.15 | 4.64 | 3.25 |
| Recognizing forms | 4 | 2.08 | 1.14 | .27 | 1.56 | 2.38 | 1.25 | .20 | 1.42 | 2.42 | 1.15 | .68 | 1.69 | 2.11 | 1.09 | 1.18 | 1.44 |
| Naming forms | 4 | 1.00 | 1.18 | .68 | 1.08 | 1.50 | 1.30 | 1.13 | 1.02 | 1.55 | 1.22 | 1.18 | 1.56 | 1.84 | 1.15 | 1.30 | 1.17 |
| Numbers total | 54 | 21.00 | 10.71 | 5.95 | 6.87 | 23.53 | 11.37 | 7.58 | 6.54 | 25.89 | 11.87 | 11.18 | 9.41 | 31.89 | 10.12 | 9.66 | 9.93 |
| Recognizing numbers | 6 | 2.11 | 1.54 | .70 | 1.68 | 2.10 | 1.69 | 1.08 | 1.70 | 2.45 | 1.83 | 1.95 | 2.22 | 3.42 | 2.02 | 1.45 | 2.26 |
| Naming numbers | 15 | 1.92 | 3.59 | 2.19 | 3.00 | 2.35 | 3.62 | 2.73 | 2.94 | 3.26 | 4.41 | 4.66 | 4.19 | 5.31 | 4.82 | 4.89 | 4.71 |
| Numerosity | 6 | 3.65 | 1.64 | .92 | 1.38 | 4.23 | 1.91 | .75 | 1.72 | 4.11 | 1.56 | .84 | 1.39 | 4.93 | 1.29 | .68 | 1.20 |
| Counting | 9 | 5.65 | 2.66 | .54 | 2.18 | 5.93 | 2.47 | 1.45 | 2.16 | 6.66 | 1.91 | 1.11 | 1.67 | 7.20 | 1.83 | .73 | 2.31 |
| Addition and subtraction | 7 | 1.84 | 1.72 | .51 | 1.82 | 2.45 | 2.04 | .68 | 1.31 | 2.63 | 1.98 | 1.11 | 1.83 | 3.29 | 1.80 | .39 | 1.71 |
| Matching subtest | 11 | 8.84 | 2.61 | 1.05 | 2.84 | 9.48 | 1.72 | .70 | 1.64 | 9.97 | 1.05 | .32 | 1.49 | 9.96 | 1.19 | .66 | 1.27 |
| Relational terms total | 17 | 10.81 | 3.28 | .97 | 2.85 | 11.28 | 3.44 | 1.18 | 3.56 | 11.11 | 2.66 | 1.58 | 2.34 | 12.02 | 2.62 | 1.25 | 3.05 |
| Amount relationships | 9 | 5.32 | 1.76 | .41 | 1.71 | 5.35 | 2.17 | .53 | 2.36 | 5.24 | 1.87 | .76 | 2.01 | 5.87 | 1.70 | .61 | 1.90 |
| Size relationships | 2 | 1.76 | .44 | .03 | .50 | 1.78 | .48 | .13 | .56 | 1.82 | .46 | .08 | .43 | 1.87 | .34 | .14 | .35 |
| Position relationships | 5 | 3.35 | 1.55 | .35 | 1.67 | 3.48 | 1.30 | .45 | 1.68 | 3.53 | 1.06 | .50 | 1.08 | 3.82 | 1.01 | .25 | 1.28 |
| Sorting total | 6 | 2.89 | 1.33 | .62 | 1.74 | 2.83 | 1.50 | .95 | 1.85 | 2.74 | 1.67 | 1.71 | 1.63 | 3.27 | 1.57 | 1.36 | 1.87 |
| Classification total | 24 | 12.05 | 5.07 | 3.19 | 4.08 | 14.28 | 4.74 | 2.45 | 5.08 | 14.05 | 4.98 | 4.13 | 4.64 | 15.49 | 4.24 | 4.18 | 4.66 |
| Classification by size | 2 | 1.24 | .76 | .19 | .88 | 1.35 | .74 | .18 | .90 | 1.37 | .79 | .24 | .85 | 1.36 | .71 | .48 | .88 |
| Classification by form | 6 | 2.22 | 1.49 | .78 | 1.34 | 3.05 | 1.69 | .88 | 1.91 | 3.18 | 1.37 | .89 | 1.72 | 3.31 | 1.24 | 1.30 | 1.61 |
| Classification by number | 6 | 2.49 | 1.71 | .70 | 1.54 | 2.88 | 1.47 | .25 | 1.89 | 2.89 | 1.64 | .84 | 1.52 | 3.47 | 1.52 | .70 | 1.76 |
| Classification by function | 9 | 5.73 | 1.91 | 1.27 | 2.01 | 6.50 | 1.77 | 1.00 | 2.18 | 6.03 | 2.02 | 1.95 | 1.92 | 6.87 | 1.47 | 1.36 | 1.73 |
| Puzzles total | 5 | 2.05 | 1.39 | 1.00 | 1.83 | 2.33 | 1.46 | 1.08 | 1.65 | 2.45 | 1.37 | .92 | 1.62 | 3.02 | 1.45 | .73 | 1.60 |
| Peabody raw score (pretest only) | 80 | 37.81 | 9.87 | | | 39.10 | 11.54 | | | 43.68 | 10.44 | | | 45.82 | 9.29 | | |
| Peabody mental age (months) | | 46.08 | 12.29 | | | 48.63 | 16.15 | | | 53.87 | 15.00 | | | 56.62 | 13.51 | | |
| Hidden triangles total (posttest) | 10 | 4.65 | 1.55 | | | 4.61 | 1.60 | | | 5.05 | 1.45 | | | 5.09 | 1.58 | | |
| Which comes first total (posttest) | 12 | 5.16 | 2.93 | | | 6.17 | 2.88 | | | 6.63 | 2.89 | | | 7.62 | 3.20 | | |

TABLE 24.—PRETEST AND GAIN SCORES FOR ALL ADVANTAGED CHILDREN (BY QUARTILES)

[N=169]

| Test and subtest | Maximum possible score | $Q_1$ N=16 Pretest Mean | $Q_1$ N=16 Pretest SD | $Q_1$ N=16 Gain Mean | $Q_1$ N=16 Gain SD | $Q_2$ N=31 Pretest Mean | $Q_2$ N=31 Pretest SD | $Q_2$ N=31 Gain Mean | $Q_2$ N=31 Gain SD | $Q_3$ N=57 Pretest Mean | $Q_3$ N=57 Pretest SD | $Q_3$ N=57 Gain Mean | $Q_3$ N=57 Gain SD | $Q_4$ N=65 Pretest Mean | $Q_4$ N=65 Pretest SD | $Q_4$ N=65 Gain Mean | $Q_4$ N=65 Gain SD |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Grand total | 203 | 95.44 | 23.90 | 26.69 | 16.04 | 102.13 | 21.65 | 38.65 | 17.02 | 112.77 | 24.36 | 40.46 | 18.83 | 110.83 | 25.63 | 45.25 | 22.87 |
| Body parts total | 32 | 24.13 | 5.77 | 3.19 | 4.97 | 25.74 | 4.90 | 2.52 | 4.31 | 26.37 | 5.64 | 2.35 | 4.28 | 25.71 | 4.79 | 3.14 | 4.50 |
| Pointing to body parts | 5 | 4.13 | 1.15 | .25 | .93 | 4.35 | .75 | .29 | .86 | 4.30 | 1.10 | .30 | .98 | 4.49 | .77 | .09 | 1.03 |
| Naming body parts | 15 | 11.06 | 2.65 | 1.25 | 3.02 | 11.39 | 2.75 | .87 | 2.51 | 11.86 | 3.20 | .89 | 2.66 | 11.38 | 3.13 | 1.32 | 3.15 |
| Function of body parts (point) | 8 | 5.94 | 2.11 | 1.13 | 2.22 | 6.71 | 1.44 | .81 | 1.54 | 6.77 | 1.66 | .79 | 1.59 | 6.40 | 1.63 | 1.23 | 1.63 |
| Function of body parts (verbal) | 4 | 3.00 | 1.26 | .56 | .96 | 3.29 | 1.01 | .55 | .99 | 3.44 | 1.07 | .37 | 1.11 | 3.43 | 1.07 | .49 | 1.09 |
| Letters total | 58 | 15.19 | 8.79 | 8.06 | 9.26 | 16.81 | 7.03 | 12.48 | 10.10 | 19.25 | 10.21 | 17.09 | 9.99 | 18.62 | 8.86 | 19.63 | 11.46 |
| Recognizing letters | 8 | 2.25 | 2.08 | 1.19 | 2.14 | 2.48 | 1.69 | 2.52 | 2.57 | 3.07 | 2.10 | 2.81 | 2.10 | 3.34 | 2.05 | 2.78 | 2.51 |
| Naming capital letters | 16 | 1.75 | 3.77 | 3.75 | 4.39 | 2.55 | 3.91 | 5.87 | 4.89 | 3.77 | 4.92 | 7.65 | 5.24 | 3.69 | 4.26 | 8.72 | 4.80 |
| Naming lower case letters | 8 | .56 | 2.00 | 1.13 | 1.54 | .52 | .81 | 1.97 | 2.23 | 1.02 | 1.55 | 3.37 | 2.51 | .78 | 1.24 | 3.66 | 2.68 |
| Matching letters in words | 4 | 3.56 | .81 | .31 | .87 | 3.45 | .72 | .55 | .72 | 3.47 | .87 | .37 | .96 | 3.26 | 1.08 | .58 | 1.27 |
| Recognizing letters in words | 4 | 1.44 | 1.21 | .38 | 1.20 | 1.35 | .95 | .55 | 1.18 | 1.42 | 1.18 | 1.09 | 1.26 | 1.42 | 1.21 | 1.20 | 1.50 |
| Initial sounds | 4 | .63 | .96 | .19 | 1.33 | .68 | .70 | .52 | 1.18 | .95 | .87 | .39 | 1.35 | .77 | .80 | .89 | 1.06 |
| Reading words | 6 | 0 | 0 | .06 | .25 | 0 | 0 | .10 | .30 | .04 | .26 | .30 | .65 | .03 | .17 | .35 | .69 |
| Forms total | 20 | 10.63 | 3.48 | 3.00 | 4.23 | 11.35 | 3.20 | 4.32 | 2.74 | 12.37 | 3.05 | 3.88 | 3.59 | 12.31 | 3.15 | 4.62 | 3.39 |
| Recognizing forms | 4 | 2.44 | 1.36 | .25 | 1.69 | 2.10 | 1.19 | .94 | 1.44 | 2.47 | 1.10 | .54 | 1.76 | 2.54 | 1.25 | 1.08 | 1.41 |
| Naming forms | 4 | 1.31 | 1.01 | .88 | 1.82 | 1.32 | 1.14 | 1.29 | 1.22 | 1.81 | 1.17 | 1.10 | 1.23 | 1.68 | 1.00 | 1.46 | 1.20 |
| Numbers total | 54 | 22.13 | 10.37 | 8.69 | 5.38 | 24.13 | 8.65 | 12.06 | 6.79 | 28.07 | 9.80 | 12.16 | 8.17 | 27.50 | 10.83 | 12.40 | 7.68 |
| Recognizing numbers | 6 | 2.88 | 2.09 | .63 | 1.50 | 2.23 | 1.75 | 2.16 | 1.64 | 2.18 | 1.98 | 2.05 | 2.14 | 2.98 | 1.80 | 1.85 | 1.93 |
| Naming numbers | 15 | 3.06 | 4.25 | 2.94 | 3.00 | 2.77 | 3.82 | 4.81 | 4.10 | 4.09 | 4.43 | 5.91 | 4.15 | 4.18 | 4.50 | 5.71 | 4.33 |
| Numerosity | 6 | 3.56 | 1.75 | 1.50 | 1.55 | 4.58 | 1.46 | .68 | 1.17 | 4.89 | 1.16 | .37 | .94 | 4.85 | 1.31 | .48 | 1.20 |
| Counting | 9 | 5.19 | 2.88 | 1.56 | 1.90 | 6.23 | 1.94 | 1.19 | 1.42 | 6.86 | 1.85 | .84 | 1.49 | 6.46 | 2.39 | 1.18 | 2.11 |
| Additional and subtraction | 7 | 1.94 | 1.61 | .50 | 1.51 | 2.06 | 1.59 | 1.16 | 1.37 | 2.51 | 1.30 | .82 | 1.30 | 2.55 | 1.70 | .74 | 1.53 |
| Matching subtest | 11 | 9.31 | 1.45 | .81 | 1.17 | 9.90 | 1.01 | .39 | 1.20 | 9.67 | 1.09 | .65 | 1.11 | 9.32 | 1.60 | 1.05 | 1.74 |
| Relational terms total | 17 | 10.63 | 2.58 | 1.56 | 2.85 | 10.48 | 2.34 | 2.10 | 2.69 | 11.58 | 1.96 | 1.19 | 2.19 | 11.71 | 2.57 | 1.38 | 2.64 |
| Amount relationships | 9 | 4.75 | 1.39 | 1.13 | 1.15 | 4.68 | 1.54 | 1.52 | 1.67 | 5.61 | 1.46 | .40 | 1.72 | 5.52 | 1.52 | .80 | 1.61 |
| Size relationships | 2 | 1.75 | .58 | .25 | .58 | 1.90 | .30 | .10 | .30 | 1.84 | .41 | .11 | .41 | 1.89 | .31 | .05 | .37 |
| Position relationships | 5 | 3.50 | 1.46 | .13 | 1.82 | 3.19 | 1.25 | .48 | 1.29 | 3.47 | 1.10 | .60 | 1.33 | 3.58 | 1.09 | .48 | 1.38 |
| Sorting total | 6 | 2.75 | 1.34 | .50 | 1.41 | 2.81 | 1.22 | 1.52 | 1.29 | 2.98 | 1.41 | 1.65 | 1.83 | 2.86 | 1.41 | 1.75 | 1.54 |
| Classification total | 24 | 11.50 | 3.12 | 3.69 | 5.33 | 14.03 | 3.56 | 4.97 | 4.01 | 15.19 | 4.21 | 4.58 | 4.95 | 15.11 | 4.23 | 4.55 | 4.27 |
| Classification by size | 2 | 1.00 | .73 | .50 | 1.10 | 1.45 | .68 | .29 | .64 | 1.47 | .68 | .37 | .84 | 1.55 | .66 | .26 | .78 |
| Classification by form | 6 | 2.38 | 1.41 | .88 | 2.22 | 3.06 | 1.36 | 1.39 | 1.50 | 3.16 | 1.52 | 1.54 | 1.74 | 3.26 | 1.43 | 1.37 | 1.59 |
| Classification by number | 6 | 2.19 | 1.05 | 1.06 | 1.61 | 2.55 | 1.18 | 1.16 | 2.02 | 3.05 | 1.51 | 1.14 | 2.17 | 2.91 | 1.49 | 1.12 | 1.76 |
| Classification by function | 9 | 5.56 | 1.36 | 1.06 | 1.48 | 6.32 | 1.60 | 2.06 | 1.86 | 6.89 | 1.47 | 1.49 | 1.78 | 6.74 | 1.73 | 1.68 | 1.78 |
| Puzzles total | 5 | 2.75 | 1.18 | .13 | .96 | 2.23 | 1.15 | 1.23 | 1.41 | 2.93 | 1.42 | .79 | 1.59 | 3.15 | 1.21 | .48 | 1.60 |
| Peabody raw score (pretest only) | 80 | 42.31 | 9.48 | | | 49.45 | 8.18 | | | 49.19 | 9.93 | | | 48.12 | 9.39 | | |
| Peabody mental age (months) | | 51.56 | 11.97 | | | 62.03 | 13.34 | | | 62.49 | 15.55 | | | 60.29 | 15.51 | | |
| Hidden triangles total (posttest) | 10 | 4.38 | 1.20 | | | 4.71 | 1.13 | | | 4.33 | 1.46 | | | 4.45 | 1.31 | | |
| Which comes first total | 12 | 6.00 | 2.88 | | | 7.06 | 2.93 | | | 7.79 | 2.49 | | | 8.40 | 2.83 | | |

## ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 1041 TO H.R. 19590

At the request of the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Maryland (Mr. TYDINGS) was added as a cosponsor of amendment No. 1041 to H.R. 19590, the Department of Defense Appropriations bill.

## NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Robert C. Mardian, of California, to be an Assistant Attorney General, vice J. Walter Yeagley, to which office he was appointed during the last recess of the Senate.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Monday, November 30, 1970, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

## ADDITIONAL STATEMENTS OF SENATORS

## WE SHOULD RESUME DIPLOMATIC RELATIONS WITH CUBA

Mr. YOUNG of Ohio. Mr. President, in November, 1958 I was elected U.S. Senator. Ohio voters generously gave me a majority of approximately 153,000 over Senator "Honest John" Bricker, who had never been defeated for office in my State. Senator Bricker had served as attorney general of Ohio and for three terms as Governor of Ohio. In 1944 he was the Republican nominee for Vice President of the United States.

So feeling very good I dissolved my law firm, took the sign off the door, and decided to go to Florida and possibly to Cuba. Shortly before Christmas Day in 1958, I was vacationing in Florida, in celebration of my election victory which very few persons except myself had anticipated.

In the cocktail room of the Yankee Clipper where I was staying while gossiping with the bartender and others, I was told that the guerrillas in the Sierra Maestra mountains were overcoming the corrupt dictatorship of Fulgencio Batista, a former sergeant of the Cuban Army, whom the United States had been supporting. I was informed that our Central Intelligence Agency had been keeping Batista in power in Cuba despite the fact that he was a corrupt dictator and was despised by millions of poverty-stricken Cubans. Then also at a party at the Trade Winds I was told that Fidel Castro's guerrillas were winning the revolt there and the tyrant Batista, who had taken over by force, was abandoned by his followers and would be out before the New Year. Yet, the CIA and our Government officials in Washington seemed to have no intimation until suddenly Batista fled from Havana to rendezvous with his unlisted bank accounts in Swtzerland. He then commenced the life of affluence and ease in gorgeous exile on the sunswept, fashionable beaches of Spain along with other ex-dictators, kings and emperors.

It was startling news to the CIA, officials in the White House, and the American public when bearded Castro and his tattered followers triumphantly paraded in Havana and took over the government of this island of nearly 8 million people 90 miles from Key West. His regime has lasted and thrived from late December 1959 to this good hour.

The fact is that the Central Intelligence Agency from its Director right down the line to CIA operatives on the staff of our embassy in Havana were supporting the corrupt dictator, Batista, and were surprised and humiliated when suddenly Batista took off from Havana with his personal entourage.

The late great President John F. Kennedy directly following the Bay of Pigs debacle said:

> That CIA, I would tear it into bits and throw it to the four winds.

This was a CIA operation from the outset, including training in Guatemala for invasion of Cuba and overthrowing the Castro regime with our air support.

Mr. President, the time is long past for the United States to resume diplomatic and trade relations with Cuba. The fact is that today 50 nations, including our neighbors, Canada and Mexico, recognize the Castro regime and enjoy a thriving international trade with the Republic of Cuba.

We might as well face the fact that the Castro regime is firmly entrenched. To our knowledge, no rebellion or guerrilla warfare is being waged against Fidel Castro and his government.

In January 1961, President Eisen-

hower severed our diplomatic relations with the Cuban Government. Our Embassy in Havana was closed. Our Ambassador and members of his staff returned immediately to the United States. It was a grave blunder President Eisenhower made in closing our Embassy in Havana. We lost a listening post there. We are dependent on the Swiss Embassy to serve American interests. They have failed us. Now, after 12 years, Fidel Castro seems more entrenched in power than ever. We have Embassies in numerous Communist countries. We should resume diplomatic relations. A listening post in Cuba would be important to us. Surely a Cuban Ambassador and staff in Washington could not endanger us. We would gain by an Ambassador with his staff including the usual CIA agents on the spot in Havana.

Since 1961, more than 70 U.S. aircraft, 62 of them passenger airline carriers carrying several thousands of American citizens, have been hijacked to Cuba. None of the Americans on any of the U.S. aircraft or on any of the more than 50 other aircraft of other nations which have been diverted there, have had the benefit of the protection and representation of U.S. diplomatic personnel. Unfortunately for this Nation, we have been compelled to deal with the Cuban officials through members of the staff of the Swiss Embassy. They have failed us.

A typical example: In my home city of Cleveland, a United Airlines flight with 60 passengers aboard was hijacked to Havana. These passengers were held at the airport for more than 6 hours. Throughout the entire time our fellow Americans were detained, no one from the Swiss Embassy appeared. No official of the Swiss Embassy was ever called by our State Department to intercede or to inform passengers that attention was being given their situation. This points up the grave blunder President Eisenhower made in closing our Embassy in Havana. Those 60 or more passengers were treated courteously throughout the more than 6 hours they were detained. They were served sandwiches and orange juice in the afternoon. Later they were taken to a restaurant and given a dinner, courtesy of Fidel Castro. While in the airport restaurant, passengers were offered and bought a lot of trinkets, souvenirs, beads, dolls, and Havana cigars. Not one purchase by any passenger amounted to more than $5. They were pleased to have an opportunity to buy some souvenirs of their unwanted flight to Havana. When their return flight landed in the United States our revenue officers forthwith confiscated all souvenirs despite objections made by passengers asking to keep these as mementos. These inhumane procedures on our part must be ended.

For years preceding Castro's revolution, Batista had been in power, not by election, but by force and violence. For almost 20 years preceding New Year's Day in 1959. Dictator Batista had ruled Cuba, with its 8 million population, as his own fiefdom. His had been a cruel, corrupt, dictatorial regime. New York racketeers had arranged with him to operate the gambling houses and casinos of Havana, and that beautiful city had become the vacation center of the Western Hemisphere and the gambling mecca, bringing in shiploads of pleasure-seeking vacationers along with gangsters and racketeers from New York who controlled the gambling syndicate. All the time Sergeant Batista, dictator of this beautiful island in the Caribbean, was depositing in his secret Swiss bank accounts the millions he took in during his years in power through oppressive taxation of his people and from the gambling tables.

Then, on that New Year's Day he suddenly and secretly left for Europe to join his Swiss bank account. Throughout the years since that time he has been enjoying the good life and sun on the French Riviera and at his luxurious villa in Spain.

It appears that of all the 8 million men, women, and children living in Cuba, an overwhelming majority are better off physically and financially than they were 10 years ago, and from all the knowledge we Americans are able to acquire, an overwhelming majority of these Cuban people do support and uphold the present administration. We should not be blind to the facts.

The Castro regime is totalitarian. It is Communist. The regime of Fulgencio Batista was totalitarian. It was Fascist. Communist dictators and Fascist dictators govern by decree. The voice of the people of countries so misgoverned are not heard nor are their votes tolerated. Surely, the regime of Fidel Castro and its operations are abhorrent to freedom-loving men and women of our country.

Our country maintains diplomatic relations with every Fascist regime in the entire world. Very definitely, to speak for a moment regarding Western Hemisphere nations, the Fascist militarist regimes of Brazil, the Argentine Republic, and Peru are abhorrent to freedom-loving citizens everywhere. Yet, at the time in the Argentine Republic, so called, the generals overthrew the duly elected president and sent him into exile, we did not break diplomatic relations with Argentina. When the generals of the Brazilian Army, by a midnight coup, overthrew the president of that nation, our Government did not sever diplomatic relations with that regime. In 1969, the militarists of Peru ousted the duly elected president. He is exiled from his own country. These Fascist generals by decree have expropriated property of American corporations to the extent of many millions of dollars.

Yet we neither broke relations with Peru for these acts nor invoked any legal sanctions against that Nation's dictatorship. We continue to permit American businessmen to sell the products of American factories to all these Fascist governments and their nations, but the products, even medicines, produced in America may not be sold to the Cuban Government nor to Cubans. Americans are barred from visiting Cuba. The Communists, who also govern by decree, have taken over Cuba. Hence, diplomatic relations were broken. American businessmen and farmers may not profit by any trade with that country. In those other Republics, so called, of South America—Brazil, Argentina, Paraguay, and most recently Peru—where Fascist rulers govern by decree, our Embassies have not been closed. Trade between Americans and the nationals of those countries has not been barred.

When Fascist colonels overthrew the constitutional Government of Greece in a midnight coup, our Government did not close our Embassy nor break diplomatic relations. Our Government continued to recognize this Fascist regime in Greece. In fact, last month the Pentagon resumed the shipment of heavy arms to the brutal militarist Greek regime.

We have recognized for many years the ruthless and bloodstained tyrant Francois Duvalier, whose dictatorship has impoverished the people of Haiti. Haiti is one of the most beautiful islands in the Western Hemisphere. Along the coastal area and inland as one climbs into the beautiful terrain of the Temperate Zone the land is fertile; the jungles are lush. Yet, the ironhanded rule of Duvalier has so impoverished the inhabitants of Haiti that it is the slum of the Western Hemisphere, with the lowest per capita income anywhere in our hemisphere. That iron hand of Duvalier is also a bloodstained hand. Citizens suspected to be hostile to his regime are executed without trial. Still, we recognize this tyrant and have diplomatic relations with his government.

The United States recognizes and supports the Fascist regime of dictator Franco of Spain. In fact, liberty-loving Spaniards, now being further oppressed by new censorship and more restrictions recently applied by Franco, claim that except for the support of the United States, his regime would have been overthrown years ago.

We have no right to direct the people of Cuba as to what sort of government they must maintain any more than we have a right to direct the people of Yugoslavia that they must not have a Communist regime.

The evidence is overwhelming that Cuba has a viable government. This is a Communist government which Americans generally despise. It is a government, however, that appears firmly in power and has been for a period of 10 years.

Mr. President, whether or not the tyranny of the present government of Fidel Castro is as bad as or worse than the tyranny and corruption of the Batista government that preceded it is immaterial. We do know, however, that the people of Cuba, those who work in the sugar cane fields and the people crowded in the slums of Havana, Santiago, and other cities, are from all reports better off in every way and enjoy greater contentment and a better life than they had during the Batista regime.

Before the revolution, there was only one small strip of public beach among the 22 miles of beaches surrounding Havana. Now all beaches are open to the public and they are enjoyed by thousands of Cubans who did not have access to

them before. Illiteracy has been greatly reduced and there are twice as many schools now than there were in Cuba before the revolution.

In Cuba today, almost everyone above school age has a job. Before the Castro revolution, the level of unemployment was about 20 percent, one of the highest in the world.

Mr. President, we should chart a new course in our relations with Castro and come to terms with the Cuban revolution. Castro is a dictator. Castroism is not the wave of the future. It will endure only as long as our Government continues to support Latin American dictators like Batista.

Mr. President, the Nixon administration should take immediate steps to resume diplomatic relations with Cuba and accord full recognition to the Castro regime. We can no longer blind ourselves to the reality that the Cuban people support their government.

## "STRANGE WAR, STRANGE STRATEGY"—BOOK BY GEN. LEWIS W. WALT

Mr. ALLOTT. Mr. President, with his customary intelligence and fairness, Mr. Howard K. Smith on the ABC evening news of November 18, delivered an intelligent and very much needed statement about some currently publicized—and one insufficiently publicized—books.

Smith noted the current attention being lavished upon two books which—if Smith is to be believed and, in my judgment, he is an intelligent and honorable man—do not deserve the attention, much less the approbation, of serious men.

He also noted that another more serious—and more encouraging—book has not received the attention it merits. This is "Strange War, Strange Strategy" by Gen. Lewis W. Walt, Assistant Commandant of the Marine Corps.

General Walt is a great Coloradan and a great American. He has long been an outstanding soldier. Now he joins the ranks of distinguished authors.

The Nation's media has managed to ignore his book. This reflects on their professional competence and ethics, and not at all on the quality of the book. It is an outstanding book—a moving book about American generosity and steadfastness.

I commend it to the attention of all Senators. And, so that all Senators may profit from Mr. Smith's cogent remarks, I ask unanimous consent that they be printed in the RECORD.

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

In connection with the My Lai trials now in progress, book reviewers are giving lots of space to a couple of volumes that make our armed forces out a gruesome institution . . . Mr. Telford Taylor's book on war crimes that makes the generals to blame for atrocities . . . and Mr. Mark Lane's book which recounts conversations with Marines who tell of the most horrible American atrocities.

I do not doubt that there are human beasts in our armed forces, as in all other armed forces, and indeed also among our rednecks and panthers not in the armed forces. Wherever found they should be tried and punished.

But I beg to protest this orgy of self-guilt that all is rotten.

It remains a fact that unlike Nazi Germany, or North Vietnam, where atrocity was national policy . . . U.S. policy opposes and condemns atrocity.

Every soldier on arriving in Vietnam is given a card warning of the dire penalties for it. In General Westmoreland's tenure, at least twelve cases of atrocities were uncovered and the perpetrators tried, without pressure from or attention by book-writers.

It is a small mystery that another book which tells the story of undoubtedly most Marines—General Lew Walt's "Strange War, Strange Strategy" has barely been reviewed at all. Very well written and documented, it tells how Marines gave up rest and leave to build and heal in Vietnam.

It would seem common duty for Messrs. Taylor and Lane to get charges brought and get them up to the Supreme Court if necessary. But indulging in a literary orgy of guilt that smears all, without acting on it, is itself a kind of moral atrocity.

FRANK.

## THE GULF OIL PRICE INCREASE

Mr. HART. Mr. President, 10 days ago, Gulf Oil Corp., the 10th largest U.S. industrial company, set out to pour some oil on the troubled fires of inflation.

Gulf raised its posted paying price for crude oil by 25 cents per barrel and its selling price for gasoline by 0.7 cents per gallon.

News reports indicate that the additional markups that will follow, between the refinery and the filling station pump, will add a full 1-cent increase in price to the consumer. One cent a gallon for gasoline amounts to $850 million a year based on production of more than 2 billion barrels of 42 gallons each per year.

That is just for gasoline. Home heating oils, kerosene, jet fuel, heavy fuel oil, and the other products that come out of the refineries go up, too. The November 16 Wall Street Journal reported that Humble, the chief domestic subsidiary of Standard Oil Co. of New Jersey raised wholesale prices 4 cents per gallon on home heating oil, diesel oil, and kerosene in Eastern seaboard markets from Virginia north. The price the consumer pays will go up by at least half a cent a gallon on each.

If these increases stick, and spread to all crude oil and to all refinery products, the direct increase to the users of petroleum products will amount to at least $1.25 billion a year, at 1969 output levels.

Mr. President, the Antitrust and Monopoly Subcommittee showed a year and a half ago that the mandatory oil import control system was costing the American consumers $7.2 billion a year. That was in early 1969. The "justification" for the import control has been "national security." It seems to me that the oil industry talks a lot more about "national security" in this respect than does the Department of Defense.

The prime effect of such security measures has been to insulate the American market from the low world prices for oil and petroleum products—not to increase oil supplies.

The present difficulty in delivering foreign oil to Western Europe and the United States arises from transportation limitations and not from shortage of production nor excessive price boosts in producing areas. This tanker shortage is blamed for higher costs.

But high spot tanker charter rates apply only to about 15 percent of the total world tanker fleet. Most major international oil companies own substantial tanker fleets outright and have many more tankers on long-term charters. Operating costs for owned tankers, and for long-term chartered tankers, are unaffected by the spot charter market. For example, the six biggest tankships in the world—326,000 deadweight tons or more each—are all under long-term charter to Gulf Oil Corp., but are owned by a D. K. Ludwig subsidiary.

While these giant vessels are too large to enter U.S. seaports, still the average cost of Middle Eastern crude oil delivered to the U.S. seaport refineries is probably well below $2.50 a barrel. Certainly the supply, price, and transportation cost of foreign oil provides no justification for Gulf to raise domestic crude prices.

In comparison with import costs, the delivered price of 34 gravity gulf coast oil—comparable to light Arabian oil—at the east coast refinery now is between $4.20 to $4.25 per barrel.

One of the interesting aspects—and one adding confusion to this case is the technique in the oil world of announcing a price increase by announcing an increase in the buying price.

While the books of many major oil companies may show that they buy large quantities of crude oil in reality these purchases are little more than paper transactions.

Take Gulf. It really does not buy much crude oil. Worldwide, Gulf produces about twice as much crude oil as it runs through its own refineries.

Its production of crude oil in the United States in 1969 was 191 million barrels. Its own refining operations in the United States that year took 232 million barrels. Gulf thus produced 82 percent of the quantity it used.

However, because a company's oil wells frequently are not located in convenient proximity to its refineries, the company buys oil from wells near its refineries—leaving it with oil to sell from its own wells. Sometimes money changes hands and sometimes this is a paper exchange between companies.

Thus, Gulf's announcement of an increase in its buying price is really an announcement of an increase in its selling price for crude.

On a net basis then, Gulf stands to pay the 25 cents a barrel on only about 18 percent of the oil it uses. To put it another way, Gulf gets back 82 percent of the crude buying price increase, through using or selling its own crude.

So far as refining is concerned, the seven-tenths of a cent per gallon increase for gasoline recovers over half of the 25 cents. Refineries in the United States average about 18½ gallons of gasoline produced per barrel of crude oil. Kerosene, jet fuel, heating oils, and other products bring the output of products

up to just slightly more than a barrel per barrel of crude. Seven-tenths times 18½ equals 13 cents, the additional income to the Gulf—and other—refineries from the price increase on gasoline.

So, before adjustment for percentage depletion, Gulf gets back 82 percent of what it lays out. Second, the increase in the price of gasoline will return at least half of the 25-cent increase for crude. Gulf, thereby, on its own deal, gets back one and one-third as much as it lays out, assuming the price increases stick. If the Jersey heating oil increases stick, Gulf would recover another one-quarter to one-third of the 25 cents for other products.

There really is nothing like being able to control the prices you buy at, the prices you sell at, and the prices you pay yourself for the raw materials you produce.

Gulf Oil Corp. is one of the fortunate companies in another way. It is one company that pays almost no Federal income tax. For 1968, its rate was only eight-tenths of 1 percent of profit before taxes. For 1969 the percentage went down—to only forty-three hundredths of 1 percent.

Will this 25-cents-per-barrel increase in crude oil prices lead to a great increase in the supply of domestic crude? Not at all. Certainly not now, at the start of the domestic heating season, and probably never.

One of the most interesting exhibits presented to the Antitrust and Monopoly Subcommittee in our 1969 hearings was a chart of short-run supply schedules for crude oil produced at the wellhead, United States, 1965. Above $1.35 per barrel—I repeat, above $1.35 per barrel—higher wellhead prices would yield no additional production of crude oil.

Whether production was being limited by State proration, by Texas and Louisiana, or not, the additional production to be brought forth by a wellhead price of $2.65 was about two-tenths of 1 percent of the production that would have come forth at $1.35 per barrel.

That was a short-run calculation and did not take into account the cost of finding additional oil to replace that produced.

The oil industry has been saying that it would take 50 cents to a dollar a barrel increase in crude oil prices to induce it to go out and drill enough wells to find enough oil to keep up with the domestic demand—even while we are importing 20 percent or more of our requirements.

Even if the industry would—or could—be stimulated to produce more oil by a 25-cent-per-barrel price increase, the regulatory system would prevent it. On Monday the Railroad Commission of Texas reduced the allowable production for December.

The allowable percentage for December was set at 83.5 percent, a reduction of 3.8 percentage points from the November figure of 87.3 percent. The Wall Street Journal on November 17, 1970, quoted the chairman of the commission, Ben Ramsey, as saying the expected production under the allowable for December will be 38,000 barrels per day below the actual level for November.

So the 25 cents a barrel increase is enough for fattening a company's profit picture, but not enough to improve our domestic production situation.

Robert E. Mead, president of the Independent Petroleum Association of America, was quoted in the Washington Post for November 14, 1970, as approving the price increase:

> Speaking for the industry Robert E. Mead, president of the Independent Petroleum Association of America, said yesterday that the Gulf-Atlantic Richfield price boost was modest and an attempt to recoup losses due to inflation.

Mr. President, the consumers, who have nobody else to pass inflation problems to, must find these fighting words.

Finally, will these price increases stick? The Wall Street Journal has been reporting additional companies joining the parade almost daily. The list now includes, for both crude oil and gasoline, Gulf, Atlantic Richfield, Standard of Indiana, Skelly—part of the Getty group—and Murphy. Texaco quoted a range of 15 to 25 cents on crude oil and the .7 cent on gasoline. Phillips, Mobil, and Sun have all raised on gasoline. The Standard of Jersey increase on light distillates was mentioned above. Shell also announced price increases.

Yes, it looks as if these increases will stick unless Congress or the administration takes action. The best action we could take would be to eliminate the oil import controls entirely, and let the interaction of world supply and world demand set a lower world price for oil.

I ask unanimous consent to have printed in the RECORD a statement entitled "Sources of Data."

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

SOURCES OF DATA

1. Price increases for crude oil and refinery products reported in *Wall Street Journal*, week beginning Monday, Nov. 16, 1970.

2. Gasoline production in U.S.A. in 1969, 2,022 million barrels of 42 gallons; U.S. Bureau of Mines, published in Statistical Abstract of the United States, 1970. Total other refinery products run slightly more than gasoline.

3. Tanker ownership shown in *The Tanker Register*, 1970 (London); and Analysis of World Tankship Fleet, December 31, 1969, published by Sun Oil Corp.; long-term charter information from trade sources.

4. Laid-down cost of Persian Gulf oil estimated at $2.34 by Subcommittee staff. Testimony by Mr. Walter L. Newton before Subcommittee in March, 1969, placed cost then at $2.00 or less, made up of $1.30 f.o.b. price, 57 cents per barrel ocean freight cost, and 10.5 cents import tax. Allowing 85% tanker movement at that rate, for owned or long-term chartered vessels, and 15% at $3.00 per barrel, for the high spot-charter rates, brings present average computed freight at 93.5 cents per barrel. Tanker cost is substantially the same, whether around Africa to U.S. East Coast, or across the Indian and Pacific Oceans to U.S. West Coast.

5. Gulf's refinery operations for our own account amounted to 232 million barrels in 1969; net crude oil production was 191 million barrels, or 82 percent of refining. Moody's Industrial Manual, 1970.

6. Gulf's Federal taxes, taken from company 10–K reports to Securities & Exchange Commission, published by *U.S. Oil Week*, August 17, 1970.

7. Short-run "supply" schedules for crude oil produced at the wellhead, United States 1965, from testimony by Prof. Henry Steele to Subcommittee in March 1969, Governmental Intervention in the Market Mechanism, part 1.

## OPERATION AWARENESS HELPS GI DRUG ADDICTS

Mr. SCHWEIKER. Mr. President, last week the Subcommittee on Alcoholism and Narcotics, presided over by the Senator from Iowa (Mr. HUGHES), held 2 days of hearings on the problem of extensive drug use in the military.

The hearings centered on activities at Fort Bragg, N.C., and a program which has been started there to help rehabilitate drug addicts. The program is Operation Awareness, and it was initiated by Lt. Gen. John J. Tolson III, commanding officer at Fort Bragg, and directed by Lt. Col. Raymond M. Marsh. Operation Awareness was initiated when it was estimated that a third of the men in the 82d Airborne Division were thought to be users of some form of drugs and when incidence of serum hepatitis had risen sharply on the post.

Operation Awareness combines treatment of withdrawal with methadone, talk sessions, and attempts at behavior modification. An article written by John Noble Wilford and published in today's New York Times presents an in-depth picture of the program at Fort Bragg. 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:

ARMY POST GIVES ADDICTS HELP INSTEAD OF CENSURE

(By John Noble Wilford)

FORT BRAGG, N.C., November 22.—No barracks ever looked quite like Ward 29 here at the Army's sprawling airborne training center. A glance around the room suggests that the drug culture has gained a strategic foothold.

The interior walls are done in red, powder blue, black and yellow. Boldly scrawled are such messages as "No Hope Without Dope" and "No Thrill Without Pills." A plywood sign shaped like a junkie's syringe points to a "head shop" behind doors painted in red and white stripes. A large peace symbol is emblazoned overhead.

A colonel who walked into the unmilitary setting surveyed the soldiers lounging on their bunks and foot-lockers not with alarm, but with hope. They are drug addicts. But they have volunteered for rehabilitation—and the Army, in a reversal of its traditional policy of strict punishment for drug use, is trying to help them through an experiment called Operation Awareness.

The program may serve as a model at other posts where, as at this airborne training center, the use of marijuana, heroin and other illegal drugs is said to have reached epidemic proportions.

In testimony before Congress last week, an Army official reported that at least 25 drug-related deaths had occurred among Army personnel this year, compared to 11 last year. The Navy estimated that 10 per cent of its personnel may be addicted to or experimenting with narcotics in one form or another.

The Bureau of Naval Personnel has estimated that 5,000 offenders, mostly users of LSD, heroin and other hard drugs, will be dropped from the service this year with, at the least, a bad-conduct discharge.

The Navy has also instituted a pilot drug program at the San Diego naval base to warn sailors about the hazards of drug use.

Operation Awareness, the drug program here, started quietly last summer. It combines treatment of withdrawal agonies with methadone, talk sessions and attempts at behavior modification through an elaborate psychological system of reward and punishment. There are regular "shoot-outs" in which participants inject mild drugs that make them mildly high and then violently ill for a few hours.

"DYNAMITE" THERAPY

One participant described this therapy as "dynamite—tough but worth it."

Although the results thus far are modest, the experiment is expected to get official Army approval next week.

The drug program at the San Diego naval base relies on giving sailors fair warning about drug use.

"We use the sock-it-to-them approach and we treat them like adults," said Chief Petty Officer Donald F. Methlie, who heads San Diego's "drug awareness" program. "We tell them: Look, you're going to make your own decision, but let me tell you, from the experiences of your own shipmates, what this stuff can do to you."

Chief Methlie gave one of his typical lectures recently to a group of young sailors, mostly teenagers, about to embark on their first Asian cruise with the Pacific Fleet's cruiser destroyer force.

"If you don't know how to smoke pot, shoot speed or pop bennies, I'm here to show you how," Chief Methlie began. "I'm going to show you what it looks like, how much to pay for it and where to get it."

He then told the sailors about the cow dung in the marijuana that is so plentiful across the Mexican border, about the local pusher who sold a lye compound to a group of sailors and almost killed them, about arsenic in barbiturates sold in some Japanese ports and about the convulsions caused by strychnine in LSD tablets sold to servicemen in San Diego.

OTHERS TO BE TRAINED

The tack apparently gets results. The cruiser destroyer forces, the Navy reported, was the only major command to show a reduction in narcotic cases in the last year. Chief Methlie has been asked to train 200 specialists for similar education programs throughout the Navy.

The experiment here at Fort Bragg goes a step beyond education, to rehabilitation.

It was initiated by Lieut. Gen. John J. Tolson 3d, commanding officer at Fort Bragg, when he learned of estimates that a third of the men in the 82d Airborne Division, the single division on call to respond to sudden crises anywhere in the world, were thought to be users of some form of drugs. The incidence of serum hepatitus, an infection often associated with dirty needles, had risen sharply on the post. All kinds of military gear, even radio transmitters from trucks on alert during the Jordan fighting, were disappearing as the soldier-addicts turned to petty crime to support their expensive habits.

Under the direction of Lieut. Col. Raymond M. Marsh, chief of social work, the program was organized to include two principal types of treatment—inpatient and outpatient.

NO PUNISHMENT

All the participants volunteer for help, often on the advice of a commanding officer, medical corpsman or chaplain. They are promised immunity from investigation and prosecution so long as their only "crime" is using drugs.

The outpatients can check in with the hospital to get doses of methadone, which helps relieve the pain that comes with withdrawal from heroin. About 130 men have visited the "rap house," one of two aging wooden barracks refurbished for the program, to discuss their problems in a group and with psychologists. Many of them go in several times a week.

The rap house is being redecorated in psychedelic colors, posters and peace signs to suggest the ambiance of the drug culture. In a few weeks, the "head shop," a place to buy the heads, bracelets, incense and other accoutrements of that culture, will be opened in the back room of the raphouse.

"A lot of Fort Bragg men go off post and put on hippie clothes and wigs, rent apartments and trailers where they can do drugs," sad Capt. Richard T. Elmore, Jr., one of the Army's social work coordinators. "We try to recreate that same scene here, only without the drugs."

The more advanced cases of addiction are treated as inpatients. Of the 68 addicts who have been admitted to the program, five have completed the full 12-week rehabilitation cycle and are thought to be cured. One now works as a counselor.

Most of the others dropped out after a few weeks, either because they found the going too tough or because they felt they could now cope with their problem on their own.

A POINT SYSTEM

Colonel Mash, who has a Ph. D. in social work, said that inpatient rehabilitation was geared to modifying the addict's behavior patterns by association with rewards. Psychologists call the technique "operant conditioning."

After the soldiers are treated with methadone for a few days, they begin taking part in a social and work world based on a point system.

They can earn a prescribed number of points for everything constructive they do, from making their beds in the morning to working in the hospital office to undergoing further therapy. They can spend the points on things they enjoy—75 points for an hour of television, 25 for playing cards or pingpong and 150 for having a personal visitor.

They can lose points by being disorderly or by reverting to drugs. If a soldier is found, through urinalysis, to have sneaked a dose of heroin, he loses all the points he has accumulated. This has happened several times. Repeated violations can lead to dismissal from the program.

Another part of the treatment is the "shooting gallery" at the end of the hall. Twice a week, the participants can file into the 10-by-12-foot room for what they call a "shoot-out." It is voluntary, though they are encouraged to take part through the awarding of a large point bonus.

A record player fills the room with the din of acid-rock music. Lights change from red to green and back to red, back to green. A medic passes syringes and needles to the soldiers sitting on the mattresses laid out on the floor.

Most of the syringes are filled with a mild narcotic mixed with a compound that induces nausea. One or two is filled only with a harmless saline solution. The participants are not told who will get what, thereby increasing the level of anxiety that is desired.

Those who inject the narcotic get a "quick high" for a few minutes, then get sick and vomit into the plastic bags they are given. Those who get the harmless injection must watch their wretching companions.

"We hope they will begin to associate drugs with anxiety and sickness," Colonel Marsh said.

Three of the soldiers in the ward were willing to tell their stories of addiction as long as their full names were not used. They were dressed in tee-shirts and fatigue pants. All three had been in combat, and two had suffered wounds.

VIETNAM—AND OPIUM

Larry, a 21-year-old Alabamian, said that he "sucked grass and popped a few pills" when he first got in the Army but really turned to drugs in Vietnam.

"When I got to Vietnam," Larry said, "I started on opium, grass, morphine and a little heroin when I could get it. I was trying to get the war out of my mind. While I was doing drugs I didn't realize I was in combat."

When he returned to stateside duty, his "hassies," as he called them, really began. He got hooked on heroin and then on methadone, which he was given in the hospital. He started dealing in drugs to support his heroin habit, was arrested in nearby Fayetteville and given a suspended sentence. He joined the program, he said, because "I was tired of being on the run."

Paul is a 22-year-old Green Beret from Massachusetts. He had had two years of college before enlisting. He had never taken drugs until he got into the Army.

"I started when I was in Vietnam," he said. "Opium, smoked a lot of grass and some of that good heroin. It's pure out there—hasn't been stepped on—you know, cut. I had to be careful with that pure stuff. I would carry a fingernail file with me, and all I ever took at one time was what I could pick up with the edge of the file."

When asked why he started on drugs, Paul said:

"Because I didn't like what I was doing—being in the Army, being where I was, being in a war. I guess I used drugs as a crutch. I'd rather do the things I did stoned. I was stoned most of the time I was in combat. They had us do some weird stuff, like send us out on three-man ambushes. They wanted a body count, they didn't care what we killed—it could be elephants for all they cared, they just wanted the body count. Sometimes it was Americans. Our own people."

## BLUE LAKE COMPROMISE

Mr. ANDERSON. Mr. President, for many years Congress has had requests from the Taos Indian Tribe in New Mexico for transfer of title of some 50,000 acres of land to the tribe from the Carson National Forest. There have been many problems connected with this proposal and various attempts have been made to reach an agreement. I personally have been most anxious to reach a fair settlement of this issue. The Senate Committee on Interior and Insular Affairs has now proposed language in H.R. 471 which we feel is fair to the Indians and protects any public interest.

The Santa Fe New Mexican on November 3, 1970, published an editorial in which the editor has made a very clear analysis of the situation with emphasis on the fact that the Senate proposal is a good one and would assure the tribe of complete control over the area needed for religious purposes.

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

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

A BLUE LAKE COMPROMISE

New Mexico's Sen. Clinton P. Anderson has worked out a compromise bill for settling the Taos Indians' claim to Blue Lake, and this bill will go to the Senate floor for a showdown debate when Congress returns from its election-time break in mid-November.

Senator Anderson's position is that the

Taos Indians have a legitimate religious claim to the Blue Lake area, and that it must indeed be settled. He has attempted to provide full protection of the Indians' Blue Lake religious shrine without establishing an undesirable precedent affecting many millions of acres of lands throughout the United States, and has introduced legislation as far back as 1957 to protect their religious rights.

But the tribe wants nothing less than trust title to the entire 48,000-acre watershed, and Senator Anderson and others are concerned that this would set a bad precedent with national implications which could cost billions of dollars in subsequent land claims.

The Indian Claims Commission was created in 1946 for the purpose of hearing claims by the various American tribes, determining over how large an area they roamed aboriginally, then fixing a cash sum on the value of that land at the time it was taken from the Indians. The Congress would then review the finding of the Indian Claims Commission, make its own judgment, and award the necessary amount of cash.

In one respect, it may not seem fair to pay in cash instead of land. But the plain fact is that the claims filed before the Indian Claims Commission amount to about 90 per cent of the total United States land area, To be consistent, the government would have to return all of this land to the claimants if it returned any. And, likewise, it has to be done at the price level when the land was taken. Otherwise, consider the billions and billions of cost attached to such places as New York's Manhattan Island.

It is important to note the concept of "aboriginal title." Supporters of the Taos Blue Lake claim say the tribe once held "title" to the land and that it was "taken away." The legal concept of aboriginal title is that a tribe once roamed over the area and used it for subsistence. This is the 90 per cent of America's land area. The Claims Commission was established to make a ruling on payment, in cash, for all these lands.

In answer to the assertion that the Blue Lake area was "taken away" from the Taos Indians when it was made part of the national forest, thus robbing the Pueblo of its land, Senator Anderson comments:

"The Taos Indians migrated to their present location between 1300 and 1325 AD. When the Spanish Crown assumed sovereignty over the area, it provided that the Taos Indians and the other Indian pueblos were to have sufficient land for farming, grazing, and other subsistence purposes. The king of Spain thereby granted to the various pueblos, including Taos, four square leagues of land, approximately 17,700 acres. The Taos grant covered an area extending one league in each direction from the center of the Taos Pueblo. It did not include Blue Lake or any part of the 48,000-acre tract . . . According to the law governing this area while under Spanish rule . . . the land outside all of these Indian grants, though still roamed and used for hunting, was to have the status of free and disencumbered land . . .

"It was from this free and disencumbered land that the Spanish crown made its Spanish land grants throughout the Southwest. Hundreds of Spanish land grants had been made when the government of Mexico obtained sovereignty over the Southwest in the early 1800's. The Mexican government continued to make grants out of the free and disencumbered lands until the U.S. obtained sovereignty in 1848. Because of its mountainous and remote location, most of the Blue Lake area remained as free and disencumbered land under the flags of both Spain and Mexico.

"When the United States assumed sovereignty . . . it recognized all of the legitimate Spanish and Indian land grants in the Southwest. The rest of the land, including most of the Blue Lake area . . . became public domain. For over half a century, the U.S. administered the Blue Lake area as public domain. In 1906 the area was included in a National Forest, and it has remained in that status to this day . . ."

There are some who say that giving trust title to the Taos Pueblo would not establish a precedent. But once the action is taken, it becomes a precedent; and how do you explain away a precedent?

There are many other Indian tribes around the country who already have submitted claims for land, not cash, and it can be expected that they would be eager to act on the precedent in this case. A number of conservation groups in New Mexico have stated opposition to splitting off areas of national forests for this or other purposes; and so it is not a matter of one man, Senator Anderson, thwarting the rightful claim of the Indians. Such "liberals" as Senators Frank Church of Idaho, Henry Jackson of Washington and Lee Metcalf of Montana have agreed with Anderson on this point.

Earlier in the current session of Congress, Senator Anderson introduced S. 750, which dealt with the Taos Blue Lake claim, Congressman James Haley of Florida introduced H.R. 471, which would give trust title to the entire 48,000-acre watershed. Both came before the Senate Interior Committee, where Senator Anderson and others prepared the new compromise bill, which was accepted by the committee.

The compromise measure wisely avoids setting a precedent of giving trust title to the land, but it does use the House figure of 48,000 acres and "segregates" this area from the Carson National Forest for the exclusive use of the Taos Indians.

In answer to the Taos Indians' assertion that the Forest Service has been insensitive to their religious needs, the compromise bill creates a new ranger district (the entire 48,000-acre tract), manned exclusively by rangers who are Taos Indians. In this way, the tribe is assured of complete control over the religious area and the whole watershed. But desirable conservation practices will be maintained, and a precedent of deeding away National Forest land will not have been set.

## THE "DELTA QUEEN"

Mr. HARTKE. Mr. President, the quality of American life in the future will depend in large measure on how wisely we deal with our heritage from the past. It is for this reason that I and many other Senators have, for some time, been concerned with the fate of the Ohio River steamboat, the *Delta Queen*.

Since the second of this month, an American tradition of 160 years duration has been forced to lie at anchor because of our inability to prevent a misapplication of the law.

Young people are frequently critical of the Government's inflexibility in meeting needs of the future. The awkwardness of some cumbersome laws and practices is always particularly distasteful to the young. In the case of the *Delta Queen*, we see the same inflexibility taking its toll on the part of our heritage from the past.

The law which has blocked the *Delta Queen* was not meant to apply to the river boat. And in no way does the destruction of the *Delta Queen* further the legitimate purpose of that law.

Thus far, we have not been able to right this very plain and obvious wrong. While very few people hold any objections to saving the *Delta Queen*, motions to do so have never made it through the legislative process.

Fortunately, it is still not too late to prevent the demise of the *Delta Queen*. An effort to save her is now being directed in the House of Representatives by Mr. McCULLOCH. I invite the attention of the Senate to Mr. McCULLOCH's amendment, H.R. 6114, which would give the *Delta Queen* an extended lease on life.

Mr. McCULLOCH's effort, if successful, will prevent the last paddle wheel passenger boat from being legislated out of existence.

The *Delta Queen* is the sole surviving reminder of an age when the riverboat was king and when hundreds of sternwheelers plied the Ohio, Mississippi, Tennessee, and Cumberland Rivers. Her end would mean the unhappy closing of an important and cherished chapter of American history.

Mr. McCULLOCH's amendment would simply extend the *Delta Queen's* exemption from the provisions of the marine safety law which was meant to deal with problems a long way from the Ohio and Mississippi Rivers. Public Law 89–77, the safety-at-sea law, was enacted in 1966 following two disastrous ship fires in the Atlantic Ocean. The purpose of the law was to protect American citizens from substandard ocean passenger vessels. It requires that passenger vessels with overnight accommodations be constructed of fire-retardant materials.

As Mr. McCULLOCH points out, there are many good reasons why this law should not apply to the *Delta Queen*. Unlike an ocean vessel, the *Delta Queen* is never more than a few hundred yards or a few minutes from shore. Unlike ocean vessels the *Delta Queen's* staterooms open directly to outside decks and there are no longer enclosed corridors where passengers or crewmembers could be trapped. She is generally regarded as one of the safest river steamboats ever built. She is equipped with full coverage sprinkler systems, and fire-retardant coatings have been applied to nearly every surface. Her owners have installed new and additional safety devices and equipment and have promised to do even more. In the 44 years since her launching, her safety record is unblemished.

However, there is no practical way that the *Delta Queen* can comply with the safety-at-sea law. For one thing, that law requires that no wood be used on a vessel. Although the *Delta Queen's* hull is steel, the elegant teak mahogany, ironwood, and oak of her superstructure and interior obviously cannot comply. Her curved staircase is mahogany trimmed with brass. In short, practically every piece of the vessel would have to be rebuilt. The cost would be astronomical and, in the process, much of her historical charm would be lost.

A law to save the *Delta Queen* would be one of the rare pieces of legislation that would cost the Government nothing. In fact, it would mean that she could continue to pay taxes. Her continued operation would also provide an excellent tourist attraction and further our national objective of encouraging travel to and within the United States, both by Americans and our foreign visitors.

For all these reasons, I commend Mr. McCULLOCH's effort to save the *Delta Queen*. He deserves our admiration and support.

## INVESTITURE PRAYER BY RABBI CHERTOFF

Mr. WILLIAMS of New Jersey. Mr. President, not long ago I had the pleasure of attending the inaugural ceremonies for Dr. Kenneth Iverson of Union College, Cranford, N.J. During the impressive ceremony, an excellent prayer of investiture was offered by Rabbi Gershon Chertoff, of Elizabeth, N.J.

Because of the prayer's excellence, I ask unanimous consent that it be printed in the RECORD.

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

PRAYER OF INVESTITURE BY DR. GERSHON B. CHERTOFF

*Yirat ha-shem reshit daat:* The first principle of knowledge is to hold the Lord in awe; Only fools despise wisdom and instruction.

THIS IS OUR FAITH

We believe in the life of reason, the precision of thought, the discipline of the heart.

We believe in human dignity, in moderation, in the spirit of accommodation.

We believe in courtesy and dialogue, not in confrontation: in orderly processes and fair play, not in the cult of violence and its mindless glorification.

We believe in power: the power of learning and compassion and justice.

WHO ARE WE

We are a community of scholars creating a moral and spiritual climate that supports the autonomy of responsible judgment, the claims of conscience, the tentative nature of truth; there is no saving truth.

We think, therefore we are.

WE SHALL OVERCOME

The cynicism and disillusionment of the new barbarians.

We shall give superstitions old and new no sanction, and dogmatisms of the right and left no assistance.

We seek to understand reality, not predict salvation.

We accept the task of improving the present: we refuse to be bemused by fantasies of Utopia.

We approach the relevant by viewing the living moment in the context of history; by making what *was*, part of what *is*.

In this time and place we highly resolve that under a new president we shall create the excitement of intellectual discovery. We shall develop mind-expanding reason and the educated imagination. We shall place a premium on self-criticism and award the prize to those who suffer patiently the slinges and arrows of outrageous problems.

*Hanenu me-itha dayah bina v'haskel:* Thou who are the source of all wisdom, grace Kenneth William Iversen, second president of Union College with insight, wisdom and understanding.

He will need them all! Amen.

## ROLE OF JAMES FOSTER IN PHNOM PENH RESCUE OPERATION

Mr. ALLOTT. Mr. President, the Rocky Mountain News of Denver has had a long line of distinguished Washington correspondents during my years of service in the Senate. Many of these correspondents, such as Dan Thomasson, have gone on to become national columnists with Scripps-Howard or elsewhere.

One such Washington reporter was Jim Foster who now serves as Scripps-Howard correspondent assigned to the Far East. Mr. Foster was one of the most fair and objective reporters I have known in Washington. Therefore, I was particularly interested to read his first-hand dramatic story of his role in the rescue operation after a terrorist attack in Phnom Penh.

The story speaks for itself and is one in which I know Senators will be interested. I ask unanimous consent that Mr. Foster's article be printed in the RECORD.

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

[From the Denver Rocky Mountain News, Nov. 9, 1970]

EX-DENVER WRITER TELLS PART IN RESCUE AFTER PHNOM PENH TERRORIST ATTACK

(EDITOR'S NOTE.—James Foster, whose dramatic report on the terrorist attack on a Phnom Penh theater follows, was a Rocky Mountain News reporter and later Rocky Mountain News Washington correspondent before becoming a Scripps-Howard staff writer assigned to the Far East.)

(By James Foster)

PHNOM PENH.—I happened on the scene moments after this nervous capital city got its first real taste of terrorism.

Someone rolled hand grenades down the aisle of a downtown theater packed with Saturday night movie-goers, instantly killing 17 and injuring 50 others.

A hospital spokesman later announced several others had died, including a little boy I had carried out of the theater. He said others are permanently maimed.

SCENES OF HORROR

A grenade is not a tidy surgeon. One soldier was sitting upright in his seat when Voice of America correspondent Bob Chancellor and I raced into the theater only minutes after the blasts. The soldier had been at the edge of the rear-most explosion. His arm was draped casually across the back of the adjoining seat, his left hand missing and the protruding bone seeming to point toward the front of the theater where the second grenade had gone off.

Police later discovered a third grenade unexploded.

Smoke hung in the air and it was difficult to see in the dimly lit theater. The screen had gone dark 11 minutes into the first reel of an American thriller "Hell in the Philippines," with Cambodian subtitles.

But it was obvious where the center of the blasts had been. Seats were flattened outward in a circular pattern. The victims were still in them, laid out like wilted petals of a crimson rose. Most were lifeless. Others groaned occasionally or gasped for air.

Outside a handful of military police arrived and sought to control and calm the panicky crowd. Inside, several Cambodian soldiers rolled a limp body off the first pile and carried it out onto the sidewalk where it lay under the glare of the marquee like a bad publicity stunt for a horror flick.

A ROW OF BODIES

Then another body was taken out, and within a minute or so, there was a row of them, most of them clad in the fatigues-and-sandals uniform of Cambodian soldiers. But there also was a little boy, the side of his head open, and later I saw a little girl in a pink dress.

After taking a quick body count at the first spot, we headed for the second clump up front. There were not so many bodies there, perhaps half a dozen adults and another little boy.

At first glance they all looked dead. Then Chancellor thought he heard one groan and automatically put a hand in front of the soldier's mouth to detect breathing. There was one breath, then nothing.

I had stood transfixed staring at the little boy, his body twisted and lying in a puddle of blood with one arm folded under him. A pleasant expression and in the eerie glow his dark complexion was glazed like wax.

I saw or thought I saw a movement. "My kid's alive," I shouted to Chancellor. We bent closer. His breathing was irregular but he was breathing. No medical help had yet arrived at the theater and at the rate the evacuation in back was going it would be too long before help got to him.

I grabbed a blue drape that covered an exit, yanked hard and it tore off in a cloud of dust. We folded it twice into a little hammock and slid the child over as gently as we could.

SAVE FROM DEAD

We got him to the sidewalk and an officer who seemed to be in charge motioned for us to put him in the row with the dead.

I protested he was only wounded and we headed toward an army station wagon that was to serve as an ambulance. As it backed down the street toward us, there was a rush to meet it and I feared my boy would be overlooked. With the help of a Cambodian soldier, we caught up with the vehicle and with some effort pushed through the crowd. The floor already was filled with the badly wounded.

I cleared a place on the seat and made certain the driver understood the bundle I was entrusting to him was at least breathing. The boy looked at me as I laid him down. He did not protest. His little body was relaxed and unresisting, like one of your own when you carry him in and put him to bed.

## OHIO STATE: UNDEFEATED BIG TEN CHAMPIONS

Mr. YOUNG of Ohio. Mr. President, on Saturday afternoon Ohio State's magnificent football team defeated the University of Michigan, 20 to 9, capturing the Big Ten championship, completing an undefeated season, and winning a trip to the Rose Bowl game in Pasadena, Calif., on New Year's Day.

Ohio State's battering-ram ball carriers, Leo Hayden and John Brockington, running behind the powerful blocking from tackle to tackle which has become the trademark of Woody Hayes' football teams, carried the fight to the Wolverines all day. Quarterback Rex Kern with his exemplary ball handling and faking crossed up Michigan's defense time after time with big plays when the Wolverines grew overly intent on stopping the head-on assault.

Mr. President, this year's game between Michigan and Ohio State marked the first time that the Big Ten championship hinged on a battle between undefeated teams in the last game of the season.

Also, this game was especially meaningful for Ohio State because it provided an opportunity for the Buckeyes to revenge themselves against Michigan which last year defeated Woody Hayes' 11 in the final game, 24 to 12, thereby costing Ohio State both the Big Ten and national championships.

The credit for Ohio State's great football teams which virtually every season

are ranked nationally in the top 10 must go to Woody Hayes, the Buckeye's coach, who, this year, is completing his 20th season at Ohio State. During his stay at Ohio State, Woody Hayes has won six undisputed Big Ten championships, seven including a shared one.

Under Coach Woody Hayes, nothing is left to chance. Not only does a computer analyze the effectiveness of every play, it also prints out weekly instructions for every member of the cheering section up in the stands. Moreover, to cut down on penalties during games, Coach Hayes pays a referee to attend his practices, throwing flags and pacing off yardage just as he would on Saturday.

Mr. President, another reason for the success which Ohio State has enjoyed is the great support which the people of Ohio have given the Buckeyes throughout the years. At the Michigan game on Saturday, a record crowd of 87,331 jammed Ohio Stadium in Columbus, bringing the Buckeyes' five-game home total to 432,451 for national leadership in college football attendance for the 19th time in the last 20 years.

On a Saturday morning in Columbus on the day of a home game in the fall, *the sense of* anticipation crackles in the air throughout the city of 500,000. Up and down the streets leading to the stadium, the Buckeyes' scarlet and gray school colors are everywhere—on corsages for the ladies, on bumper-stickers handed out in banks, on programs and seat cushions hawked up and down the sidewalk by vendors.

Mr. President, I am especially proud to report that of the 91-man Buckeye squad, 76 are from Ohio. Ohio's high schools produce enough talent to help staff many other college teams. Northwestern, for example, has 21 Ohioans on its football roster. Michigan's leading ball carrier, Billy Taylor, is also from Ohio.

With the Buckeyes' winning ways and Ohio State's solid academic reputation, getting top players isn't too much of a problem. Moreover, Ohio State's players must maintain cumulative grade averages of 2.0, higher than the 1.85 average required under Big Ten Conference rules.

Don Unverferth, Ohio State's quarterback several seasons ago, maintained a near straight A record in his major while piloting the Buckeyes to a national ranking.

Mr. President, I call special attention to the accomplishments of Ohio State's fullback, John Brockington, who spearheads the Buckeyes' rugged ground game. On Saturday, Brockington gouged out 77 yards in 27 attempts to a total of 37 yards net for Michigan on the ground. Brockington broke by 13 yards Ohio State's single season record of 1,027 set by Jim Otis last year.

Jim Stillwagon, hub of Ohio State's fine defensive unit, played a magnificent game on Saturday although he was sometimes double and even triple-teamed.

Stillwagon's bone-jarring tackles from his middle linebacker position have set even comfortably distant spectators shuddering.

Mr. President, Woody Hayes has once again produced an outstanding football team of which all Ohioans can be proud. I salute Coach Hayes and the entire undefeated Ohio State team, Big Ten champions and now Rose Bowl bound.

## THE "DELTA QUEEN"

Mr. COOK. Mr. President, I wish to thank Senators for their support of my amendment to H.R. 6114 which amends Public Law 89–777 by extending until November 30, 1973, the period for compliance with certain safety standards in the case of passenger vessels operating on the inland rivers and waterways.

As you know, Public Law 89–777 was enacted as a result of two disastrous fires on vessels in the Atlantic, and provided in part that after November 1, 1968, no passenger vessel of the United States of 100 gross tons or over, could be issued a certificate of inspection by the Coast Guard unless the vessel was built of fire-retardant materials. The specific question of the applicability of the law to vessels operating on inland waterways was considered but no exemption was incorporated in the law. Thus, after November 1, 1968, the *Delta Queen* would not have been eligible for certification since she is built of combustible materials, according to the U.S. Coast Guard. The date for compliance for the *Delta Queen* was extended by the 90th Congress to November 2, 1970. This year we have seen several bills introduced which would either exempt the *Delta Queen* for several years more or exempt all vessels operating on inland waterways from Public Law 89–777 altogether. As you know, all such attempts failed.

However, due to the overwhelming response from all over the country, I decided to offer an amendment to a House-passed Judiciary bill which would extend the *Delta Queen's* exemption from the safety at sea law.

I did this also because of my complete confidence that Greene Line Steamers will make good their intentions to make the *Delta Queen* even safer than it now is.

I might add that this boat has been operating for 43 years without a single passenger fatality or significant accident or fire. However, the president of Greene Line Steamers assures me that he plans to put over $235,000 in the upgrading of safety standards aboard the *Queen* if an exemption is secured. It is my belief that the boat, because of her sprinkler system, is equal to fire resistant construction material for fire safety purposes. One of the most frequent causes of river boat fires on the older boats was the use of fire tubes in the boilers. The *Delta Queen* is actually superior to the older boats in this respect, because she has water tubes in her boilers and the boiler room is equipped for automatic release of carbon dioxide in the event of fire. The owners plan to augment the fire sprinkler system with a new detection system for fire, smoke, and other products of combustion. Also, an annunciator at the bridge will alert the crew to any emergency in these areas before the sprinkler system is triggered by the fire. After the 1966 law was passed intumescent fire retardent coatings were applied to the crew quarters, all passenger lounge areas, and many of the individual passenger staterooms. Now it is the intent of the owners to coat all of the wall surfaces in the passenger staterooms with these intumescent coatings if the *Delta Queen* is permitted to continue operation. The owners also plan to install at a cost of $60,000 a diesel-powered variable speed bow thruster, which will enable even a relatively inexperienced pilot to maneuver the boat to shore.

Greene Line Steamers also plans to pay a per diem charge to have a Coast Guard officer travel with the boat on a regular schedule. If this is not practical, they will then hire a retired Coast Guard officer as safety officer, who will make sure that the safety equipment is equal to Coast Guard requirements.

For these reasons and others, I still support the amendment which would exempt the *Delta Queen* from the 1966 safety at sea law, and it is my hope that my colleagues in the House will agree with me after studying the unblemished safety record of the last overnight paddle wheel passenger steamboat in operational condition in the world.

## STUDENT REVOLUTIONARIES ARE A SMALL MINORITY

Mr. ERVIN. Mr. President, during recent years we all have become increasingly concerned with student unrest at our colleges and universities. More recently we have seen this unrest move from peaceful dissent to cries for outright revolution. We must remember that students who seek revolution by exploding bombs are criminals and represent only a small minority. We should not forget that most students have a sincere interest in the preservation of our society and are interested only in constructive change through peaceful channels.

From February 1969, until August of this year, Michael Almond, a former research assistant for the Subcommittee on Constitutional Rights and now a senior at the University of North Carolina at Chapel Hill, traveled in Europe as a part of his university studies to learn firsthand what all the student shouting is about. Mr. Almond presented some of his findings and observations to the Pilot Mountain, N.C., Lions Club recently in a very interesting and informative talk. I think his speech merits the attention of those who are seriously interested in progress through peaceful means. We are, indeed, fortunate to have students such as Michael Almond, who are determined that academic freedom shall survive and prosper. Mr. Almond ended his speech to the Pilot Mountain Lions Club with the following plea:

> I'd like to close with a rather urgent request for your patience a little longer to give those of us who are willing to work within the system a fighting chance to capture the imagination of a whole generation of American youth, to hopefully recreate the American ideal in the image of the 21st Century's demands.

Mr. President, I ask unanimous consent that the text of the speech by Mr. Almond of August 20, 1970, be printed in the RECORD.

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

REMARKS BY MICHAEL ALMOND

The first fact of life I learned about dealing with students is that you can never bunch them all together into a neat little group called "the student movement." This is a mistake I think is made too many times all over the world, and is sad because it gives a bad name to a lot of kids who would never think of burning down a building, or throwing rocks and bottles at policemen.

In Europe, the percentage of students who are really revolutionaries is extremely small, but yet they can exert an influence far beyond their numbers. If the truth is known, most of the students in Europe are just average kids trying to take advantage of the university experience, much as in the United States. So the first thing I believe we all must do is to draw the line somewhere and separate the anarchists, maoists, and proletarian revolutionaries from the rest of the student population.

Now that we've drawn the line and cleared things up a bit, just who are these campus revolutionaries and what do they want? As I traveled from country to country, I discovered that the same pattern was emerging everywhere. For the most part, these revolutionaries are the sons and daughters of rather wealthy parents who have always known luxuries of affluence, and have never had to worry about money matters. But what surprised me was that as soon as they left home for the college campus, they turned against all their parents had given them and decided that it should all be destroyed. And I want to be clear about this: when I am speaking about revolutionary students, I mean precisely what I say. These students want a complete and violent overthrow of western society and its form of government. They want to see our way of life replaced by a marxist socialist regime.

In this part of the country, we are all taught to place a lot of faith in good old common sense, and I must admit that some of the beliefs of these revolutionaries seem to show a complete lack of any common sense at all. For instance, they say that they have got to have the average working man on their side, but hardly a one of them has ever set foot in a factory or mill like the ones that ring this mountain. And it seems to me that they should see that their violent tactics are making working class people more and more angry at what they are doing. In Europe as in America, the average man is just about fed up with the violence, burning, and destruction that follows these radical students. But the revolutionaries reply, "we've read Marx and his books, and therefore we know what's best for the working man." Now to me that sounds just a little far-fetched, and I think you will agree.

But the thing that upsets me the most is that these revolutionaries can't tell me how they are going to do things any better. They present no viable alternative. They keep saying that we should burn our society to the ground, but they never say what they plan to put in its place. This comment from a student at a French University is typical:

"We don't know what we want. All we know is that we don't like what we have now. Therefore we've got to destroy the way things are now in hopes that they can get better. The revolution is coming, make no mistake about it, but I honestly have no idea what it will be like after it is over."

Now does that sound like the words of a highly-educated, highly intelligent university student? Somehow I find it difficult to understand how such bright students can be taken in by such vague and meaningless dogma. For dogma, rhetoric, and fiery speeches are just as bad whether they come from the right or the left of politics. To me, to criticize without suggesting how to do things any better is inexcusable. More than this, it is irresponsible, especially when thousands of national, state, and local leaders like yourselves spend your entire lives looking for a better way.

But as I said when I started, the revolutionaries represent only half the story. It is sad that they should get all the attention. In all of Germany, there may be at most 500 or so of these committed revolutionaries, but their actions can cause the whole country to take an anti-student attitude. What we need to talk about now are the moderate, nonviolent students on the other side of the line we drew a while back.

I hope I haven't led you to believe that this group of students is apathetic. That's not true at all. They are just as informed as the revolutionaries, but are willing to work within the system. These are the concerned majority of students, who see that their society has problems and are willing to work hard to help find answers. They see the need for change in a fast-moving world, and want a chance to make things better. These young people can bring to our society an exciting wave of new ideas and new energy which we need to solve the tremendous problems of the 70's, the 80's, and even beyond. These young people are the best friends a democratic government can have, and we should be thankful for them. They will be the agents of inevitable change, and should be welcomed with open arms, for reasonable, gradual, but constructive change has become a fact of life in the modern world.

There is something that worries me, however, and I think it bothers a lot of people today. I'm talking about the rising tide of militancy not only in this country, but in others as well. Too many people have decided that the only way they can be heard is to shout at the top of their lungs, and too often violence is the first resort, not the last. Race relations are one example in our country. The Vietnam war is another. Both these issues present tremendous problems to the United States, and it is really unfortunate that some of the finest minds in the country would rather burn, loot, and throw molotov cocktails than sit down and try to work out some sort of meaningful solution. But the thing that worries me the most is the potential reaction of the majority to this militancy. If the current level of violence in this country continues or increases, I'm afraid that there will soon be a tremendous backlash reaction by people who are just sick and tired of it all. I hope this doesn't come to pass, because such a reaction would pose its own threat to democracy. The backlash, if it comes, could easily turn into a shotgun approach. The violence might be crushed, but so might the liberty and personal freedom which we all value so highly, and is what makes our country great. What then, is the answer? How can we establish some sort of peace on the campuses without sacrificing academic freedom and personal rights?

As I said in the beginning, I think the first thing is to clear things up a bit about who is who. All students are not bums, impudent snobs, or revolutionaries. That is where you can help. By not automatically fixing labels to a whole generation of college kids because of the irresponsible actions of a few. But moderate students also have a responsibility to you. Sooner or later, and the sooner the better as far as I'm concerned, moderate students on the campus have got to stop letting themselves be led around by the nose by the radical students. Students also must draw the line among their own ranks and ask those who want to perpetrate violence to kindly step across it to the other side, because we don't intend to accept your lead any further. It has got to become clear that you don't have to be a revolutionary to oppose the war: That you don't have to burn down the universities to work for equal rights.

I think there have been encouraging signs that this is happening. More and more moderate students are dissociating themselves from the revolutionaries. More and more they are finding their own constructive ways to work for change without the use of violence. Believe me, I can see how many of you out there must be pretty disgusted with some of the things that have been going on on the campuses and with what you read in the newspapers from the rest of the world. I'd like to close with a rather urgent request for your patience a little longer to give those of us who are willing to work within the system a fighting chance to capture the imagination of a whole generation of American youth, to hopefully recreate the American ideal in the image of the 21st century's demands.

## THE TRADE ACT OF 1970—AN UNEXPECTED RESULT

Mr. HATFIELD. Mr. President, I invite the attention of Senators to one effect the proposed import quota bill will have on the sportsmen of this country.

Imported ski boots and imported track shoes and jogging shoes will be included in the imported nonrubber footwear section of the bill. Under the terms of the bill, the supplies of these items could be curtailed significantly. When a person examines the statistics concerning imported shoes, he finds that athletic shoes account for a very small percentage of the total. The statistics for 1969 offer evidence for this:

U.S. IMPORTS OF NONRUBBER FOOTWEAR 1969

| | Quantity pairs (in thousands) | Percent of total |
|---|---|---|
| Women's, misses', children's, and infants' shoes | 148,914 | 76.18 |
| Men's, youths', and boys' shoes | 38,063 | 19.47 |
| Athletic shoes | 2,473 | 1.27 |
| Slippers | 2,074 | 1.06 |
| Other footwear | 3,956 | 2.02 |
| Total | 195,480 | 100.00 |

Source: USDC ,BDSA-consumer products.

It can be seen that women's, misses', children's, and infants' shoes form the lion's share of shoe imports—76 percent. Ski boots total only 0.3 percent, and all other athletic shoes only 1 percent.

An examination of the cost statistics shows that ski boots are an extremely high-cost item, and are not the low-cost import that is causing concern to many people. The average declared value for a pair of imported ski boots in 1969 was more than seven times the average value of all nonrubber. The ski boot declared value was $15.73 versus the average value of only $2.20. Reflected in this great price difference is the higher quality material, the greater quantity of material, and the greater labor cost which all go into ski boots.

One further point is that the ski boot contribution to the total imported nonrubber footwear actually has fallen in recent years. It was 0.7 percent in 1965, and only 0.3 percent in 1969.

Mr. President, in addition to ski boots, we should examine the impact of the import quota bill on track and jogging shoes. In 1969, only 14 pairs out of every

1,000 shoes sold were shoes designed for any athletic use. Of the 14 pairs, 11 were manufactured in the United States and three were imported. That is three pairs out of 1,000 that are imported. The percentage for track and jogging shoes would be even smaller.

The State of Oregon has produced many world-class track athletes and also has a national reputation for our jogging programs. In Oregon, as in other States, athletes choose imported track shoes because they are better—in a sport where "better" is measured in the tenths of a second and fractions of an inch. I would hate to see the supply of these shoes curtailed.

The House Ways and Means Committee did acknowledge that athletic shoes have unique qualities that separate them from the bulk of shoe imports, and I ask unanimous consent that the committee statement at page 39 of their report appear at this point in the RECORD.

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

It was brought to the committee's attention that certain articles of athletic footwear imports, are selected by athletes because they feel that the design of the shoes, including a close fit and light weight, are particularly suited to their needs as a professional or amateur performer. The shoe is selected by the athlete for its suitability for the particular athletic event involved, and the price is generally higher than that charged for domestically produced athletic shoes of the same type. It is expected that the President would exercise his authority in this kind of a situation.

Mr. HATFIELD. Mr. President, while it may be true that it is expected that the President would exercise his authority in this kind of a situation, it still troubles me to see this section remain as it stands. The President could be pressured by domestic shoe manufacturers not to allow any exceptions at all, regardless of the merit. The position could be adopted by the domestic manufacturers that any exception—regardless of the merit—would be a foot in the door, so to speak, for other exceptions.

In conclusion, Mr. President, this section of the bill is a hidden harpoon for the sportsmen of our country. The ramifications of this bill are far reaching. They can affect areas that go beyond the scope of the bill usually stressed by the bill's defenders. This example is one where an unexpected result could very well occur.

## THE RAILPAX BILL—ADDRESS BY DONALD E. DEUSTER

Mr. ALLOTT. Mr. President, Donald E. Deuster, of the Department of Transportation, has made a remarkable, candid, and factual speech to the Railroad Transportation Institute meeting in St. Louis, Mo., on November 5, 1970.

Mr. Deuster discussed from a first-hand view, the administration's struggle to get the Railpax bill enacted into law. In the speech he correctly quotes my statement regarding the role played by the distinguished junior Senator from Vermont (Mr. PROUTY) in the effort to get a bill through the Commerce Committee.

In addition, he paints a vivid picture of the effort made by a distinguished Coloradan, Mr. Robert Kessler, now general counsel for the Federal Railroad Administration, in the final moments before the Railpax bill passed the Senate.

I must say that I was pleased with Mr. Deuster's candor in telling the story which I think many of my colleagues who were not directly involved with the bill will find interesting. For that reason, Mr. President, I ask unanimous consent that Mr. Deuster's remarks be recorded in the RECORD.

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

SAVING THE PASSENGER TRAIN

(Remarks of Donald E. Deuster)

Americans should be singing "Hallelulia! and Amen! Congress has saved the passenger train!"

Absolutely! If history notes one great decision by the 91st Congress, it will be enactment of the landmark National Rail Passenger Service Act of 1970.

Why? Well, essentially this rail passenger act signifies a triple transportation accomplishment.

First, it marks the rejuvenation of the American passenger train system. Secondly, it portends the rehabilitation of our ailing railroad industry. And thirdly, it is a giant step toward bringing America's national transportation policies into balance.

Soon, if all goes well, beautiful gleaming red, white and blue passenger trains will be streaking across the land. These "Americaliners" will speak for themselves.

Every evening for the past two years when I arrived home from Capitol Hill, confused and weary, my wife would taunt me by asking: "Well, dear, aren't you going to tell me what happened to the rail passenger bill today?"

Happily, that tortuous and treacherous legislative trail is past. Last Friday, out in California, President Nixon with a flourish of his pen Constitutionally converted what was "our bill" into what is now "the law of the land." What a relief! What joy! And what a struggle!

During the germination of this Jubilee Act of Congress, it was my good fortune to be the only Nixon Administration official assigned full-time to work on Capitol Hill solely on railroad affairs.

I am especially grateful for the opportunity this task has afforded me to meet and work with so many friendly railroad people, including chairman Donal Turkal and Secretary Jim Nisbet of the Railroad Transportation Institute.

The harmonious spirit evidenced in this Congress by railroad people—president, union leaders and the Capitol Hill legislative representatives for both labor and management—has been phenominal.

Despite this unusual team spirit, final enactment of the rail passenger bill was an eleventh hour, suspenseful Congressional cliffhanger.

HIGH HOPES FROM THE HENHOUSE

Initially, most experts doubted that any railroad bill would pass. Once upon a time, Senator Everett Dirksen gave a pep talk to a gathering of Republican women at Highland Park, Illinois. He told about an old barnyard rooster who had gathered all his hens into the chickenhouse for an inspirational harangue.

At the finale of this elocution, for illustrative purposes the rooster rolled out a giant ostrich egg into the henhouse floor. "Now, girls," said he, "don't get me wrong. It's not that I am dissatisfied with the quality of your performance. But, I do want to show you that with a little extra effort, it can be done."

Believe me, precisely that kind of extra exertion was required to bring about passage of the railroad bill.

Unfortunately but predictably, this landmark law became mired in the usual murky pre-election adjournment atmosphere on the Hill. Luckily, it was extricated from a legislative snakepit of partisan cross-fire, mysterious footdragging, great confusion and some sniping.

On the very last day of Congress the passenger bill slipped through the House of Representatives shortly before noon on a voice vote, languished most of the afternoon in the Enrolling Clerk's office, was finally messengered over to the Senate just half an hour before adjournment, and shimmied through another voice vote only moments before the last gavel fell.

From start to finish the path of this bill was spiced by melodramatic suspense and humor.

One day during the Senate hearings back in September 1969, Chairman George Bloom of the Pennsylvania Public Utility Commission told a tale to emphasize the need for better quality passenger service. He recalled how:

"Service was so bad the passengers at Altoona, Pennsylvania got off the train, sat down in front of the engine, did not get on, and said they were going to sit there until they got ice and airconditioning on the train."

At this point, Senator Howard Cannon of Nevada leaned forward to ask: "Are they still there?"

Laughter rocked the hearing room and that incident has often been retold. The popularity of this joke reflects the widespread public and Congressional disapproval of the miserable rail passenger service we now suffer. Fortunately, enactment of the passenger bill offers us a golden opportunity to overcome this public outrage and the industry's bad image by providing excellent service. Happy days are ahead—I hope!

PARABLE OF THE CROOKED RAILROAD

During these same Senate hearings, former president of the Penn Central, Stuart Saunders, was queried as to why the Penn Central passenger trains did not travel faster. After describing the peculiar curvature of the Penn Central tracks, Mr. Saunders summed it up by saying: "You see, ours is a very crooked railroad."

The belly laughs subsided considerably when the news broke on Sunday, June 28, 1970, that the Penn Central was going into bankruptcy and when Congress began examining the circumstances. Fortunately, all this happened one month after the Senate had passed the passenger bill because immediately shock waves struck Capitol Hill and thoroughly muddied the legislative waters. The bankruptcy triggered four reactions:

One. At long last Congress became convinced that the railroads were not just crying "wolf." Credibility was unbearability of the passenger train deficits.

Two. A hasty search was begun to find a scapegoat somewhere. All the old simple answers were dredged up again. We listened to Congressional charges of "bad management,—intentional downgrading of service,—conglomerate manipulations,—ungrateful robber barons—and subsidized competition."

Three. The Association of American Railroads hastily completed and publicized the "ASTRO Report" on the industry's overall plight. The principal thrust of that report was the urgent need to correct deficient public policies.

Four. After the initial shock, confusion and consternation passed away, the need for the rail passenger bill became obvious to al-

most everybody. Expectation of House action on the bill became widespread.

So, it all came to pass on October 14, 1970, but not before one final flourish of humor.

THE MYSTERY AMENDMENT

Minutes before the House was to adjourn, Majority Leader Carl Albert rushed onto the floor to excitedly report: "The Senate has amended the railroad bill and is sending it back!"

In utter consternation Members rushed to Speaker McCormack to hold up adjournment. Simultaneously, a crowd of Members circled around Republican Congressman Durward G. "Doc" Hall of Missouri to facilitate "unanimous consent" reconsideration of the rail bill when it came back burdened with some mysterious Senate amendments.

In the midst of this confused scene, Congressman Albert next announced that he had been misinformed. Actually, it was some crime bill that the Senate had amended.

At this point, Congressman Harley O. Staggers of West Virginia, who had carefully maneuvered the bill through quite a procedural obstacle course, was in no mood to speculate or act on hearsay. Mr. Staggers insisted that adjournments be held up until he had personally spoken with Senate Majority Leader Mike Mansfield.

Only after he was positively and personally assured from the very mouth of Senator Mansfield that indeed the Senate had passed the rail passenger bill with no amendments, and it was now cleared for the President, only then did Mr. Staggers advise the Speaker to adjourn.

So, the gavel fell at thirteen minutes past four. Congress was out, and rail passenger service was in.

To describe in capsule form this extended and precarious legislative journey is impossible. One analogy comes to mind which may help others appreciate how things like this happen on Capitol Hill.

THE GREAT LIBERTYVILLE PUSH

Several years ago my wife and I were spectators at an unusual sporting event back home in Libertyville, Illinois. The Libertyville Athletic Club secured a giant medicine ball, six feet in diameter. This giant heavy ball was placed on the fifty yard line of a football field. Two teams of twenty men lined up. When the whistle blew, everybody started pushing.

As bodies jostled and elbows flew in the air, the Libertyville volunteer firemen pumped a powerful stream of water on the ball, on the players and on the field. Soon, everything was muddy, and slippery. Everybody was lunging at the ball, knees were being scraped, tempers were rising, but nothing was happened to the ball. What a spectacle!

THE CRISIS AND THE IMPASSE

The scene precisely resembled the situation in Washington, D.C., during the winter of 1969 and 1970 as both the Nixon Administration and the Senate Commerce Committee struggled and searched for some good solution to the passenger train crisis.

First, almost everybody agreed that it was a crisis. When I was born in 1929, there were 20,000 passenger trains serving America. But, in just forty short years, as Congressman William Springer of Illinois emphasized on the House floor, thirty-nine of every forty trains had disappeared. Only 500 remained and they were vanishing fast.

Secondly, neither the Administration nor the Senate committee could decide on what to do. There was an impasse. Nothing was moving.

Meanwhile, back at Libertyville, slowly, here and there, some extraordinary pushing and shoving took place. As the water spray continued to bowl over players, the crowd detected a slight movement of the ball. Then, the ball began to slog along faster and faster toward the goal line, picking up momentum. Now, it seemed impossible to stop it.

That's the way it seemed on Capitol Hill in the Spring of 1970 when finally the Administration and the Senate Commerce Committee compromised, reached agreement on setting up a quasi-public corporation to run a basic network of passenger trains, and passed the bill through the Senate by the overwhelming margin of 78 to 3. It was really rolling!

THE GREAT FIZZLE

But, back in Libertyville, just as the medicine ball reached the goal line, somehow it punctured, all the air escaped, and the players fell in a muddy heap on the sloggy field over a limp piece of rubber.

Fortunately for our railroad bill, although some of us thought we heard the hissing of escaping air up to the very last minute, somehow the ball remained inflated and found its way to the President's desk for signature into law.

Even as President Nixon was putting his pen to the Act, there was a hissing rumor circulating around Washington that he might not sign the bill, and thereby give this lovely landmark legislation what is known as a "pocket veto." Under the Constitution, when Congress adjourns, the President must sign a bill within ten days or else it does not become law. Happily, the President put his ink to the paper and it was done!

Having been one of the muddy multitude pushing this bill along the slippery field, let me tell you about three heroes of the ball game.

HERO ONE: SENATOR WINSTON PROUTY

The first great hero of the fray was Senator Winston L. Prouty of Vermont. Senator Prouty's diligence and decisive action is best described by the words of his colleague, Senator Gordon Allott of Colorado, spoken on the day of adjournment.

"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 (Senate Commerce) decided to report an operating subsidy bill.

"My distinguished colleague from Vermont filed individual views and unveiled in detail his proposal for creating a semi-public corporation to take over all intercity rail passenger service.

"Within one month's time, 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.

On May 6, 1970, the Senate by a vote of 78 to 3 approved Senator Prouty's proposal."

This extraordinary legislative achievement amazed most onlookers, including me, and clearly marked Senator Prouty as hero number one.

HERO TWO: SECRETARY JOHN A. VOLPE

Undoubtedly, the second great hero was Secretary of Transportation, John A. Volpe. Secretary Volpe labored day and night, as is his habit, to seek out the most sensible way of resolving the rail passenger crisis. This called for a lot of pushing and hammering.

Finally, after a protracted period of gestation running from the spring of 1969 into the spring of 1970, Secretary Volpe hammered out of the Department of Transportation and out of the Administration the concept of the rail passenger corporation.

THE LEAKY PROPOSAL

Unfortunately, in January 1970 before the White House could approve this complicated proposition, somehow the details found their way into the daily newspaper. How embarrassing and aggravating it was. Even though the "press leak" is part of Washington life, neither the White House nor Members of Congress like to learn about Administration proposals in their morning paper.

Despite the difficulties, Secretary Volpe continued to work for a solution. He kept his top policy advisers struggling to perfect the corporation idea, he discussed the dilemma with railroad people, he cooperated closely with Senator Prouty and he negotiated with Chairman Warren Magnuson, senior Republican Norris Cotton and Subcommittee Chairman Vance Hartke of the Senate Commerce Committee. Secretary Volpe secured Administration approval for the compromise bill that was ultimately produced. Constantly, he was pushing the ball.

When it came to expostulating the virtues of the passenger bill, Secretary Volpe must have spent more time on the telephone than anyone in Washington, including even the most talkative Cabinet wife or even my teenage daughter.

BIRTH OF THE BILL

Some may wonder when and where this great bill was actually born. I am reminded of a speech given by Senator Dirksen a few years ago when he referred to the "grand and glorious birth of the Republican Party at Jackson, Michigan."

I was flabbergasted. As a graduate of Ripon College, I knew that the Republican Party was born at Ripon, Wisconsin, where the first meeting was held in a little white school house on March 20, 1854. Later on in July of 1854, a convention was held at Jackson, Michigan. So, I put all this in a memorandum for Senator Dirksen and left it with his personal secretary, Mrs. Glee Gomien.

Soon the mailman brought me a short, personally dictated and devastatingly unanswerable reply. It read:

"Dear Don: Birth is one thing and conception another. It is true that the Republican Party was conceived at Ripon. However, it was born at Jackson!"

Likewise, you can say that the railroad passenger bill was conceived in the Department of Transportation. However, it was born in the Senate, and the Senatorial obstetricians who gave it form, birth and life were Senator Prouty, his colleagues on the Senate Commerce Committee and their diligent professional staff men, Dan O'Neal, Paul Molloy and Henry Rush.

HERO THREE: CHAIRMAN HARLEY STAGGERS

If the determination and persistence of Senator Prouty and Secretary Volpe were duplicated by anyone, theye were matched by the steadfast drive of the third great hero, Chairman Harley O. Staggers of the House Committee on Interstate and Foreign Commerce.

Congressman Staggers pushed this bill steadily despite his committee's exceptionally heavy agenda of other business. Some of that other business included holding emergency hearings and executive sessions and settling the threatened national railroad strike in March, and also investigating the complications surrounding the tragic Penn Central bankruptcy in July.

Steering any bill through both Houses of Congress on one day much less the last day before an election campaign is quite an art. Chairman Staggers accomplished this feat with the precision of a circus tightrope walker.

LAST DAY FOR A FAST RULE

There were three ticklish procedural situations. First, Mr. Staggers luckily secured a hearing before the House Rules Committee on Tuesday, October 13th, its very last day of sitting. Skillfully he participated in a closed door decision to leapfrog the passenger bill from second place on the Rules Committee agenda into first place ahead of a controversial manpower bill. This expeditious surge forward was absolutely essential for taking the bill to the House floor that

very afternoon and completing general debate so that voting could take place first thing Wednesday morning at eleven.

Secondly, Chairman Staggers diplomatically and harmoniously secured approval by the Ways and Means Committee of a technical revenue amendment for the protection of taxpaying railroads who join the passenger corporation.

CHANGING THE LEGISLATIVE HORSE

Once this revenue amendment was added, two complications arose. First, the Constitution requires that all revenue legislation originate in the House of Representatives. Accordingly, Mr. Staggers had to abandon the Senate bill, S. 3706, and proceed with a House bill, H.R. 17846. This changing of legislative horses in midstream sometimes causes consternation and confusion to the unsophisticated.

Secondly, under the House Rules the bill now came under the jurisdiction of not one but two legislative committees. Mr. Staggers therefore had to request a complicated "rule" under the terms of which two hours of floor debate would be handled by his Commerce committee, and one hour of debate would be controlled by the Ways and Means Committee under one of their traditional "closed" or "gag" rules forbidding floor amendments.

All of this procedural maneuvering took time, muddied the waters, and called for *delicate handling*. Thanks to the legislative skill and persuasive powers of Congressman Staggers, all of these complications were overcome.

THE WIZARD OF CAPSULIZATION

No account of any bill's emergence from the House Commerce committee would be complete without a salute to the masterful explanatory efforts of the ranking Republican Member William L. Springer of Illinois. Congressman Springer put out complicated, corporation concept into simple "capsule" form. In persuasive testimony before the Rules Committee and debate on the House floor, Mr. Springer made the bill sound simple and good. He was a wizard of capsulization.

Another spark plug for saving the passenger train throughout this long struggle was Congressman Brock Adams of Washington who was articulate and clear before the Rules Committee. Also, both Congressman Al Ullman of Oregon and John Byrnes of Wisconsin, the ranking Republican on the Ways and Means Committee clarified and simplified the complicated revenue amendment before the Rules Committee, and greatly helped the bill shimmy forward unscarred.

WAITING FOR THE DOORS TO OPEN

Even after all these exertions, Chairman Staggers found it necessary to go to the Speaker's office and to the House floor to personally insure that the passenger bill was hand-engrossed and hastened to the Senate in time for action there. Just minutes of delay could have been fatal for the Senate was anxious to leave town.

Certain Senators were hoping that the controversial farm bill, a political hot potato, would not come up for a vote before the election. So, when the official messenger from the House arrived with the farm bill, these hostile forces in the Senate blocked the chamber door and refused to admit the House messenger. What an insult to the House! What a burlesque mockery of the bicameral system! But it happened, and while the Senate doors remained blocked, among the House documents being refused admittance was our beloved rail passenger bill.

On that last suspenseful afternoon, I probably walked back and forth from the House side to the Senate side at least twenty times. With me pounding the marble corridors and wearing out shoe leather were two attorneys for the Federal Railroad Administration, Chief Counsel Bob Kessler and Assistant Counsel Pat O'Driscoll. Together, we waited for the Senate doors to open. We watched from the Senate gallery when at 3:32 p.m., the doors opened to receive at long last the House messenger and the railroad bill.

Senator Hugh Scott of Pennsylvania took the floor to rejoice, too, saying: "Thoughts to 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. . . . I am delighted to see the messenger from the House of Representatives. . . . 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—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 tillage of the soil, and take over from the Senate of the United States the distribution of the fertilizer of the Nation."

WAITING AND WONDERING

Years from now when I behold the beautiful Americaliner passenger trains streaking across the land, many memories will return no doubt, like this last hectic busy day on the Hill. However, if there was one experience shared by all the countless railroad men who covered this legislation on the Hill, it was the long periods of waiting—Waiting in the lobby outside the Senate and House committee rooms during closed-door executive sessions and wondering what was going on inside.

As the father of four daughters, the waiting room at the maternity ward is a familiar place to me, and it seemed so similar to the lobbies on Capitol Hill. Normally, you don't care if it's a boy or a girl just as long as something happens and all goes well. Now that the waiting is over, the landmark rail passenger bill has been born, and where do we go from here?

Your good secretary, Jim Nisbet, specifically asked me to offer some constructive criticism on how to improve the railroad industry's relationship with Congress and your image on Capitol Hill.

CONGRESS IS A MIRROR OF AMERICA

Normally, any industry's image on Capitol Hill is merely a reflection of its public image. Congress is a reflective institution. Congressmen mirror the attitudes, the opinions, and the misconceptions, too, of their constituents.

For most Americans the railroad system is like an iceberg with only one percent of its body being visible. That miniscule portion seen by the public is the dilapidated and disappearing passenger train and the disgustingly long freight train blocking the highway grade crossing.

On my office wall is an original cartoon by Draper of the Worcester (Massachusetts) Telegram that probably best portrays the public, and Congressional attitude toward railroads. The Cartoon shows President Nixon leading a sad dinosaur over a collapsing rickety wooden railroad trestle. The dinosaur is gobbling up dollar bills and the turbulent waters beneath the collapsing trestle are labeled "strike threat." President Nixon is saying to the dinosaur: "We'll have you into the twentieth century before you know it!"

To overcome this miserable image the Association of American Railroads is waging an advertising campaign with the slogan "Who needs the railroads?" Those who pay attention to the answer will come away appreciating that America does need the railroads.

WHO LIKES THE RAILROADS?

But a far more fetching question, related to your popularity and success on Capitol Hill, is this: "Who likes the railroads?" Needing someone, like the trashman or the television repairman, is not the same as liking someone, and really wanting to help someone.

You ask what can railroads do to be better liked? Let me suggest four possible opportunities for positive improvement.

MAKING AMERICA'S PASSENGER TRAINS BEST IN THE WORLD

First, enactment of the rail passenger act presents a golden opportunity. On the one hand it relieves the industry of the financial burden of running nonpatronized passenger trains. No longer will the freight shipper be indirectly subsidizing passenger service.

On the other hand, the railroads will be operating the passenger trains for the corporation on a contract basis. To a tremendous degree, the success or utter failure of this great new American venture will rest in your hands.

If these modern Americaliners are shunted off on a siding while lumbering freight trains grind by, there will be considerable public outrage and letters to Congressmen like you have never seen. There could be Congressional investigations and the industry's image would sink in a mire of wrath on Capitol Hill.

No doubt the industry will resolve that nothing of this dimension will be allowed to occur. No doubt our railroaders will engage in no footdragging or sourmouthing in connection with the negotiation and performance of the passenger service contracts. Surely high statesmanship and an unimpeachable spirit of cooperation will make our passenger trains the best in the world.

This will do more than anything to improve the railroad image on Capitol Hill.

MAKING AMERICA'S BOXCARS BEAUTIFUL AND VISIBLE

Secondly, many folks are perplexed as to why boxcars cannot be painted with luminous paint so they can be seen by the motorist at night. Many motorists like myself have been nearly frightened to death at rural grade crossings where dark and unlit freight trains pass almost imperceptibly at night.

In America there are millions of motorists and some 220,000 grade crossings. Experiences like mine are common and contribute to an unfavorable image. Some Members of Congress, House Minority Leader Gerald Ford included, have introduced bills to require some kind of reflective markings on boxcars.

As a lawyer, I certainly appreciate the legal reasoning related to common law negligence liability where reflectors become muddy or dirty. However, sometimes public relations considerations outweigh technical legal arguments. Faint heart never won fair lady, and nothing ventured is nothing gained.

Why not make boxcars that are visible, colorful and beautiful? Why not paint some with psychedelic colors? Why not make them ornamental or inspirational with amusing slogans like the old Burma Shave signs? This would improve your visibility and enhance your image.

THE TEMPEST OVER TOILETS

The lyrics to an old song say "Passengers will please refrain from flushing toilets on the train while standing in the station." The old refrain came to mind as I sat in the House gallery and heard my mother's Congressman, Henry Reuss of Wisconsin, raise this question:

"I would ask the distinguished Chairman whether this new equipment when installed on this excellent new system will have provision as all the trains of Europe and Canada today do, for adequately treating human or other wastes which are discharged from the trains?"

Chairman Staggers fielded this pointed question artfully by stating: I cannot even conceive of any mode of transportation system not taking care of this matter, especially when we are today trying to take care of our environment in every way."

Some railroad men have told me that this ecological business about toilets on trains is just a trivial tempest in a teapot. I don't believe it. Even though at this moment railroads are not legally required to modernize your toilet system, here is a third area where you could take voluntary action. The AAR advertisements could report what you have done, and the public would applaud. Your Congressional image would be improved.

THE UNIDENTIFIED TOILETS

Some humor crept into our hearings on the Hill on the subject of toilets. One Member of the House Appropriations committee inquired of former Federal Railroad Administrator, Reg Whitman, what innovations were being made on the Metroliner. Promptly, Mr. Whitman replied: Well, we are experimenting with unidentified toilets."

After the chuckling and giggling had subsided, Mr. Whitman clarified his statement. We were not hiding toilets in order to frustrate the passengers. We were simply adopting the airline practice of having just one toilet that could be used by both sexes. You might call them sexless or bisexual toilets "instead of the confusing adjective "unidentified."

JACKALS ON THE HILL

Recently, one public witness at a Senate hearing referred to the railroad industry representatives in the room as "jackals."

The subject under discussion was the barge mixing rule, the traditional rule under which certain water carriers operate without Federal rate regulations. When the barge bill was being considered in the House of Representatives, the railroads pushed through an amendment which would have put previously unregulated barge carriers under Federal regulation and red tape.

Such Congressional shenanigans are transpiring at the same time that railroad presidents are blaming their financial plight on over-regulation. Is it statesmanlike to preach that regulation is killing the railroad and is bad, but regulation is just what the waterway carriers need?

It seems to me that the railroad industry ought to be preaching free enterprise and fair competition for all, for railroads and for competitors as well. This would be consistent, principled, statesmanlike and would help you overcome the label of being legislative "jackals."

THE SECOND GOLDEN AGE OF RAILROADING IS AHEAD

In summary, let me repeat the old English proverb that history repeats itself. In American railroad history this is so.

Back in the 1850's and 1860's there was broad bipartisan public support for the development of a strong American railroad system. In Washington, D.C., both Republican President Abraham Lincoln and his Democratic rival Senator Stephen A. Douglas of Illinois supported Federal action to develop the railroads.

Federal land grants were given and the Golden Spike ceremony at Promontory Point, Utah, in 1869, symbolized the birth of a strong railroad system that linked East and West and united the nation.

Even today, the Governor of Illinois sits on the board of the Illinois Central roalroad to symbolize the abiding public interest in our railroads.

Soon, President Nixon will appoint the majority of the board of directors for the new rail passenger corporation. The Secretary of Transportation, John A. Volpe will also sit on that board. The presence of Presidential appointees and a Cabinet officer will reflect the great public interest in the success of the new passenger corporation.

Just as the bankruptcy of our country's largest railroad this summer marked the low point, I believe enactment of the passenger bill initiates the long and hard march back up to the summit. The second Golden Age of railroading is ahead.

Possibily, we will be here when future travelers the world over will say:

"You ought to go to the United States and travel those beautiful, fast, comfortable Americaliner passenger trains. What a country!"

## CONDITIONS OF THE SOVIET JEWRY

Mr. WILLIAMS of New Jersey. Mr. President, I invite attention to four outstanding articles written by Michael Chertoff and published in the Elizabeth, N.J., Daily Journal. Michael was one of the few very fortunate high school students who, through sponsorship of the United Synagogue Youth, was granted the opportunity to tour the Soviet Union this past summer.

Learning greatly from this unusual experience, Michael presented his thoughts and observations in this collection of articles.

Mr. President, I ask unanimous consent that the articles be printed in the RECORD.

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

[From the Elizabeth (N.J.) Daily Journal, Sept. 8, 1970]

FEAR SHOWS, THEN LENINGRAD JEWS TALK

EDITOR'S NOTE.—(Michael Chertoff, the 16-year-old son of Rabbi Gershon B. Chertoff of Temple B'nai Israel of Elizabeth, is a senior at The Pingry School in Hillside and managing editor of the school newspaper, The Pingry Record. This summer he was one of 25 high school students to tour behind the Iron Curtain under the sponsorship of United Synagogue Youth. The following is the first of four articles relating his impressions of the conditions under which Jews live in the Soviet Union.)

(By Michael Chertoff)

Before the Revolution in 1917, the national symbol of Czarist Russia was the double-headed eagle which represented Russia's unique position as a both European and Asian power. Today, when the Soviets have designated the hammer and sickle as their banner, the double-headed eagle might still be said to represent a double level of life: for the bright, modern, efficient world of Russia that the Soviet guides display coexists with a deeper, less appealing world of squalor, unhappiness and persecution.

The Union of Soviet Socialist Republics wishes to present itself to the world as a socialist utopia. The average tourist is programmed carefully. He is hustled from one exposition to a palace to a museum. The Soviet tourist organization, Intourst, is outgoing and pleasant, as long as you confine your interest to those areas of Russia which they feel should be exposed. But for the tourist who wishes to make an unprogrammed visit there is scrutiny, from the harmless old woman on every floor (called a djournya) who carefully notes your going and coming, to the soldiers and civilians who sometimes seem overly interested in your affairs.

I saw both sides of Russia. From 9 a.m. until evening my group was shuttled around Leningrad, Riga, and Moscow, seeing the Hermitage collection, the Kremlin jewels, Red Square, the Summer Palace and the Neva. At night, some of us would leave the hotel to travel by tram or subway to the few remaining synagogues in the cities. Sometimes we were accompanied by unwanted guests, other times apprehension was our companion. Not so much for ourselves, but for the Jews whom we visited, lest our indescretions fall upon their shoulders.

The Jews. They were mostly old. The ones whom the government expects to die soon anyway. In Leningrad, on Thursday morning there weren't many. Only those who had nothing to lose. As we entered led by the shammos (custodian) who worked for the government, they turned and looked as if afraid. No smile crossed their lips.

Only mumbled Hebrew and Yiddish greetings in counterpoint to the steady hum of the praying. Those who began to talk were quieted by the shammos.

Suddenly we were overwhelmed by the situation. We were confronted by apprehensive old Jews, most of them were too afraid to talk to us. They did not know who we were; simply foreigners who were visiting their synagogue and who might, or might not, be trustworthy.

Then we spoke Hebrew. And slowly the shells opened up. Not completely, for there was still the shammos frantically scurrying around trying to segregate us from the congregants. But their eyes brightened, as they asked: "Are you from New York?", "Are there many Jews in America" or, from a few, "How is it in Israel?" Like a torrent, the questions poured forth, inquiries about salaries in America, religious freedom, and curiosity about Israel. Yet they were still close-mouthed about themselves.

At most, they would volunteer age, occupation, and general area of residence. When questioned about life for Jews in the U.S.S.R., most were noncommittal or cryptic. It was not difficult to see that the Jews of the synagogue in Leningrad were not going to compromise themselves in any way.

But there were those rare few who were prepared to stand up for their beliefs. In Leningrad, I met two young Jews who were, in their own way, rebelling against the Soviet restrictions. One was a student and the other an engineer. By attending synagogue and by speaking freely with Jewish visitors they were jeopardizing their futures. They came nonetheless. The student was also studying Hebrew privately, an activity frowned upon by the Russian government.

These two Jews were proud of themselves and of their nationality. (In the U.S.S.R. Jews are considered a nationality) and they seemed to me to be among the freest men anywhere in the Soviet Union. Although their faces recede in my mind's eye, the memory of determination will remain with me as a torch of optimism to illuminate the ever increasing darkness which descends over the Jewish community in Leningrad.

[From the Elizabeth (N.J.) Daily Journal, Sept. 9, 1970]

PLEASANT SURPRISE IN LATVIA CAPITAL

(By Michael Chertoff)

We left Leningrad with a sense of pessimism. Our brief stay there had acquainted us with the repression that the Jews in Leningrad experienced. We had been trailed by soldiers and members of our group had received bizarre phone calls at all hours of the night.

Indeed, Leningrad had fully lived up to our notion of what a Soviet city should be: Wherever one looked there were posters of Lenin, proclaiming the anniversary of his birth in 1870. In addition, we found Leningrad to have a surfeit of military and naval personnel, as benfitted a large Soviet naval city.

Riga, the capital of Latvia, was our next stop, and we found a completely different atmosphere. Despite the fact that Latvia has been integrated into the Union of Soviet Socialist Republics for over 20 years, it is not a Russian city, and as such is given far

greater latitude than Leningrad or Moscow by the authorities. For this reason, Riga is one of the centers of youth rebellion against Soviet restrictions. In this pleasant old town, a popular resort, one does not find the sense of apprehension, even among the Jews, that can be sensed elsewhere.

This is not to say that Latvia does not have its quota of Communist activity. While we were in Riga, our itinerary included a visit to a Young Pioneer camp on the Latvian seashore. The Young Pioneer organization is a Communist youth group for children up to the age of 14 or 15. Every summer these Pioneers are taken to the shore to participate in a Communist-oriented program of sports and camping.

While no real theoretical indoctrination takes place, the camp is run in a military atmosphere that, with such a young age group, is both ludicrous and horrifying. We were escorted through tanks of red scarved six, eight, and twelve-year-olds standing at attention, many fidgeting, as children do.

Each morning these youngsters come out for parade. Their group leaders make their reports to the adult supervisor, and then, to a brisk military tattoo, all turn eyes right to salute the Soviet flag. The salute consists of a right arm stiffly raised in a manner uncomfortably reminiscent of the Hitlerjugend salute of Germany during the war. It is dismaying to see youngsters with such boundless energy already being acquainted with party discipline.

Normal camp activities are pursued every day: Volleyball, swimming, soccer, and running. Arts and crafts are also included, but the themes are generally Communist.

For our visit, a special dramatic program had been prepared, complete with singing and poetry recitation, in English and Russian. Naturally, the subject matter included lauditory poems about Vladimir Lenin, workers' songs, and one hymn which included the phrase "We are prepared to fight all foes of the workers' cause." From the mouths of babes.

Yet even the regimentation of the program was insufficient to restrain the boundless energy, enthusiasm, curiosity and friendliness of the campers. After their initial shyness was overcome, we were besieged by questions and invited to play soccer and volley ball. Then, at the end of the day we were given a rousing send-off.

Shaking hands with a fifteen year old Pioneer, playing soccer with a group of Russians, all of whom were being inculcated with a philosophy that was the antithesis of my own, were unique experiences.

And then there was the other side of the coin. Rebellion. Those Latvians who refuse to be intimidated by the Government's political policies. One night, while eating dinner at our hotel, the band struck up "Jerusalem of Gold", an Israeli song which rejoices in the reunification of Jerusalem and which crested a wave of popularity after the six-day war.

To have a band dare play this song in the midst of a country which villifies the State of Israel as an aggressor is an act of consummate defiance. Yet the band went on to play the theme from Exodus and the Song "Hava Negilah". There we sat, at a table replete with champagne, together with our Intourist guides, in the midst of a dinning room full of guests, listening to Israeli songs as if in a cafe along Dizengoff Street in Tel Aviv.

What could one say? We were witnessing a singular act of bravery, and suddenly it dawned on us that Latvia was not a wholehearted member of the Soviet Union, and that Rigans were sometimes more than ready to exhibit their independence from an essentially Russian government.

For the only time during my stay in Russia, I felt optimism for the Jewish community, and the community at large.

[From the Elizabeth (N.J.) Daily Journal, Sept. 10, 1970]

PERVADING FEAR IN MOSCOW MAKES FREEDOM SWEET

(By Michael Chertoff)

Moscow.—The very mention of the name brings to mind a plethora of images: the Kremlin, Lenin Mausoleum and Saint Basil's Cathedral. Moscow has come to represent the Soviet Union in our eyes, with overtones of vague and sinister intrigue. Here is the seat of the Soviet government, an apparatus which rules over the largest single politically united landmass in the world, and over millions of Russians, Ukrainians, Mongolians, Georgians, Jews, and members of the other nationality groups of the U.S.S.R. Within the surrounding walls of the Kremlin meet the men who determine the fate of millions of citizens of the Eastern bloc.

Moscow is a drab city, with none of the color of Washington or London. Russian buildings tend to be massive, colorless, structures which bear down sternly over the streets. There is a peculiar smell about Moscow, a dank, musty smell, the odor to kvas (a slightly alcoholic concoction which tastes of black bread) and of the open market. The thoroughfares are wide, but the side streets are crowded with shoppers and pedestrians.

One sees banners out now, proclaiming the glories of Lenin and of the newest Five Year Plan, which sets production goals every five years. Yet the ordinary Muscovite seems unaware of the slogans as he hurries to the subway, stopping only for the inexpensive but delicious ice cream that Russians purchase from street vendors.

In the midst of Moscow, sits the Kremlin, which is a fortress with a two kilometer perimeter. Within the wall of the Kremlin are the Lenin Mausoleum, where one may see an extremely waxen-faced embalmed Lenin, the Kremlin museum, the Palace of the Supreme Soviet (which houses the rubber stamp Russian parliament), and Red Square. The Kremlin is majestic, with its towers and battlements, its jewels and the imposing black sedans which occasionally speed into the government buildings.

In one corner lies St. Basil's Cathedral, a characteristically Russian structure topped with colorful minarets. Just outside the Kremlin is the Gum Department store, the largest of its type in the world. The GUM has an impressive exterior, but the store itself is simply made up of scores of individual kiosks selling different wares. The jostling crowds and the pungent smells are reminiscent of an oriental bazar, and it is difficult to remember that just outside lie Red Square and the cold facade of Moscow.

There are three synagogues in Moscow, the largest one situated near Dzerzhinsky Square, only one subway stop from the Kremlin, and only a few blocks from No. 2 Dzerzhinskaya, the headquarters of the notorious KGB.

On our Saturday morning in Moscow we attended services there. As we entered, we were greeted by a functionary of the synagogue (probably an informer to the authorities) who herded us into a dock reserved for guests. There I sat under his watchful eye, until the opportunity for me to "disappear" presented itself. I joined a middle aged man in one corner and proceeded to talk to him.

His name was S———, and he was an engineer in Moscow. Although he was fluent only in Russian and Yiddish, I managed to communicate with him in German. S——— was a fairly religious man, but he told me that, contrary to official Soviet assurances, it was impossible for him to receive kosher meat. He confided that Russian salaries were extremely low, even, for engineers, sometimes only a few hundred rubles a month for a college graduate.

S——— expressed amazement at the size of American salaries and at the type of clothing that is available in the U.S. As to Soviet anti-semitism, he shrugged meaningfully. That was a question that did not need to be asked: its answer was etched in the face of every Jew in the congregation.

The service was drawn out, purposely, for only in these few hours could the congregants be Jews. Even within the synagogue there was fear, and when, at one point, two curious Soviet soldiers entered the sanctuary, I could hear my own heart skip a beat.

As noon drew upon us, the old Jews silently arose and wrapped their religious articles in copies of Pravda ("That is the only thing it is good for, one said to me.) As we slowly filed out, stopping only briefly outside to talk, we saw these men, now looking as Russian as any Muscovite, hurrying along down the street, daring to tarry no longer.

It makes one appreciate freedom for what it is.

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[From the Elizabeth (N.J.) Daily Journal, Sept. 11, 1970]

RUSSIANS FRIENDLY TO MOSCOW VISITORS

(By Michael Chertoff)

It has been quite a few weeks since Leningrad, Riga, and Moscow, and I have now had time to collect my impressions and form my conclusions. Although I have had to correct more than a few misconceptions about Soviet life and the Soviet people, I find that my brief visit to the USSR has confirmed, if anything, most of what I have read or heard about Russia in the past few years.

Many aspects of Russian life are pleasant, even more so than in America; other, more fundamental ones, are less agreeable. It was, perhaps, the encounters with the less agreeable experiences, that made me appreciate little things, like a Visit to the U.S. Embassy in Moscow, or even a book with English letters in the American library. When one is alone, little bits of home are very meaningful.

Throughout my visit, I found the Russian people to be among the friendliest on earth. In view of the animosity which some Americans hold for the Soviets, it was amazing to see the warmth with which we were treated. A Muscovite is more than willing to help you with directions, while the gift of a piece of fruit to a maid, may insure you her benevolence throughout your stay.

This is especially important, because Russian maids feel no inhibitions about searching through one's luggage. Even the secret policeman who followed us in Leningrad appeared quite easygoing when a few of us went over to strike up a conversation. Throughout our travels we were always approached by curious Russians and we never found any hostility.

This was not always the case when we dealt with government organizations. While Intourist is extremely cooperative, and the guides do everything to make your stay comfortable, it is not uncommon to have luggage tampered with, items confiscated, or to receive bothersome and sometimes frightening telephone calls. One learns not to speak freely except when in the middle of the street.

The atmosphere in Russia can be oppressive, especially when one is constantly meeting Jews, and the authorities never let you forget, either by harassment or by unnecessary bureaucratication, who is in control.

Because 1970 is the 100th anniversary of Lenin's birth, it was not difficult to come away with the impression that Lenin is the god to the Communist "religion." Vladimir Illyich Lenin is sanctified throughout the USSR. In every city he has monuments and posters, while pins bearing his image circulate freely. The lines to the Lenin Mausoleum are literally miles long, and it is interesting to note that the guards demand a certain amount of propriety in dress, in much

the same manner as some churches or synagogues.

It is difficult to comprehend the extent of the process of deification; there are even portraits of Lenin as an infant, as if to establish a divine birth. There is no wonder that religion is frowned upon by the Kremlin, for the Soviet theorists are creating a new form of worship, and they demand that it receive complete dedication.

During the course of the visit, we met and talked to many Jews, most old, and a few young. Life is difficult for Soviet Jews, and we received word that recent Soviet charges about 15 Jews who attempted to hijack a plane in Leningrad, were little more than an excuse for the anti-semitic party leader of Leningrad to instigate a search of many Jewish homes in the area.

Other Jews informed us that many who had expressed an open desire to go to Israel were suffering because of it. Nevertheless, the overwhelming consensus was that the fight against Soviet treatment of the Jews should continue, and that protests in world capitals helped alleviate the situation.

The last impression I received of Russia was in Bucharest, Rumania. We were talking with two Rumanian students, when one paused and said: "Do you know why we are talking to you? Because we hope that when you are leaders of your country you will come back and defeat the Russians."

This is the message I bring back. I do not presume to pass judgment on his words, but when a Rumanian expresses his disappointment with the U.S. handling of the 1968 Czechoslovakia crisis and he asks for help in liberating his country, I find that I must ask whether we are playing the role of Neville Chamberlain at a new Munich.

## FAMILY PLANNING AND THE POOR

Mr. TYDINGS. Mr. President, when the House passed H.R. 19318, my bill to greatly expand the delivery of family planning services to all who desire them regardless of their ability to pay, it recognized the fundamental human right of women to plan their families. This right is currently denied to millions of women, particularly in the low-income bracket. Warren Hern has written a most instructive article in the November 14 edition of the New Republic entitled "Family Planning and the Poor." 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:

IT DOESN'T COME CHEAP: FAMILY PLANNING AND THE POOR

(By Warren M. Hern) *

In the September 19th *New Republic*, TRB quoted some figures from Joseph Kershaw's new book, *Government Against Poverty*, which were misleading and which touch on one of the most controversial issues in social science and government. The figures quoted were estimates of the total current need for and projected costs of providing family planning services for the poor. Mr. Kershaw states that it would cost about $20 per woman per year for family planning advice and devices, or about $100 million dollars per year for five million women in the childbearing age range. The cost figures are based on earlier projections which now appear to be seriously underestimated.

In addition, TRB quotes Mr. Kershaw as saying that about 450,000 children born each year are unwanted at the time of conception. The portion quoted by TRB does not make it clear whether this figure is for the poor or for the nation, although a subsequent passage not cited indicates that the number refers only to the poor.

The number of unwanted births and the number of women needing subsidized family planning services has been a matter of hot debate in the scientific community for years. In 1969, demographer Charles Westoff estimated that there were from 800,000 to over one million unwanted births in the United States, half of which were experienced by the poor and near-poor. This is consistent with earlier estimates by Arthur Campbell, which are summarized in articles published in the *Journal of Marriage and the Family* (May 1968) and *Family Planning Perspectives* (October 1969).

The September 18, 1970 issue of *Science* carried an article by Larry Bumpass and Charles Westoff which presents evidence that the previously accepted estimates of the proportion of unwanted births derived from the 1965 National Fertility Survey are too low. The authors have selected a subsample from the NFS, which covered a probability sample of 5600 married women, and analyzed the results by income, education, and poverty classification. They conclude that there is an inverse relationship between these factors and the percentage of unwanted births; the poor and near-poor experience unwanted fertility twice as much as other groups with more education and income. Their analysis was based on a sample of married women living with their husbands, and therefore births to women not living with their husbands and most illegitimate births are not represented. Also, the incidence and birth-order distribution of unwanted births were assumed to be the same for such births as for births reported by wives now living with their husbands. This would result in further underestimation.

The results of the Bumpass and Westoff analysis strongly suggest that the number of births not wanted by one or both parents is considerably higher than previous estimates, particularly among the poor, although it is difficult to say with certainty how much this is.

The effects of unwantedness on the children, however, regardless of socioeconomic class, are becoming more and more clear. This tragic picture is described vividly in *The Battered Child* (University of Chicago Press, 1969), and by Mildred Beck in the August 1970 issue of *Seminars in Psychiatry*.

In addition to the large number of unwanted births which occur, one-fourth to one-fifth of all pregnant American women each year seek an abortion rather than continue with an unwanted pregnancy. An estimated one million abortions are performed each year in the US, and until 1969, only about 10,000 were performed legally. Many of the rest were probably performed by competent physicians, but an unknown though certainly large number were performed under the worst possible hygienic conditions by persons who were either unskilled or unscrupulous or both. Most of the abortions falling into this category were experienced by the poor because they lacked the necessary $500–$1000 for a safe, "legal" abortion obtained with relative ease by the more affluent.

Anyone who has worked in the emergency room of a city hospital can also tell you of the women who have mutilated themselves with knitting needles and coathangers out of desperation. These women, usually mothers of several children, enter the hospital in a critically ill condition with fever, massive infection, hemorrhage, and multiple complications. If they survive, their hospital stays are often long, expensive, and disruptive of their family lives. However, according to estimates, from 800 to 5000 of these women die each year.

Those who speak of "genocide" should attend the autopsies of those who die. Their deaths are thought to account for over half of all maternal mortality (deaths directly related to pregnancy and childbirth) in the United States. A disproportionate number of the women who die are Puerto Rican, black, Mexican-American, or members of some disadvantaged group.

Women who die from unsafe clandestine abortions would not have died if they had had access to safe, competently performed abortions, or better yet, if they had been able to prevent the unwanted pregnancy. Yet millions of American women are still without adequate or reliable means of contraception. The exact number is impossible to ascertain with existing data, but since 1966, the most reliable estimates have ranged from 4.6 to 5.3 million women in need of subsidized family planning services.

Basically, two methods have been used to make these estimates, and they are quite similar in substance. Campbell's estimate of 4.6 million women "in need" was prepared in 1967 as part of a planning document for the Department of Health, Education, and Welfare. The other well-known method is Dryfoos-Polgar-Varky (DPV) formula developed at the Planned Parenthood/World Population's Center for Family Planning Program Development in New York.

Both methods are based on the Social Security Administration definition of poverty as being an annual income of $3000–3200 or less for a nonfarm family of four, recognizing a) rural-urban differences, b) rising income levels and inflation from the time of the 1960 census results to the time of the surveys in 1967–68, and c) the inclusion of elderly retired persons who were below the poverty line but obviously no longer in the reproductive ages.

Using other survey information, the estimated numbers of women who are sterile, pregnant, or seeking a desired pregnancy are subtracted from the number of women in the childbearing age range who are below the "poverty line." Both methods assume a desired family size of three children, another figure established through repeated previous surveys.

In 1968, OEO sponsored a county-by-county study by the Center for Family Planning Program Development to determine the number of poor women being provided with subsidized family planning services. The Center found that 5.3 million women were "in need," according to the definitions used, and of these, some 773,000 were being provided with services. The providers of services range from local health departments, Planned Parenthood clinics, OEO Community Action Agencies, city hospitals, Children's Bureau services, university medical centers, to OEO Neighborhood Health Centers.

The OEO 1968 study is not entirely accurate in some ways, but the principal purpose is to provide a rough estimate of the level of services needed. The study contains the following possible sources of inaccuracy:

About 10 percent of the women receiving services under OEO auspices are being seen by private physicians, especially in rural areas, and this mode of service delivery is not included in the study;

Not all the women categorized as being "in need" will actually use the services if they are provided because of religious beliefs and other cultural traditions;

Many couples are already using nonmedi-

* Warren M. Hern is a physician and epidemiologist who recently joined the national headquarters staff of the OEO family planning program. The views expressed here are his own.

cal types of contraception such as condoms and foam, although they may be doing so with low effectiveness: education programs might help them use their preferred methods more effectively;

The study is based on revised 1960 census data figures, whereas there has been an overall increase in population since then;

There is a large group of women who are classified as being above the "poverty line" who do not or cannot afford to use preventive services such as family planning due to the expense, and are therefore in need of subsidized medical care: inclusion of this group would perhaps double the number "in need";

The study excludes teenagers below the age of 18, even though many in this group are sexually active to some degree;

There is an exclusion of some areas such as Puerto Rico where there are large numbers of fertile, low-income women who want and need family planning services;

There is no allowance for subfecundity, or reduced reproductive capacity, even though subfecund women are at some risk and still need effective contraception; and

Some women counted in the study as currently being provided with services have been attending more than one clinic and therefore were counted twice or more.

The issues, however, are not how many unwanted children there are or how many women there are who need subsidized services. The issues are: what kind of care will each one of those women get and how much will it cost? Unfortunately, the $20 mentioned by Mr. Kershaw will not buy much in the way of "advice and devices." The contraceptive materials themselves are quite inexpensive, but making these available in the context of high quality medical care and appropriate social services is a rather more costly enterprise. There is considerably more involved in the provision of family planning services than passing out pills or inserting intrauterine devices.

This is particularly true in the case of oral contraceptives. Women requesting this form of contraception must be carefully screened for any medical history or physical findings which would make "the pill" undesirable or dangerous for them. Those who are provided with oral contraceptives or an intrauterine device (IUD) must be carefully followed for evidence of untoward reactions, and the patient must be instructed to watch for the symptoms of these reactions.

Cost consciousness is considered important in the development of OEO family planning programs, but the first consideration has been and must continue to be a high standard of quality in both the clinical and social services which are provided. Emphasis is given to personal attention and individualized care for each patient.

Every patient, for example, receives a careful pelvic examination and Papanicolau test for the detection of cancer of the cervix. It is also expected that she receive a thorough breast exam for masses or tumors as well as a general physical exam. Depending on the patient and the type of contraception she has chosen, she is seen at regularly scheduled intervals for repeat examination and follow-up care as needed. Clinic aides and outreach workers make home visits to patients who repeatedly miss appointments, often finding that a little assistance in baby-sitting or travel reimbursement makes the difference.

No subject is more sensitive among health needs than that of reproduction and contraception, and there is no substitute for one-to-one personal contact. This means that outreach and education, while important components of good community health care in general, are particularly important in family planning programs. Outreach and community education workers are recruited from the poor themselves. They are people who know the community, speak its language, and move with confidence and rapport among its members. The outreach workers are the most important link in letting people know what services are available and how they can be used.

Ignorance of basic reproductive and contraceptive facts knows no class or ethnic boundary, and the poor are penalized even more than others by their lack of information about these matters. Education at the individual and group level takes on great significance, particularly when a woman chooses a coitus-dependent method of contraception such as rhythm or the diaphragm. She should understand at least some elementary ideas about reproductive physiology if she is to use these methods with any success.

High quality family planning services also require the availability of infertility counseling and referral for couples who are unable to have children, referral for comprehensive health care, day-care and babysitting services, and many other activities which may be broadly defined as social services.

In addition to these basic expenses for patient care, there are other essential costs, which include staff training, especially for the poor themselves, who may then work their way up from paraprofessional jobs such as clinic aides to supervisors and clinic directors.

With all these components, OEO family planning program costs are thought to be currently running from $40 to $100 per active patient per year, with most projects in the $60–80 range. A comprehensive program management survey in progress at this time indicates that many new programs may be well over $100 per patient per year initially, but these figures are tentative.

The variation is the result of important differences in the range of services provided, the local salary scales for clinic personnel, location, administrative arrangements, and the extent of outreach and educational programs. Rural programs, for example, entail far more in transportation expenses and time spent per patient contact and visit than similar urban programs. Women who are in an urban hospital recuperating from childbirth may be contacted and offered contraceptive care during the immediate postpartum period at a much lower cost than women living in the remote districts of Appalachia.

In OEO's National Five Year Plan for Family Planning, for example, the per patient cost per year for a hospital post-partum program is estimated at a little over $40. Private physician programs, which will be very important in providing services in rural areas with few clinics or public health facilities, are pegged at $80 per patient per year. Clinics operated by county health departments, OEO Community Action Agencies, and Planned Parenthood services fall somewhere in between at about $60. A conservative median estimate of $60 per patient per year, however, does not allow for regional and central administrative costs for such federally-sponsored programs as OEO and HEW, nor does it include the costs of research and evaluation.

The Five Year Plan, which is an attempt to sort out and project the various costs of clinical services, supplies, manpower training, administration, and other items such as research and evaluation, estimates that $1.3 billion will be needed over that period to develop programs for providing those five million women with family planning services. This assumes a combination of government and private efforts.

The final costs, when all is accounted for, will probably be somewhere in the neighborhood of $100 per patient per year, not $20, as Mr. Kershaw tells us. The difference between $20 and $100, in this case, is the difference between dispensing "advice and devices" to five million women and providing high quality family services for each woman who wants and needs them.

## FIFTY-EIGHT UNIVERSITY OF UTAH MEDICAL STUDENTS DESERVE HIGH TRIBUTE AND CONGRATULATIONS

Mr. BENNETT. Mr. President, last summer 17 medical students at the University of Utah wrote a letter stating that if called to serve as physicians in the U.S. military they would refuse. While they are within their rights to make such a statement, I question both the wisdom of such a position and the foresight which causes them to state it. As is generally the case in America, these 17 received a great deal of publicity because they did something that was considered different and sensational.

I was most pleased, therefore, when I received in the mail a few days ago a letter signed by 58 medical students at the University of Utah expressing their support for the U.S. Constitution and the American Government. I ask unanimous consent that the letter and the signatures be placed in the RECORD following my comments. To these fine young Americans who have dedicated their lives to one of the great professions known to man I offer my sincere respect and best wishes. I hope the time will never come when they will have to serve in war. I hope the time will soon be behind us when Americans boys will have to die in defense of freedom. However, Mr. President, while hope springs eternal the ugly face of war has never been purged from the earth and we enjoy relative peace and freedom in the Nation because good men have been willing to defend it. I was touched by these sentences in the letter:

If called, we shall serve, we shall fight, and we shall use the medical knowledge we possess to support our country and its fighting men. In conclusion, we reaffirm our love of this great country and our personal pride in being privileged to call ourselves American physicians.

I salute these fine Americans and I am proud to say they came from Utah.

I ask unanimous consent that the letter and attachments be printed in the RECORD.

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

SALT LAKE CITY, UTAH.

President RICHARD M. NIXON,
*The White House,*
*Washington, D.C.*

DEAR PRESIDENT NIXON: As future members of the medical profession, we feel that the time has come for us to stand and be counted with other loyal Americans. Although we respect their right to freedom of opinion, we are saddened by the recent stand taken by 17 of our classmates and their refusal to serve in the Armed Forces of the United States as physicians. (Copy of news clipping is enclosed.)

We, as potential physicians, disagree with war as a means of solving the differences of people, and although some of us do not personally support the present policy in Southeast Asia, we do wish to declare publicly that we support the Constitution and Government of the United States. If called, we shall serve, we shall fight, and we shall

use the medical knowledge we possess to support our country and its fighting men.

In conclusion, we reaffirm our love of this great country and our personal pride in being privileged to call ourselves American physicians.

Sincerely,

J. ROBERT RHODES,
ARTHUR D. DUFF.

SIGNATORIES TO LETTER

Black, Frederick J., Duff, Arthur Denning, Duke, Dean W., Farnsworth, Kent W., Jones, Spencer B., Nielsen, Robert Orvill, Rhodes, Jerry R., Rigby, David B., Robinson, Byron N., Turpin, Ivan Marlow, Young, Gerald L., Allen, D. Edward, Allred, Gerald L., Christensen, Daniel D., Feldman, Mark L., Hawkes, John R., Herold, W. Leroy (Roy), Johnson, Kenneth, Kammeyer, Steven E., and Lambert, Richard G.

Limburg, David G., Maughan, Willard Z., Mumford, James G. Skidmore, Thomas C., Taylor, Bruce T., Crandall, Alan S., Jackson, Terrance L., Matheson, Robert T., Miller, James R., Ackroyd, Alan W., Bateman, Kim A., Beck, Stephen A., Booth, Jeffrey, Bradley, R. Ralph, Brown, Bryant J., Burt, Randall W., Corry, Robert D., Dixon, Durrell R., Gibb, Randall B., and Hatch, Richard.

Hawkes, Thomas, Horsley, William W., Hughes, Dennis C., Isakson, Larry H., Johns, Michael C., Johnson, George B., Jones, Robert D., Kolff, Therus, Larkin, Dixon F., Madsen, Daniel B., Miner, Joseph, Parker, Edward W., Jr., Petty, Scott S., Pollary, Rodney, Rawlings, David J., Rowley, Steven, Wayment, Keith M., and Wilkinson, Craig W.

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UNIVERSITY STUDENTS WRITE NIXON REFUSING DUTY IN ASIA

Seventeen students from the University of Utah College of Medicine have sent a letter to President Nixon protesting the United State's involvement in Southeast Asia and refusing to serve as physicians in the armed forces there.

The letter, in part, read: "As students of the healing arts, we recognize our basic commitment in the maintenance of the well-being of our fellow men. In further affirming our commitment to the ideals of our profession, we feel compelled to express our despair at the incredible human suffering in Southeast Asia. With these considerations of our basic responsibilities, we cannot in conscience aid or abet the military effort of this nation in Indochina.

"Therefore," the letter continued, "in order to effect an end to this senseless suffering, we feel that we have no recourse but to refuse to serve as physicians in the United States armed forces in Southeast Asia."

The letter was signed by Jeff Porter, Mark Rindflesh, Richard Ripple, Ronald Ross, Gary Hanser, L. S. Chapman, Dave Sowada, Steven S. Harris, Allen S. Crandall, Robert Barnes, Steve Olsen, S. Hobson, Barr Taylor, Curt Canning, Dean W. Morgan, Stephen W. Hales and Paul E. Russell.

Carbon copies of the letter, dated May 19, were sent to Utah Senators Wallace F. Bennett and Frank E. Moss, Utah representatives Laurence J. Burton and Sherman P. Lloyd, Gov. Calvin L. Rampton, University President James F. Fletcher and local news media.

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## THE 1970 PLATFORM OF THE YOUNG DEMOCRATIC CLUBS OF MARYLAND

Mr. TYDINGS. Mr. President, at their 1970 convention in Ocean City, Md., the Young Democrats of Maryland formulated their platform. They dealt most extensively with a great variety of issues, including foreign policy, drugs, consumer protection, health, ecology, education, law students, housing, transportation, election reform, campus unrest, party reform, and public safety. I commend the members of the platform committee for their excellent job and I ask unanimous consent that the 1970 platform of the Young Democratic Clubs of Maryland be printed in the RECORD.

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

THE 1970 PLATFORM OF THE YOUNG DEMOCRATIC CLUBS OF MARYLAND

Especially in this election year, the young Democrats of Maryland realize the critical need for our country through its elected public officials to change the priorities established by the Republican administration in Washington. National defense is important but the highest budget priority of Congress must be towards solving the critical domestic needs of our citizens which threatens the fiber of our country. It is wrong for the President and the Congress to concentrate large sums of tax money on Pentagon oriented programs when the Federal Government has not properly funded urgent domestic programs. Although we do not completely agree with each and every program established by Governor Mandel, we realize the great progress the Democratic leadership of Maryland has made towards bringing our society closer to solving the problems of proper medical attention, food, housing, education, jobs and social acceptance for all the citizens of Maryland. In this spirit, we the Young Democratic Clubs of Maryland in our 1970 convention assembled state the following as our platform:

FOREIGN POLICY

The Nixon administration's fumbling foreign policy has caused the Congress to reassume a major role in international affairs. We feel this move is long overdue, and we congratulate both Senators Tydings and Mathias for their roles in it.

The Young Democrats express deeply regret that the Congress did not act favorably on the original Church-Cooper Amendment. We reiterate our strong support of the Hatfield-McGovern amendment and find it incredible that the President will set a deadline for withdrawal from Cambodia, yet say it is impractical to do so for the rest of Southeast Asia. We again call for immediate withdrawal of all U.S. Forces from that part of the world, and join to it a call for immediate withdrawal of the Republicans from the White House.

U.S. policy in the Middle East must be oriented toward the peoples and philosophy of that area rather than our country's interests in Arab oil. The United States must pursue a course of international cooperation to press the Arab countries to sit and negotiate directly with Israel. This must be done at the ambassadorial level, with Arab recognition of Israel as an independent state as the first step.

The balance of power in the Mid-East has been shifted because of Soviet intervention in support of the Arab governments. The United States should immediately sell to Israel necessary planes and defense equipment for Israel to defend itself.

The United States should insist on the removal of the anti ballistic missile installations installed by Russia in Egypt in violation of the mutual cease fire.

The Young Democrats recognize the difference between the acts of legitimate governments and the terrorism of Arab guerrilas. To promote a peaceful settlement of Middle Eastern affairs, we feel the State Department should assist these legitimate governments, if requested, to combat insurrection; however, any such assistance should not be in the form of American soldiers.

We agree with the administration's move to supply guards for flights which may be hi-jacked. We feel, however, that no statement like that made by Mr. McCloskey as to preferential treatment of some prisoners over others should ever be considered by the State Department again.

We are concerned that American foreign aid dollars are not reaching the people of the countries to be assisted. U.S. dollars were not meant to line the pockets of corrupt foreign officials and to feed administrative bureaucracies. If funds are designated for food and health programs, then by actually sending the food and medical supplies instead of dollars, we have a better chance of reaching the people.

Congress must take steps to insure that the Pentagon's role in making foreign policy is a limited one. We insist there must be no more surprises of overspending or troop extensions revealed to the President or the Congress. The Pentagon power can be curbed only if Congress acts, and we urge Maryland's Congressional delegation to re-examine these roles.

We reaffirm our adamant stand against the A.B.M. as a blatant waste of monetary resources at a time when the Nixon administration makes phony excuses for cutting funds for education, health, and welfare. The supersonic transport planes amplifies misguided priorities.

DRUGS

As young people, we more than anyone else feel the impact of the drug crisis. We agree with and congratulate Governor Mandel for his realistic approach to the problems of addiction and drug peddling. We are proud of Maryland's general assembly for the Model Drug Act which it added to last year's Drug Abuse Authority. Yet we feel still more realism is needed.

We urge the governor and members of the legislature to supply the necessary funds to properly fund drug abuse clinics throughout our state.

We urge the state board of education to institute extensive education programs in our public schools on the danger of drug abuse.

We urge the state to take an active role in promoting supervised methadone programs for the hard core drug addicts.

CONSUMER PROTECTION

Though we commend the consumer protection division of the attorney general's office for its efforts in this area we feel that it is necessary to follow the precedent of the U.S. Congress and we do therefore, advocate the establishment of an independent state agency on consumer and management affairs. We recommend that this agency be empowered with normal administrative agency function including the power to hold hearings, issue injunctions, and pass orders allowing relief to those who suffer physical or monetary injury.

Jurisdiction of the agency should include fraudulent advertising and warranties as well as product safety and product safety standards.

We consider the Nixon administration's designation of one White House staff member to protect the American consumer another example of misguided priorities.

HEALTH

We urge the federal government to enact a comprehensive health insurance program similar to the Kennedy proposal but without the establishment of another expensive bureaucracy.

The Young Democrats believe that abortion should be exclusively a medical matter between physician and patient because the poor cannot avail themselves under our present system of abortions, we urge the establishment of hospital clinics to perform abortions.

Malnutrition and hunger cannot be tol-

erated in our land of plenty. We feel that programs such as free lunches in schools should be expanded and properly funded to combat these problems.

With over-population threatening the existence of future generations in this world, the United States must take the initiative in our own country and abroad to advocate planned parenthood and birth control.

Maryland and the United States have still not properly funded programs for the mentally ill. Much more must be done to provide funds to have adequately staffed facilities to care for these citizens.

Although the Maryland Legislature enacted several years ago a law declaring that alcoholics are sick individuals rather than criminals, little has been done to fund detoxification and treatment centers as required by the law. We urge our State government to immediately fund this program.

ECOLOGY

It is our belief that it is a fundamental right of the people of the State of Maryland to live in a healthy and pleasant environment and to benefit from the proper development and use of its natural resources. We further recognize that as the population of our State continues to grow the need to provide for increasing industrial, agricultural, residential, social, economical, and other needs will be an increasing responsibility on all segments of our society. The society will have to plan, restore, coordinate, and regulate the utilization of our natural resources in a manner that will protect and conserve our air, water, and the natural beauty of our State.

In recognition of our belief we do advocate a single State agency with the authority to manage and develop our air and water resources in an orderly and efficient manner and to carry out a coordinated program of pollution control involving these related land resources.

This Department should undertake the coordination in an integrated manner of the various water, air, and solid waste disposal programs and such other environmental regulation, management, protection, and development programs as may be deemed necessary.

This Department would work in conjunction with the State taxing agency to set up tax incentive programs to encourage businesses to purchase pollution control devices without a monetary loss by taking advantage of tax rebates.

We call upon the secretary of natural resources to communicate to the public his Department's efforts to combat pollution and to exhibit his Department's responsiveness to the public need in this area. We stress the urgent need for strict enforcement of our present anti-pollution laws, and call for an increase in the personnel of the marine inspectors office.

We deplore the dumping of nerve gas off the continental shelf by the Federal Government. We condemn any further development of any chemical and biological made for the purpose of war. The Federal installations and personnel which will no longer be necessary for this purpose should be employed to solve domestic problems such as health care.

EDUCATION

The educational system is one institution which affects the life of each American every day. If all levels of Government are to be responsive to the needs of the people, education must receive prime consideration.

We commend WMPB television in Maryland and other educational television stations throughout the nation for providing instruction of all types on all levels to the general public.

We applaud the U.S. Congress for passing this year's Health, Education, and Welfare budget over the President's veto, and sincerely hope that this has increased Mr. Nixon's awareness of the real need which states have for these funds.

Equal educational opportunities for all children within our state must be a major concern of the state legislature. We support the busing of students between school districts as a legitimate temporary method of promoting equal educational opportunities. However, busing must not be substituted for long range measures which will equalize education within school districts. We urge our legislature to increase efforts to solve the problems of rural and urban poverty as a first step toward a truly equalized system of education.

Total equalization of education cannot become a reality until the State of Maryland assumes complete financial responsibility for all public schools. We acknowledge that county control over curriculum should be maintained. This state system should include enough vocational training schools that any student in the state can attend one of these schools instead of a regular high school.

We believe that most students will benefit from sex education, and we support the Board of Education's program in this regard. However, we urge the State Board of Education to revise the materials approval curriculum development procedure so that it does not curtail the academic freedom on the teacher to use his professional judgment in choosing materials and developing a curriculum of sex education.

To aid our State colleges in better achieving a level of quality education, we recommend:

(1) That the funds now used for legislative scholarships be placed in the hands of university officials who are better equipped to grant scholarships on the basis of merit.

(2) That a student be added to the Board of Regents as a voting member to establish a direct channel of communication between the students and the board.

LAW STUDENTS

The young Democrats urge the Maryland Court of Appeals, the Maryland Legislature and Governor Mandel to do all within their power to change the necessary laws and procedural rules so that qualified senior law students in Maryland law schools can practice law under proper supervision in Maryland criminal and civil courts. Such laws are in effect in many other jurisdictions, and we feel Maryland should not be left behind in extending the possibility of qualified law student representation to those in need of it. Such a plan has met the approval of the Maryland Bar Association and the Student Bar Association of the University of Maryland School of Law.

HOUSING

Housing, a human ecology dilemma, is now considered by many to be not a privilege, but a right of the American citizen in this age of affluence.

We support H.B. 1090, the Maryland Housing and Community Development Act. This act is not a panacea, but will aid non-profit housing groups working in the private area to help solve the housing crisis.

We call for the establishment of national, State and regional land use policies flexible enough to allow for future developments but firm enough to disallow projects that will harm our environment. We support Senator Jackson's bill in the United States Senate which calls for national land use inventory and policy.

We suggest all subdivisions within the State have a uniform building code. This would aid the design and construction process and could conceivably reduce costs in some areas where present codes are overly restrictive.

All zoning decisions should be taken out of the hands of politicians and administered by civil service personnel selected by rigid listing and performance standards.

A State housing code should be established for both new and existing housing using standards requiring all housing to meet criteria for safety, health and area per resident. These standards should be strictly enforced throughout the State immediately by local subdivisions. Local building inspection departments should have adequate manpower and budget to inspect for building violations in existing housing coupled with strict and quick prosecution of offending building owners.

We demand the penalties for block-busting and other real estate malpractices be increased to a minimum of suspension of license for six months. This includes all realtors who engage in the quiet form of segregation by not showing houses for sale in areas to certain individuals because of race or religion. Alleged violations should be heard quickly and prosecuted fully. We do not believe that the real estate industry can objectively police themselves and that special task forces should be established in States attorney's office throughout the state to investigate complaints.

SOCIAL SERVICES

It has become apparent that our present welfare system is grossly inadequate and needs a complete revision. The Young Democrats realize that there are certain hard core unemployable for whom the Government must be totally responsible. For individuals who do not fall in this category, we urge an income supplement program. The entire cost of welfare benefits should be financed by the Federal Government.

Legal services are in many cases as important as medical services. We support a well supervised and coordinated judicial program.

Maryland has done much in the area of licensed and supervised day care centers. However, much more must be done to allow mothers that work a safe and educationally conducive place to leave their children.

STATE CONSTITUTION

We support the amendment to our State constitution that will appear on the November ballot which carry forth judicial reform by establishing a state-wide uniform district court system and removing the political practice that circuit court and appellate judges must run for office, legislative reform by freezing the present size of our State legislature, increasing the length of the general assembly session and giving that body greater flexibility in carrying out its responsibility, and executive reform by establishing the office of lieutenant governor and providing the governor more powers in executive reorganization. We support the constitutional amendment providing for simplification of local election for charter form of government.

TRANSPORTATION

We congratulate the State legislature for creating one consolidated department for transportation. The Young Democrats urge State and local governments to move rapidly toward a coordinated mass transit system (including rails) for the Metropolitan Baltimore and Washington areas. To accomplish this goal, we urge the Federal Government to free Federal transportation funds dedicated to roads to be used by local governments for any needed media or mass transportation.

We urge the passage of annual mandatory inspection of all motor vehicles for traffic safety.

We urge the Federal Government to require automobile manufacturers to develop and exclusively sell pollution-free automobiles by 1975.

ELECTION REFORM

We urge abolition of the electoral college in favor of the popular election of candidates for President and Vice President of the United States.

We urge the State legislature to lower the voting age to 18 years of age to conform with the action taken by the Congress.

We also urge the enactment of legislation which would require complete public disclosure of campaign funds and specifically urge the U.S. Congress to require reporting of receipts and expenditures in primary as well as general elections.

We urge legislation which will require all public officials to disclose financial interest which may cause any conflict of interest with his or her public responsibility.

We believe that the State constitutional amendment eliminating residency requirements for eligibility to vote for President and Vice President of the United States should be enacted by the voters this November.

Present campaign costs to run for public office must be investigated to develop a cooperative effort with representatives from the mass medium to allow every candidate an equal opportunity to present himself and his program to the electorate.

HUMAN RIGHTS AND PERSONAL LIBERTIES

As young Democrats, we believe that individual dignity must be maintained above all else. We applaud the work of the A.C.L.U. and call for certain changes in the law which must be made to allow each man and woman to be free to live his own life.

We feel that President Nixon's appointments to the Supreme Court are a deliberate attempt to reverse the civil liberation direction of that institution. We find this attempt one of the most repulsive aspects of his administration, and we congratulate Senators Tydings and Mathias for their participation in blocking the nominations of Carswell and Haynsworth to the Court.

We disagree with the preventive detention and no knock provisions of the D.C. crime bill.

We feel that the women's liberation movement has made both the public and our elected officials aware of the latent and the more obvious discriminatory practices of our society. The movement's call for increased pay care centers equality in pay scales, and abortion reform merit our endorsement.

We urge that all sexual acts in private by consenting persons age 18 or over, except adultery, be beyond the scope of criminal law.

We urge the abolition of the Maryland State Board of Motion Picture censor.

YOUNG DEMOCRATS

As one of the most active state organizations in the Young Democrats of America, we urge the Democratic National Committee to re-examine its attitude of ambivalence, if not hostility, toward the official youth Division of the Party.

We point to the relationship Maryland's Young Democrats have developed with its senior party as one of cooperation toward total involvement of the community.

We ask the Democratic National Committee to allow the Young Democrats, the policy participation, and their respect to spread the message that participation within the organized political structure can be effective.

THE CAMPUSES

Governor Mandel has presented a workable plan to deal with campus unrest. In its only major test at the University of Maryland, however, inept police conduct made the plan ineffective. This points out the need for a comprehensive training program for policemen, national guardsmen, and army reservists who are likely to be used in campus disturbances.

While we strongly condemn violent actions by demonstrating students, strong arm police tactics are just as deplorable. National guardsmen should not be used in disturbances until they are issued riot control equipment. Those called in to quell disturbances should not be allowed to carry loaded guns unless it becomes absolutely necessary. University and police officials should take every precaution to protect the rights of students who are not breaking the law. Minor legal violations which occur on campus should in the first instance come under the jurisdiction of campus authorities.

We endorse the joint statement on rights and freedoms of students of 1967.

PARTY REFORM

As the official youth division of Maryland's Democratic party, we feel a responsibility to present the ideal in party organization to the senior Democratic party.

We applaud and congratulate chairman Harry F. Hughes for opening a permanent headquarters which the young Democrats are privileged to share. We similarly are pleased with the establishment of the James Commission on Party Structure and constitutional reform and the inclusion of a young Democrat on that commission.

Apart from the problems which the same Commission is studying, we urge the senior party to exercise sufficient control over local Democratic clubs to require that none be intentionally segregated by reason of race.

We urge each local state central committee to accept at least one youth advisor chosen by the local young Democratic club.

We further ask that the age for running for party office—Democratic State Central Committee and delegate to the Democratic National Convention—be reduced to 18.

Most important, we reiterate strong dissatisfaction with the Democratic State Central committee's failure to take policy stands on current and pressing issues.

Lastly, we issue a warning to the leaders of our party and to its broad membership that the Democratic Party must take steps now to rechannel political power to party members, not bosses.

THE DRAFT

Although this year has seen drastic changes in the Selective Service System, we are not yet satisfied. We favor the institution of an all volunteer army as a part of a universal service concept. Under a universal proposal, all young men and women would be required to spend two years in the military, the Peace Corps, the Teacher Corps, VISTA, or some other acceptable form of service. The obligation must be completed by age 35.

PUBLIC SAFETY

We urge that the State legislature follow the ruling of the Federal court and require a uniform age for juvenile jurisdiction in this State. We feel that the age for juvenile jurisdiction should be 16 years—not 18 years as now exists throughout the State except Baltimore City. Youthful offenders between the ages of 16 to 21 should be tried in our criminal courts but if convicted at the option of the judge sent to special rehabilitation institutes. These institutions should be adequately staffed with psychologists, phychiatrists, social workers and special education personnel. Also the adult penal institutions are inadequately providing proper rehabilitative services to the inmates. State use industries should play a more important role within the penal community to train inmates to assume positions in the labor market when returned to society which are in demand.

The Young Democrats support the type of work being done at Patuxent Institute to isolate the psychopathic criminal offender and provide special medical and social treatment in attempts to make these offenders returnable to society as a productive and responsible citizen.

All correctional institutes in our State should expand their problems in drug abuse.

PLATFORM COMMITTEE

Benjamin L. Cardin, Chairman; Allan H. Terl, ex-officio; Robert H. Frank, Vice-Chairman; Faye Hammond, Vice-Chairman; Wallace Kleid, Henry C. Mountain, and David Rudolph.

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## THE BICENTENNIAL—A PLACE FOR LABOR

Mr. WILLIAMS of New Jersey. Mr. President, as a Senator from one of the original 13 States, I look forward with great expectation to our bicentennial era and 200th year of freedom. This celebration, national in scope, and bipartisan, will instill a fresh spirit throughout our country, and among organizations of divergent views. The American Revolution Bicentennial Commission, of which David J. Mahoney is Chairman, already is hard at work on commemoration plans for the bicentennial, which the Congress initiated by law. Mr. President, the labor movement has played an enormous role in the formation of this country, and it is only fitting that labor occupies a major seat for the activities ahead. An excellent insight into the attitude of labor on the bicentennial era is demonstrated by Hunter P. Wharton, general president of the International Union of Operating Engineers, in his article entitled "The Bicentennial—A Place for Labor in 1976," appearing in the November 1970, issue of the International Operating Engineer. I ask unanimous consent that his article be printed in the RECORD.

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

THE BICENTENNIAL—A PLACE FOR LABOR IN 1976

(By Hunter P. Wharton)

We are nearing the end of the year and 1971 will see a stepped-up effort on the part of the nation to prepare to celebrate its founding, or rather the bicentennial of its founding in 1976. Five years is not too long in which to make the necessary plans and take the needed steps to insure that we will be ready to do what is right by the nation's birthday anniversary.

We should take a lesson from Canada which demonstrated dramatically and successfully how to run a national anniversary celebration. It held its famous EXPO '67 and a multitude of auxiliary celebrations in all parts of the nation in order that as many persons and groups as possible might have a part in celebrating Canada's century mark.

The United States is planning to have an appropriate commemoration in 1976 and we hope, we too, will not go all out on the strictly commercial show biz side of such activities. We hope that the nation will take the opportunity to rededicate itself to what it is, what it stands for and how it reached its present pinnacle of progress and success.

Much of the celebration will, of course, be centered in the East and the Northeast since much of our early beginnings originated in these parts. Washington, D.C., as the capital of the nation, should be at the apex of the celebration of the founding of the nation. While the capital city will not be the location of any elaborate exposition or world's fair, it certainly will and should have a leading place in the affair.

According to present plans the weekend

of July 2-4 will be the occasion for a convocation of governors of all the states, leaders of foreign nations, and all sorts of special distinguished foreign delegations to gather in Washington. There will be appropriate ceremonies here and then the groups will journey to Philadelphia where the Declaration of Independence was signed.

This Fourth of July weekend will be mixed with solemnity and gaiety in Philadelphia and the nation hopes that every community in the country will make special efforts to have its own celebration. These thousands of celebrations will likewise have an appropriate commemorative aspect as well as one of celebration in a somewhat less dignified and rarefied fashion.

We hope that the nation will have some sort of really first class exposition of our success and our progress. Philadelphia will be the site of the world's fair type of program. We hope that the fair will not be entirely of the highly commericalized type of displays. We are a nation of many achievements by many peoples and we hope the fair will take into account the deeper meanings of what we are and what we have become. We think that EXPO '67 did an outstanding job in planning and blending the serious, philosophical and historical with modern techniques of communication.

While Philadelphia and Washington may seem to be the chief centers for celebration, they will not be the only ones. The city of Boston should figure importantly in any planning because in this New England soil were planted the roots of early rebellion and these early revolutionary efforts must be accorded their rightful place in any commemorative program. If we know Boston, we are pretty certain that Bostonians and New Englanders will not let the country forget the role they played in the early days of the republic. And the roles will be marked by more than a reminder of Concord and Lexington.

Celebrations on a somewhat less spectacular, but nonetheless highly important scale will take place in Virginia in the state that calls itself "mother of Presidents." The role of Virginia and her patriots in those early fateful days was a great one and we are certain that the state will do its share to remind us of those early contributions. Williamsburg, the restored project which attracts hundreds of thousands yearly, as well as Richmond will have significant celebrations.

As we get away from the East and New England, the character of the bicentennial celebration will change. Each great center of settlement and population growth will each have its own way of making special note of its contribution to the building our 200-year-old republic. And at this point I would like to raise a real question: what plans are made (if any) for labor's role in helping to celebrate the bicentennial?

As we look over the plans, even in their formative state, we don't see any significant role being suggested for the achievements of labor in these 200 years or of the contributions of labor to the nation in the two centuries. There will be contributions recognized, of course, in many of the celebrations in sort of an indirect way, but we believe that we should have something more.

Labor has been a great foundation stone of the republic. The artisans and working people were the backbone of the American Revolution. They fought and died for the nation. They helped build the colonies and then the states. They settled the early colonies and then pushed westward to claim new land for the growing country. They subdued the forest. They built the railroads; they broke the sod and they fenced the range. They developed the agricultural and the great mineral resources. They opened up the manufacturing and bore the brunt of the work in the great days of industrial development.

The working people ultimately realized that they would have to unite and they did. The Cordwainers of Philadelphia were among the first, but the real organization of working people came much later—nearer we would say to the nation's first century. We could say without too much controversy that as the nation celebrates its bicentennial organized labor might well be celebrating its centennial.

But where is labor going to fit into the celebration? We would like to think that we would find our place as a recognized body rather than in the incidental role working people have played in all activities through the years. We look in vain, however. We see that in the Pacific Northwest there will be a celebration or exposition portraying man's fight to save his environment. We note that San Francisco will have a celebration which will focus attention on culture and the arts and that Denver, Colo., will have winter sports—Olympic winter games. We note that in Des Moines, there will be a food exposition on how the world produces and utilizes its resources for finding, growing and processing food. And Houston, Tex., will be the scene of a big space fair at the Manned Space Center. And Miami, Fla., will have appropriate trade activities with special reference to our relations with Latin American countries.

All of these are fine and dandy and we applaud them. And these are undoubtedly only the beginning. We haven't heard from Chicago, St. Louis, Los Angeles or some of the other big centers of activity and we are certain they will have some big time recognition of the bicentennial.

But what about labor? Should labor make an effort to participate in a recognizable way in all the celebrations and be a part therein? This we are certain labor will do. But what about some sort of celebration or commemoration of its own? Why shouldn't some effort be made to show the role of labor in the settlemen of the country, in the founding of the nation, in its expansion and development, in the growth and progress and in the many aspects in which it has made its influence felt in order to see that we have a greater facility for the pursuit of happiness for which our forefathers fought. Maybe some formal efforts should be made or suggestions be advanced in the proper place for the role of labor in '76. We certainly think so and would be glad to support any move in that direction.

## THE "DELTA QUEEN"

Mr. BAKER. Mr. President, on October 12 the Senate passed H.R. 6114, an act for the relief of E. M. Grade. The Senate amended the bill to include a provision that would exempt from certain safety-at-sea regulations the stern paddlewheeler *Delta Queen*.

The matter of the *Delta Queen* has been the subject of continuing controversy since the enactment of the pertinent safety legislation in 1966. Following the *Yarmouth Castle* disaster in 1966, Congress appropriately undertook an extensive review of existing legislation. Following the competent and progressive leadership of the distinguished Representative from Maryland, Mr. GARMATZ, the Congress enacted a comprehensive statute designed to prevent, insofar as possible, any repetition of such loss of life by fire at sea.

In accordance with the new statute and regulations issued pursuant thereto, deep-draught vessels carrying overnight passengers were prohibited from operation unless their superstructures were made of fireproof materials. Thus any such vessel with a wooden superstructure was prohibited from operation. This is a wholly commendable, reasonable, and necessary prohibition.

However, this prohibition was found to be applicable to the steamer *Delta Queen*, the last of the scores of stern paddlewheelers that once plied the great inland waterways of the United States. Based in Cincinnati, the *Delta Queen* has been operating along the great Ohio-Missouri-Mississippi system. She is the last remnant of a cherished part of our national heritage, and she represents the last opportunity for overnight travel in this dying tradition.

The original date specified for compliance with the safety statute was 1968, but a 2-year extension of that deadline was later granted by the Congress for the *Delta Queen*. That exemption expired on November 1 of this year, and the *Queen* has ceased operations as of that date.

Earlier this year, supporters of the *Delta Queen* offered an amendment to H.R. 12605, comprising amendments to the Merchant Marine Act of 1936. The amendment, which was reported by the Committee on Commerce of the Senate on April 7 and accepted by the Senate on April 9, would have granted to the *Delta Queen* a permanent exemption from the requirements of the statute with respect to wooden superstructures. Unfortunately, the provision was deleted in conference with Members of the House of Representatives.

Now the Senate has amended H.R. 6114 to provide for an additional 3-year extension of the original exemption accorded to the *Delta Queen*. Mr. President, I am most hopeful that a conference on H.R. 6114 can be arranged and that conferees can agree to retain this amendment.

Extraordinary efforts have been made by the Greene Line Steamers, Inc., owners of the vessel, to render the vessel as resistant to fire as possible. Further efforts are underway or contemplated. The *Delta Queen* has a superb record of safety, and she is seldom far from shore as she operates on inland waterways.

There are a number of alternative approaches to an ultimate solution to the problem of the *Delta Queen*. There has been some discussion of the construction of a replacement vessel with a metal superstructure. There has also been discussion of a public subsidy of part of the cost of such a replacement. It is also at least possible that the superstructure of the existing *Queen* can be treated in such a way as to render it virtually fireproof.

In order that these various alternatives may be adequately and objectively explored, it is essential, in my view, that this 3-year extension of the exemption be granted. I believe that the position adopted by the Senate on October 12 is reasonable, and I am most hopeful that our distinguished colleagues in the House of Representatives will concur in our action. I urge that all Senators concerned about the fate of the *Delta Queen* communicate to their colleagues in the House of Representatives their feelings on the matter.

## WATER DEVELOPMENT—ADDRESS BY SENATOR HANSEN

Mr. ALLOTT. Mr. President, during the recent adjournment of Congress the Senator from Wyoming (Mr. HANSEN) addressed the Wyoming Water Development Association at their meeting in Cody, Wyo. This association has done an outstanding job in developing the waters of Wyoming.

I think Senators and other readers of the CONGRESSIONAL RECORD will be most interested in Senator HANSEN'S remarks. We in the Senate have long been accustomed to his astute discussions of important problems. This speech is another example of that ability.

I ask unanimous consent that the text of Senator HANSEN'S address be printed in the RECORD.

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

BANQUET SPEECH OF SENATOR CLIFFORD P. HANSEN

Ladies and gentlemen, it is a great pleasure for me to be here this evening, and to have had the opportunity to attend your meeting which does such an outstanding job of covering the full scope of Wyoming water matters.

The leadership provided by the Wyoming Water Development Association is a great help to all of us who are fighting for the comprehensive development of Wyoming water. An occasion such as this, which brings people from the national, state and local levels together for discussion and reports, benefits us all through the exchange of ideas.

As you all know, in 1968 the Water Resources Council increased the discount rate used to determine the benefit-cost ratio for reclamation projects. This action has had perhaps the greatest impact on the Reclamation of any move in recent years. The action was protested by many of us who believed that the cost side of the ratio should not be adjusted without adjusting the benefit side of the ratio at the same time. But the previous administration was determined to move ahead. President Johnson, in a message to Congress earlier that year, announced while the study was being conducted that the discount rate would be increased.

Since the discount rate was raised in 1968, it has gone from 3¼ per cent to 5⅛ per cent. The impact of that, for example, is that the Polecat Bench benefit cost ratio has gone from 2.1 to 1 to 1.2 to 1 for direct benefits and from 3.3 to 1 to 1.7 to 1 for total benefits including indirect benefits.

If this trend continues, and the ratio drops below 1 to 1, the chance for authorization by the Congress will be dismal, even though it is one of the better projects in the West which is now under consideration.

It is essential to the future of reclamation that the benefit-cost ratio reflect the true benefits, as well as increased costs. And there is now hope that this will be done.

A special task force reported to the Water Resources Council last July. The Council and the President are expected to implement the recommendations of the task force in the near future. This is all to the good and should help our situation a great deal.

Because water development projects usually have only local or regional support and because dissimilar functions make direct comparison of values almost impossible, it is necessary to establish minimum standards. Engineering feasibility and financial feasibility or repayment requirements are largely non-controversial.

The difficulty arises with the third standard: economic feasibility. The Congress has established the guideline requiring that the benefits of water resource projects, to whomsoever they may accrue, ought to be in excess of the estimated cost. I am confident that no water resource project presently proposed would fail that test.

Decision-makers, however, and particularly officials of technical agencies and budget analysts, have sought some means to compare the "values" of competing proposals in measurable terms and thus establish objective priorities. The benefit-cost mechanism is the result. It simplifies the job because it disqualifies most of the projects from the competition.

But is is a poor tool, at best. It assigns premiums to the benefits of short term economic returns because that is the area that most accurately measured in terms of dollars.

As we all know, short term economic returns have never been the principal objective of Federal water resource programs. When the reclamation program began, there was no food shortage. Instead, settlement of the frontier, saving lives from flood disasters, and upgrading of the quality of rural life and providing rural communities with good schools, hospital, libraries and the other amenities of life have been the objectives over the years. It is, of course, impossible to measure these benefits in monetary terms. These are long-term benefits.

Over the years, the benefit-cost ratio has become the sole guide. Reclamation was sold on the grounds that it would return a dollar in benefits for each dollar spent. This was simple because it was expressed in monetary terms. But it was a business approach. And the government does not exist to make a profit. If the government's purpose is to maximize the return on the federal dollar, we might consider investing the taxpayers' dollar in IBM stock.

This approach has harmed water development in recent years as great prosperity has placed less emphasis on economic gains and more emphasis on social values. As a result, it seems crass to some to destroy a canyon or acre of forest land to build a dam, on the grounds that it can return more than a dollar in benefits for each dollar spent.

What is tragic in this situation is that the original objectives of the water development program, based on social and human values, have been forgotten. We should be asking if the loss of this canyon and that tree is worth it to provide improved living conditions for the people in the rural area, to give the children there an adequate education, to give them an opportunity to stay in their hometowns and find a good job, thus relieving pressure on our cities to which rural Americans have been migrating in increasing numbers.

But these intangible benefits can not be reduced to a simple formula, because they require value judgments. And the mechanism for making value judgments in our free society is the political process. The present economic tests classify many projects as infeasible on the basis of partial measurements and prevent their consideration by the Congress. Authorized projects on which political judgments have been favorable, remain unfunded because of economic reanalysis. As a result of using the present benefit-cost ratio as the sole consideration for undertaking a project, a mechanical business-like process has triumphed over purpose.

The Special Task Force has recommended multiple objectives of water resource development, and I think this is most encouraging. The four broad objectives identified are national economic development.

The national economic development factor is similar to the present benefit-cost ratio. The other factors are to be evaluated quantitatively if possible; otherwise they will be described in qualitative terms. Regional development benefits may have some aspects described in monetary terms. But the true importance of the change is that decision-makers will be constantly reminded that national economic gain is not the sole consideration.

Human values and social well-being were the original purposes of the water development legislation. At last these values have a chance to again come to the forefront as these programs are considered for adoption. We must recognize that to preserve values for future generations, we will defer current wealth for future benefits.

This is the justification for preserving our forests by foregoing timbering today. It can also justify water development programs.

For example, if we were to maximize present values of national forests, we would cut the trees today. And yet we are expected to discount today's water projects to present value. All of us can agree that there is a definite inconsistency to this kind of arrangement.

The philosophy of deferring current wealth for future benefit is that on which the attention of the American public is focused. Certainly, storage replacement for Jackson Lake, for example, is justified best on the basis of environmental quality. With the current sensitivity of these values, it is good that these values will be recognized and reported as benefits for the purpose of adopting water resource development legislation.

The task force also recommended the adoption of plan formulation which will no longer make maximum economic development the goal of the planner. A series of alternatives will be studied and reported making tradeoffs of one objective for another possible. Decision will no longer be based on a "go or no-go" choice; but instead there will be the flexibility to trade-off benefits, such as foregoing some of the economic benefits for environmental benefits. Flexibility in the plans may prevent the waste of planning time and talent on rigid proposals which are not ultimately acceptable. Compromise will be possible to undertake a program which is acceptable to groups of widely varying interests.

The implementation of the task force report offers great promise for water resource development. What we must guard against is the tendency to slip back into more familiar surroundings. The test of feasibility must be fair and must not be solely based upon national economic benefits. Otherwise, Congress will be denied the opportunity to consider investments which emphasize the other three objectives.

The task force has recommended that reports on all projects be sent to the Congress. If the budget planners begin to slip back to the old reliable factors of the benefit-cost ratio because it eases their decisions and fails to report projects, the Congress should consider legislation requiring that reports be submitted within a certain time-period.

We must not permit our thinking to again be reduced to the business-oriented reasoning to the exclusion of human and social values. The support for and the justification of water development lies in those values, and we must ensure that those values are put forth to the American people.

Your organization is both knowledgeable and concerned about water resource development in Wyoming.

You must closely watch the implementation of the task force report and help orient the public to the values involved.

A full implementation of the report will permit the Congress to consider water resource development proposals using value judgments which reflect public values as opposed to federal agency motives. These values are the proper motivation for government action.

In addition to the task force report, the Public Land Law Review Commission report and its implementation is of real interest to those of us concerned about water resource development in Wyoming. The report

begins by recognizing the activities of the National Water Commission which will make its report in 1973. The Public Land Law Review Commission recommends that legislative action be taken to dispel the uncertainty which the implied reservation doctrine has produced and provide the basis for cooperative water resources development planning between the federal government and the public land states. The Commission recommends that the implied reservation doctrine of water rights for federally reserved lands should be clarified and limited by Congress in at least four ways: (a) amounts of water claimed, both surface and underground, should be formally established; (b) procedures for contesting each claim should be provided; (c) water requirements for future reservations should be expressly reserved; and (d) compensation should be awarded where interference results with claims valid under state law before the decision in Arizona vs. California.

This is all very good.

But we must remember that the Commission recommendations do not include Indian rights, and Indian rights are probably a greater shadow of uncertainty on water development in the West than federal reservation rights. There are several methods of implementing the Commission's recommendations which are now being formulated and considered. Some were proposed before the Commission undertook its deliberations. Others will be new. Some include the problem of Indian water rights which cannot be ignored. It is hoped and expected that the National Water Commission will address itself to the Indian problem.

This year there was general agreement that proposals for implementation would not be introduced in this Congress. These plans will begin to be put forward in the next Congress and attention and interest will begin to be focused on them then. Many organizations are formulating proposals. I would hope that this organization would give me its recommendations on the subject. Whatever legislative solution is adopted, it will combine provisions of many proposals. I hope all of the views in Wyoming will be put forth for consideration.

It is my belief that the Congress will face the problem squarely, and not seek to postpone or avoid decision by placing the burden on the courts. Court action is a long, tedious and costly process, which often leads to greater problems. What we need is action now to end the uncertainty which hinders water resource development in the West, and this basically is the lesson of the Public Land Law Review Commission study and report.

Let me now take a few minutes to brief you on the status of Wyoming Projects which are in different stages of consideration.

On the first legislative day of the 91st Congress, I introduced legislation authorizing feasibility studies for the modification of Buffalo Bill Dam near Cody and for the Corn Creek project in Goshen County. Both of these bills were enacted during the first session of the Congress and the studies are now underway. The Buffalo Bill Dam modification study will be completed in fiscal year 1973 at a total cost of $267,000. The Corn Creek study will be completed in fiscal year 1973 also at a total cost of $462,000.

I also introduced legislation to authorize the Polecat Bench project when the Congress convened almost two years ago. Although the Bureau of Reclamation had submitted a feasibility report to Secretary Udall in February, 1968, Secretary Udall did not act on the Bureau's recommendation and the report was returned to the Bureau when Secretary Udall left office in January, 1969, eleven months later.

The Bureau was required to restudy the Polecat Bench proposal in light of the new discount rate. That study was completed and submitted to the states for comment. On July 15, 1970, the Bureau received the last of the comments and has submitted a feasibility report to the Secretary.

That report has now been approved by the Department of Interior, thanks to the great help we have had from Jim Watt I might add, and has been sent to the Office of Management and Budget which has taken over the duties of the old Bureau of the Budget. Incidentally, I'm not sure that the new agency's initials, TOMB, augur well for some projects. I have already communicated with TOMB and will make an all out effort to have the feasibility report submitted to the Congress when it reconvenes after the election.

With a report in hand, it is my intention to move the bill authorizing the Polecat Bench Project as quickly as possible when the new Congress convenes in January. I hope the Senate will act immediately so there will be plenty of time for House action during the 92nd Congress.

Legislation reauthorizing the Riverton Project as a unit of the Missouri River Basin Project and providing for the sale of certain lands on the Project's Third Division was signed by the President last month. This action follows four years of constant pressure which I exerted since entering the Senate in 1967. This legislation authorizes over $12 million for rehabilitation and betterment work on the first two divisions of the project. The danger of the collapse of structures 40 to 50 years old hangs over the project and this work is essential. In addition, the project will receive benefits from the power revenues of the Basin fund. Following a lengthy study to determine which lands on the third Division are capable of production under irrigation, the bill authorizes sale of lands which meet the criteria and those lands, about 11,000 acres, will be sold and again operated privately and contribute to the tax base of Fremont County.

The Bureau of Reclamation is completing studies on the Seedskadee Project and expects to have all of the information it needs in the next fiscal year. The Bureau has assured me that its plans call for initiating construction on facilities to serve the 15,000 acres located on the west side of the river in fiscal year 1973, taking three years to construct the works.

The remainder of the Wyoming projects have been tied very closely to the consideration of the budget this year. Because of the importance of understanding the timing of the budgetary process and the need to work for appropriations from several angles, let me detail some of the things we are experiencing.

As Governor of Wyoming I was deeply involved in promoting water development throughout the State of Wyoming. This experience has served me well in the United States Senate. In the Senate, one is always very aware of the great pressure on public funds and the difficulty in obtaining a high priority for funding of projects which are vital to your own area. As a Senator, I find that the secret is to work closely with your colleagues, both Republicans and Democrats, in both the House and Senate to convince them of the justification for government action on programs in which you are interested. This is a very personal thing. And I have worked to develop the rapport with my colleagues which will help sway their support for water development in Wyoming.

We must all recognize the great competition there is today for public funds. The many programs undertaken over the last several years have made it even more difficult to find money for reclamation projects. The struggle for funds must begin early. The President submits his budget request to the Congress in January. But if you wish to work to get an item included in that budget, it is best and almost essential to begin to work on it nine or ten months prior to the submission of the budget.

Therefore, beginning last March, I began working with officials in the Executive branch on considerations for the budget for fiscal year 1972. I hope to see results of this effort when the budget is submitted in January.

During these same months, attention has been directed at the formulation of the budget for fiscal year 1971 which was sent to the Congress last January. I have corresponded with many of you who either sought Congressional support for items requested by the President which would finance water development in Wyoming or were disappointed funds for certain projects were not included in the budget and asked the Congress to write in these items.

I discuss this point, because it is important to realize a member of Wyoming's Congressional delegation is actually working on two budgets at once in addition to the budget for the current fiscal year. I depend heavily on you people to help keep me informed on Wyoming's needs, and we must do our best to coordinate our efforts.

Of course, the best way to obtain funding for water development in Wyoming is to work for inclusion of funds for the project in the President's budget request. The Congress is much more likely to appropriate funds following the study and endorsement of the appropriation by the executive branch which must carry out the program.

Therefore, if you can anticipate the need for funds in fiscal year 1973, the best time to write to let me know is from now until late next Spring. Then I will have the opportunity to work with people in the executive departments as they are developing their initial budget proposals. This is the best time to receive consideration for our interests. The problem is that the needs must be anticipated eight to fifteen months in advance. This is difficult, but if it is possible, it is the most effective method of seeking funds for water development in Wyoming.

As far as the budget for fiscal year 1972 is concerned, over the past several months I have met with administration officials in an effort to include rehabilitation and betterment funds for the Garland Division of the Shoeshone Irrigation Project and the Riverton Project, the construction funds for the Lyman Project, the Savory-Pot Hook Project, and the Seedskadee Project, and feasibility study funds for the modification of Buffalo Bill Dam and the Corn Creek Project in the President's budget request for fiscal year 1972.

It is now very late in the budget planning process to add to this list. However, I am eager for your suggestions as to other water development projects which should be included in the budget for fiscal year 1972. While it is improbable that they can now be included in the President's budget request, I can work with the Appropriations Committee to appropriate the additional funds during Congressional consideration of the budget.

Let me illustrate how this process works by relating the experience I have had with the fiscal year 1971 budget this year. The President's request included funds for feasibility studies of the modification of Buffalo Bill Dam and the Corn Creek Project. It provided construction funds for the completion of the Meeks Cabin Dam of the Lyman Project. No difficulty existed in obtaining an appropriation for these requests. But we also wanted appropriations for water development in Wyoming that were not requested by the President.

The House of Representatives deserves the credit for the break-through which was made this year in funding construction for the Savery-Pot Hook Project.

For it was the House which first appropriated an additional $300,000 for this proj-

ect. This Senate agreed to this additional appropriation when it acted on the appropriations bill, and therefore the appropriation for this project did not come up in the Conference.

The Senate appropriated additional funds over the President's request for two more Wyoming projects, the Garland Division of the Shoshone Irrigation project, and the Lyman project. The need for rehabilitation and betterment funds for the Garland Division has been apparent for several years now. The wisdom of continuing construction on a reclamation project until completion is also obvious. Therefore, I was distressed when the budget did not include funds to begin construction on the China Meadows feature of the Lyman project once work on the Meeks Cabin Dam was finished.

I testified before the Public Works Subcommittee of the Senate Appropriations Committee urging and justifying the appropriation of funds for both of these purposes. But putting yourself on record with the Committee is not enough as later events soon proved. What is essential is that we follow through on our expressed interest.

When the Committee began active consideration of the public works appropriations bill, I wrote to each member to emphasize the need for the additional appropriations. Then during the bill's mark-up, I visited with each member of the Committee on this subject when I saw them on the Senate floor.

The Senate Appropriations Committee reported a bill containing an additional $200,000 for the rehabilitation work on the Garland Division. But I was disappointed when the Committee failed to include an additional $500,000 for construction of the China Meadows Dam because the Committee members had been so receptive to my pleas for the appropriations. On learning of this omission, I introduced an amendment on the Senate floor for the additional $500,000. Very few members were present on the floor. I pointed out the omission to Senators Ellender and Young, the managers of the bill, who agreed to accept the amendment on a voice vote.

The omission of an additional appropriation for the China Meadows Dam in the Senate Appropriations Committee Report emphasizes the need for follow through for water development funds. The Conference Committee members received letter from me to include these funds in the Conference Report. The additional $200,000 for the Garland Division was included, but the Committee failed to include the China Meadows funds. As a result, my office has already begun work to include the China Meadows funds in the fiscal year 1972 budget.

Efforts in other areas of water development this year included a write-in appropriation of $1.2 million for a Highway to the Big Horn Canyon Recreation area. This area provides great opportunity for extensive water recreation use.

As perhaps some of you are aware, the only finished road into the area from the Wyoming side is that segment of highway from U.S. 14A to Horseshoe Bend. This route provides limited access to the Big Horn Canyon for Boaters.

Great pressure has been brought on the Department of Interior to provide funds for construction of the Big Horn Canyon Highway along the entire length of the Canyon. And we now have this program under way.

The President also requested and the Congress appropriated the full amount authorized from the Land and Water Conservation fund. The amount requested was double that in previous years. However, overspending by the Congress has placed some of this appropriation in jeopardy, since the President does not feel that he can spend the amount he requested if he is required to overspend in other areas.

We must all recognize that control of inflation is of prime concern to the Administration, and the control of inflation will greatly help water development projects since the skyrocketing construction costs and mounting discount rates are the reasons why benefit cost ratios for many projects are now unfavorable. The President's refusal to spend wildly in excess of revenues has brought about the progress we have made in our war against inflation. We now see the signs of winning that war. But we must not relax the pressure now. For if we do, our gains will be lost. And those gains have already been paid for by the American public who have felt the pinch of tight money and other results of policies to control inflation. Now that victory is in sight, we must not throw it away by giving away to the temptation to be big spenders again.

Water resource development projects must bear much of the burden of efforts to bring the economy back under control. The federal budget can be divided into two parts: one part consisting of items under the President's control and the other part of items which are not directly under the President's control.

Uncontrollable items include social security, other retirement programs, education programs, veterans' benefits and health programs. These programs require a minimum expenditure each year and cannot be turned on and off because they are a continuing obligation. Controllable items include public works, parks and recreation and the like. The magnitude of the undertaking in these areas can be greatly varied from year to year.

The surprising fact is that only about 30 percent of the budget today is considered controllable. Many of the new programs of recent years fall into the uncontrollable category.

Therefore, in the effort to control inflation, the burden of restricting government expenditures falls almost completely on only 30 per cent of the budget—and water development is included in that thirty per cent! The President has exercised his flexibility over the budget and inflation is starting to come under control. And as I pointed out earlier, this will aid water development projects. But while federal expenditures are being restricted, we have experienced some lean years.

Last week, I visited with Caspar Weinberger, the deputy director of the new Office of Management and Budget. Mr. Weinberger, from California, works directly with the administration of the old Bureau of the Budget. He pointed out that the President wants to prevent what happened in 1967 and 1968 when no effort was made to control inflation. Not only has the President cut back on public works, but he has cut back on defense expenditures and other items. In response to my question of future appropriations, Mr. Weinberger stated that the President, as a westerner, is well aware of the economic and social benefits of water development and would like nothing better than to undertake a strong public works program in the West to develop water.

I would conclude that the successful control of inflation will permit the greater expenditure of federal funds for water development; and this control will aid reclamation projects by stabilizing the benefit-cost ratio through the control of construction costs and the discount.

The importance of controlling construction costs by bringing inflation under control is illustrated best by the difficulty we have had getting an appropriation to start construction on the China Meadows Dam. When the Lyman Project was authorized in 1962, the discount rate was fixed. But since that time skyrocketing construction costs have lowered the total benefit-cost ratio from 1.17 to 1, to .87 to 1. The present adverse benefit cost ratio is a concern to the Congress. If inflation is controlled, opportunities for water resource development financed at the federal level will be improved.

Thank you for the opportunity to be with you. I look forward to working with you over the coming years and will continue to appreciate your advice and suggestions.

## THE ELECTRONIC BATTLEFIELD

Mr. GOLDWATER. Mr. President, some months ago, the distinguished Senator from Wisconsin (Mr. PROXMIRE) and I engaged in a colloquy on the floor of the Senate relating to the so-called electronic battlefield. At that time, the chairman of the Armed Services Committee, the Senator from Mississippi (Mr. STENNIS), stated that hearings would be held on this then highly classified subject. Those hearings are nearing completion, and they have been the most interesting I have sat through for many years.

I realize that a complete report will be made available to the Senate by the chairman of the subcommittee, the Senator from Nevada (Mr. CANNON), but I do want Senators to have the opportunity of reading some of the excellent testimony offered by men who have actually participated in the planning and operation of the electronic units that make the automated battlefield possible.

I repeat what I have said before, that this development is one of the greatest steps forward in warfare since gun powder. In reading this testimony, I would direct the attention of the Senators to the unanimous conclusion reached by all commanders; namely, that these sensors have saved lives.

I ask unanimous consent that the testimony I refer to be printed in the RECORD.

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

PRESENTATION OF MAJ. GEN. JOHN R. DEANE, JR., DIRECTOR, DEFENSE COMMUNICATIONS PLANNING GROUP

I. INTRODUCTION

Mr. Chairman and members of the subcommittee: as Director, Defense Communications Planning Group, I welcome this opportunity to report to you regarding the activities of DCPG. I shall briefly cover the history of DCPG; the sensor-aided combat surveillance systems it is tasked to manage, develop, and support; the cost and funding of those systems; and plans to transfer those systems to the Military Service. I shall conclude my presentation with some observations on what has been learned through DCPG experience and what its systems have contributed to U.S. and Allied efforts in Southeast Asia.

Let me say at the onset that the Secretary of Defense has assigned the Defense Communications Planning Group a specific mission in the field of combat surveillance. DCPG is not responsible for all military efforts in this field, but each Military Service works independently on systems and equipment tailored to meet specific battlefield surveillance requirements outside the scope of the DCPG mission.

Let me also emphasize that the theater commander, and his component commanders, are the users and operators of the systems I shall discuss. DCPG is simply the agency which supplies these commander with the

operational, effective hardware needed to make the system go.

II. BACKGROUND/HISTORY

In August of 1966, a scientific group known as the JASON Committee proposed to the Secretary of Defense a concept for inhibiting enemy troop and supply infiltration into South Vietnam by means of an air-supported barrier system, supplemented, if necessary, by a conventional barrier system. These systems basically called for the use of electronic sensors to detect enemy personnel and vehicles, and the use of tactical aircraft, mines, and other munitions to counter the enemy incursions thus detected.

In September of 1966, Secretary of Defense McNamara directed the establishment of DCPG as the organization charged with responsibility for implementing the anti-infiltration systems conceived by the JASON Committee.

This initial mission was further expanded in April 1968 to include the use of electronic sensors in a wide range of tactical applications against the enemy; I shall refer to this task as the "ground tactical" system.

To carry out its mission effectively, DCPG has been given unique and unprecedented management tools in terms of authority, organizational arrangements, and resources:

The Director, DCPG, reports directly to the Secretary of Defense, and has direct access to the Secretary for broad policy and funding decisions. In practice, this access is usually exercised through contact with the Director of Defense Research and Engineering.

The Director, DCPG, has decision authority and responsibility, within broad DOD guidance, over all aspects of system implementation: concept formulation, design, development, test, requirements analysis, procurement, and distribution. Another way of saying this is that DCPG cognizance over systems and equipment extends "from the cradle to the grave."

DCPG is authorized direct contact with JCS, the Military Departments and their subordinate organizations, and theater commanders—the users of the DCPG systems. This direct coordination is maintained on an almost daily basis by DCPG's "working level" personnel.

DCPG is authorized to task the Military Departments to accomplish actions in support of its mission. This authority is used only when requesting a Service to accomplish a major task involving a significant amount of money. Most items of business are handled on an informal and cooperative basis.

DCPG is authorized use of the highest industrial priority to expedite its development and procurement efforts. This speeds up our work by putting us at the head of the line for materials, facilities, and contracting.

DCPG has been rapidly provided funding adequate to meet its mission objectives, largely through the streamlined, expedited manner in which DCPG's financial requirements are handled by the Department of Defense.

DCPG has obtained responsive R&D and production support through working agreements with agencies outside of the DOD. Such support has enabled accelerated development and fielding of equipment in cases where the Services did not have the required organizations, staffs, and research facilities.

DCPG has been staffed with exceptionally well-qualified military and civilian personnel who possess the highest operational and technical expertise. This staff has proven to be strong, dedicated, and resourceful.

III. EXECUTION OF MISSION—SYSTEMS AND THEIR SUPPORT

I shall now briefly discuss the sensor-aided combat surveillance systems which were developed by DCPG.

A sensor-aided combat surveillance system consists basically of the following common components: detection devices, called sensors, which pick up the movement of vehicles or troops; a communications link (usually radio) from the sensor to a "readout" device; the "readout" device, which receives sensor transmissions and shows when each sensor is picking up a target; and display and processing equipment to assist in counting the targets and in determining their direction and rate of movement. Individual systems may also include special munitions, aircraft, etc., which I shall mention later.

Just since DCPG's beginning late in 1966, the equipment used in these systems has already undergone several generations of operational and technological improvement to meet new requirements, to meet expected countermeasures, to exploit new scientific knowledge, to improve performance and reliability, and to reduce cost. These generations are referred to as Phases I, II, and III. The equipment which you see displayed before you is our new, third-generation, Phase III equipment first introduced into Southeast Asia earlier this year.

The four devices in this group are sensors which are dropped from aircraft along the road or path which we want to keep under surveillance. The first three are seismic sensors which detect ground vibrations caused by soldiers on foot or by trucks. The fourth is an acoustic sensor which listens to sounds of personnel or vehicles.

The next group consists of sensors which are hand-emplaced by ground troops near a trail or road. These are all seismic sensors; the variation in size and weight is caused by differences in the intended tactical application of each device and in the design and production method used.

This device is a magnetic sensor which detects passing metal objects such as rifles or other weapons.

Here we have a "readout" device used by ground forces to receive radio transmissions from the sensors I have just pointed out. This receiver is shown connected to a recording device, which makes an easily-interpreted record of when targets are detected by our sensors.

As I mentioned earlier, one of the systems called for in the original DCPG mission was a conventional barrier to deter infiltration across the Demilitarized Zone, the DMZ. This fixed barrier—often called the "McNamara Wall" by the press—was to combine sensors to detect enemy intrusions, physical obstacles to impede and canalize enemy movements, and tactical troop units operating from strong points, or fortified bases, to strike at infiltrators by fire and ground action. Many essential elements of the original plan have been implemented, although the concept for extensive use of fixed obstacles has given way to the use of mobile, quick-reacting combat units to respond to North Vietnamese infiltration in the area of the DMZ. This system is no longer identifiable as a separate entity; it has essentially become a part of the ground tactical system, which I shall address later.

The other system prescribed in DCPG's original mission was the air-supported anti-infiltration system proposed by the JASON Committee. This effort was to have two subsystems, one aimed at the detection and interdiction of truck-borne supplies and troops, another intended for reducing infiltration on foot. Basically, the operation of this air-supported system may be explained as follows: acoustic and seismic sensors are dropped by aircraft along roads and trails. Truck or troop movements detected by these sensors are usually relayed through the aircraft for readout in a fixed installation using computerized equipment; sometimes, sensor transmissions are readout in the aircraft. Skilled target analysts in the fixed installation (or in the aircraft) then pass target information to the activity controlling strike aircraft such as the F–4 fighter bomber. Because sensor locations are known, lucrative targets may be struck immediately or information derived from the sensors may be used to establish enemy movements as a basis for pre-planned strikes. Selected munitions, delivered by aircraft, are employed against both personnel and vehicular targets, with the emphasis being placed on the interdiction of vehicles.

General Evans, who oversees the exploitation of sensor technology within the Air Force, will brief you on the operation of the truck interdiction subsystem, which has been in continuous operation since December 1967. General Evans will also show how this subsystem has provided for more effective interdiction of the enemy's trucks.

The personnel interdiction subsystem was planned for implementation in January 1968. However, it was at that time that the enemy began his massive attack against Khe Sanh, and General Westmoreland, then Commander of U.S. Forces in South Vietnam, directed that sensors and other assets intended for the personnel subsystem be diverted to assist in the Khe Sanh defense. Even after the enemy attack was broken, the personnel subsystem was still not implemented because:

It was decided that a part of the resources planned for the personnel subsystem could be more productively used in expanding the truck interdiction subsystem.

The Khe Sanh episode demonstrated that sensors could be used to great advantage in support of ground combat operations, thereby resulting in the use of part of the personnel subsystem assets for that purpose.

*Since the personnel interdiction subsystem has never been implemented,* one can only theorize regarding how effective it might have been. However, a system of considerable effectiveness—the "ground tactical" system—evolved from the application of personnel subsystem sensors in the defense of Khe Sanh. To explain this evolution, it is necessary that I summarize how sensors were used at Khe Sanh.

Sensors were dropped from aircraft among the North Vietnamese forces around Khe Sanh, and along road and trail approaches into the area. By combining sensor-derived information with information from other intelligence means—such as aerial photography—commanders on the scene had a basis for effective defensive fires from Khe Sanh and Camp Carroll, and for requesting strikes by fighter-bombers and B–52 aircraft. The sensors denied the enemy his traditional cloaks of bad weather, jungle, and darkness, detecting his movements as he attempted to mount attacks. Khe Sanh operations showed a great potential for the use of sensors in support of ground action, and prompted General Westmoreland to direct the use of sensors in support of ground tactical operations throughout South Vietnam.

In April 1968, the Deputy Secretary of Defense, Mr. Nitze, directed DCPG to support General Westmoreland in his plans to use sensor surveillance in a wide range of tactical applications within South Vietnam. This was the third element of the DCPG mission, the "ground tactical" system.

From an initial planning and evaluation period which began in mid-1968, this ground tactical mission has expanded dramatically. Virtually every U.S. ground combat unit in South Vietnam is now applying sensors to detect the enemy. Since General Fulton and Admiral House will brief you on the details and effectiveness of this system, I shall limit my explanation of the system concept to a single, but frequently-encountered example of how sensors are used by a U.S. combat unit.

Suppose we have a U.S. infantry unit responsible for securing a given area of operation (AO). This unit emplaces sensors at known locations along trails leading into

or near its AO. If the sensors detect an enemy column moving along a trail, this information is received by a "readout" equipment operator using the equipment which I showed you earlier. Because of his training and experience, the operator can derive information regarding the location, size, direction of movement, and speed of the column.

The readout operator reports his findings to the unit commander, who is solely responsible for deciding whether, when, and how to attack the target. In arriving at his decision, the commander applies his knowledge of the location of friendly troops and civilians, of other intelligence information, of the terrain and weather, of means available to attack, and of safety controls and rules of engagement. Only after weighing all these factors does the commander give his decision: attack by artillery fire, an ambush, or whatever means is appropriate.

This sort of operation, and other sensor applications in the ground tactical system, have shown that sensor surveillance is extremely valuable in ground combat; specifically, sensors—

Have given us the ability to detect the enemy regardless of the time of day or the weather.

Have enabled us to surprise and to cause increased casualties and material damage among enemy forces.

Have given ground troops early warning of impending attacks and have freed many small units from routine security and reconnaissance missions, thereby saving U.S. and Allied lives.

In March 1969, at the direction of the Deputy Secretary of Defense, a plan was developed for the employment of equipment in the ground tactical system by South Vietnamese Forces, as part of the Vietnamization Program. Training of Vietnamese units began in August 1969 and is continuing, using special training teams in each division and a central sensor school. The Vietnamese General Staff has authorized each division troops dedicated to handling the management and use of sensor assets. The Vietnamese response has been enthusiastic, as indicated by the fact that they have assumed responsibility for approximately 47 percent of the sensors in the ground tactical system.

The U.S. command in Vietnam has also provided sensors to our Australian allies. Major General C. A. E. Fraser, Commander of the Australian Force, reports that his troops are using sensors with confidence and enthusiasm, and have achieved tactical successes as a result of sensor detections of enemy activity.

It is appropriate at this juncture to explain briefly how DCPG provides hardware to support the operation of each of these systems.

You no doubt recall that DCPG, the supplier of hardware for the various surveillance systems, is authorized direct contact with theater commanders—the users and operators of the systems. From this relationship has evolved an arrangement whereby the theater makes known to DCPG its quantitative requirements for sensors, readout equipment, and other equipment which is already in production. Theater requirements are usually expressed by calendar or fiscal year, and in terms of the number of sensors of each type which must be simultaneously in operation at a given time. DCPG analyzes these requirements in order to translate them into an appropriate total procurement quantity and to determine the required monthly production rate and schedule. Factors which are used in this analysis include: (1) the useful field lifetime of each sensor; (2) training needs of military units in the United States; (3) possible substitutes among similar sensors; (4) available production capacity; and (5) costs.

Once required production quantities have been defined, DCPG does not act as the procurement or contracting agency. Instead, DCPG uses its tasking authority to request the appropriate Military Service or other agency to initiate the necessary procurement and to distribute and support the goods upon delivery. The magnitude of DCPG's current level of support of the theater may be illustrated by the fact that DCPG has tasked the procurement of 40,780 sensors of the new, third-generation type. In addition to reacting to theater's quantitative requirements, DCPG has also acted on its own initiative in the past to develop, test, and field new surveillance devices with capabilities not available in current production equipment. This DCPG action has often been the result of qualitative needs expressed officially by the theater, or a result of needs ascertained during periodic coordination visits to theater by the Director, DCPG or members of his staff.

The successes achieved within the framework of the DCPG-supported surveillance systems have led to the exploration of sensor uses at all levels of warfare. The Army, Navy, and Air Force have all set up organizations responsible for exploiting the existing technology, and for developing new technology, equipment, and operational concepts tailored to fulfill combat surveillance and target acquisition missions in any type of conflict.

DCPG has been investigating the use of sensor devices to assist in the protection and security of military bases, classified installations, arms rooms, armories, and other facilities important to the national defense.

The U.S. Border Patrol is currently using sensors developed under DCPG auspices to monitor selected portions of the border of the continental United States. The Border Patrol has been able to increase substantially the apprehension and turning back of persons attempting to enter the U.S. illegally by using sensors as a complement to, or in place of, its regular patrols. Operational and technical information resulting from Border Patrol operations is expected to help DCPG in improving sensors and operational techniques.

Friendly foreign governments have also expressed interest in sensors. Canada, the United Kingdom, and other NATO countries have been given documents and briefings which describe our equipment and its tactical applications. (Slight pause)

### IV. FUNDING/COST OF SYSTEMS

Now that you have been introduced to the three systems which make up the DCPG mission, I shall move to a discussion of the funding behind that mission.

The timely provision of adequate funding, largely through DOD's special handling of DCPG's financial requirements, has been one of the key ingredients of success in the DCPG program. Funds have had to be made available in a responsive manner so that development and procurement actions could be taken without delay to provide needed hardware in the shortest possible time. Changes in plans and requirements have frequently necessitated rapid changes in funding levels.

The total of DCPG budgets for fiscal years 1967 through 1971 is $1.68 billion, as shown broken out here in terms of the three principal surveillance systems included in our mission. The five year total would have been $2.35 billion, except that we were able to return the $667.8 million difference to the Services for other essential defense efforts as a result of aggressive cost reduction efforts, increased senor lifetimes and reliability, and management decisions, such as decisions to curtail efforts which proved to be technically infeasible, too costly, or not suitable to meet the operational need.

The DCPG budget for these five years can also be broken out by Military Service. (Pause)

The budget can also be shown in terms of the various appropriations categories. (Pause)

An example of how our cost reduction efforts have helped to trim our budget can be seen by comparing the cost and operational lifetime of one of our first-generation, hand-emplaced seismic sensors with those of its third-generation replacement. If we average out the cost and field lifetime of the first-generation sensor over several successive procurements—with each procurement involving an improvement in design—we find that the item had a unit production cost of $1,800 and a 45-day life in the field, which means that the sensor cost, on the average, $40 per day of operation. In calendar year 1969, U.S. and other Free World Forces used a total of 5,140 of these devices, for a total production cost of $9.25 million. The third-generation replacement, just introduced in theater in September of this year, costs only $921 each, and lives twice as long—90 days—thus giving a daily operating cost of only $10.25. Because of this new sensor lives twice as long, only half as many, or 2,570, would have been required to meet the same surveillance needs, at a total production cost of only $2.37 million.

To wrap up my discussion of funds, I would like to mention that DCPG's budget and operations have been reported to various committee and subcommittees of Congress on 11 previous occasions since the establishment of DCPG in 1966.

### V. TRANSFER OF DCPG FUNCTIONS TO SERVICES

Since the sensor-aided combat surveillance systems which make up DCPG's mission have reached a full operational capability, it is appropriate that full responsibility for them now pass from DCPG to the Services. The Secretary of Defense requested, in December 1969, that DCPG begin initial planning for transfer of those systems. As a result of this preliminary planning, the Deputy Secretary of Defense directed, on September 26, 1970, that full responsibility for operational systems be transferred to the Services no later than June 30, 1971. To this end, we have been working closely with the Army and the Air Force to arrive at a mutually agreeable plan and target date for transfer of the operational systems. We expect to complete the directed transfers significantly earlier than the June 30, 1971 date.

When the transfer of operational sensor systems to the Services is complete, the residual effort remaining with DCPG will be in the developmental area, particularly in rapid reaction to unforeseen requirements.

### VI. CONCLUDING OBSERVATIONS

In conclusion, gentlemen, let me summarize what lessons have been learned as a result of DCPG's four years of operation, what our sensor surveillance system have contributed in Southeast Asia, and what we might expect of sensor technology in the future.

I believe that DCPG has demonstrated a unique and highly successful method of managing a defense program characterized by urgent operational need and highly compressed time schedules. By providing the requisite authority, responsibility, funds, and organizational arrangements to a centralized, sole manager, we have been able to reduce the normal 5 to 7 year defense development cycle by a factor of four. That is, the period elapsed from the time a need was discerned until production hardware was placed in the hands of the troops has been 15 to 21 months for most items developed under DCPG auspices. This becomes all the more noteworthy when we consider that most items of DCPG-sponsored equipment are technically complex devices which must be designed for operation by the soldier, seaman, or airman at the combat unit level. The accelerated nature of the program has of course required a willingness to make decisions, a willingness to accept responsibility, and a willingness to take cal-

culated risks. In taking risks, we have had some failures:

For example, we have fielded a few items that either did not match the requirement or simply did not work with the desired reliability. However, when one compares this with the conventional system in which risks are minimized by multiple layers of study and review at almost any cost in time and money, I believe that DCPG has probably saved the taxpayers' defense dollar while adding valuable ingredients to his defense system in a fraction of the usual time.

I believe that our combat surveillance systems have contributed materially to U.S. and Allied efforts in Southeast Asia; specifically, these systems—

Have given us a combat surveillance and target acquisition capability which works by day, at night, and in any weather conditions.

Have improved the effectiveness of our air interdiction of the enemy's truck-borne troops and supplies.

Have given our ground troops early warning of attack and have freed small units from many security missions—thereby saving American and Allied lives.

Have enabled us to inflict an increased toll of casualties and material damage on the enemy.

I am also convinced that we now have a dynamic, flexible surveillance system for future battlefield application anywhere in the world and in any type of conflict. Our ability to apply this capability to our tactical and strategic advantage will be limited only by our resourcefulness, imagination, and willingness to take reasonable risks where the potential payback in combat is high.

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STATEMENT BY MAJ. GEN. ELLIS W. WILLIAMSON, DEPUTY CHIEF, OFFICE OF RESERVE COMPONENTS

Gentlemen I am with you today to discuss my peronal combat experiences with unattended ground sensor devices. I am a customer, a user of these devices—I am not an electronics technician.

My military combat experience extends from the Normandy landing in WWII through the remainder of that war; from the Inchon landings in Korea, followed by two years of combat there; from commanding a separate airborne brigade, which was the first US Army ground combat troops in the Viet Nam conflict for a year; and, I then returned to Viet Nam to command the 25th Inf Div for some 15 months.

For the past twenty-five years I have been singing a simple tune . . . if you have to fight then "Fight with Bullets—Not Bodies". I have conducted a constant search for ways of getting the job done with less human suffering.

During my first year in Viet Nam we spent a major portion of our time thrashing through the jungle, searching for the enemy that had finished his attacks for the moment and was resting prior to the next attack at his chosen time and place. During this first year we suffered losses of about 12 American deaths for every 100 enemy. Some people may have been satisfied with that ratio. I was not and I do not know of any American commander that was, however, when I returned to Viet Nam for my second tour I found that the ratio had not materially changed.

Since late 1968 the ratio had dramatically changed. I remind you that I am speaking from personal observations of less than the whole picture. However, I was high enough to see a pretty good cross section. The ratio as I saw it in late 1969 had changed from about 12 American losses to 100 enemy to approximately three. That means that for a given amount of combat and an equal damage to the enemy many more of our American young men are living through the horrors of war. Many more of them are living to return home safely.

The unmanned sensors that we are discussing today certainly have contributed materially to saving these American lives. I hope that I can demonstrate how these sensors have helped us to make the first step toward the automated battlefield. This is a worthwhile approach toward "Fighting with Bullets instead a Bodies"; that is, getting the job done with minimum danger to friendly personnel.

As a quick example of some of the things that have been done, we had a fire base Mahone that was actually a relatively secure troop recuperation area near Dau Tieng just south of the famous Michelin Rubber Plantation. Early one morning before daylight our unmanned sensors alerted the monitor and he, in turn, alerted the command group and the fire support elements. After a short while it was determined that an enemy force was in a bamboo thicket several hundred yards from our position. Our artillery guns and mortars were laid and on signal all opened fire at once; we ceased fire and waited. Absolutely nothing moved, and we feared that maybe we had reacted to a false alarm. At daylight a patrol was sent out to investigate the area. They found 21 enemy dead and picked up four live wounded prisoners. They also found 129 rounds of heavy weapons ammunition, three rocket propelled grenade launchers, a complete mortar and a flame thrower. This is a pretty good battle when you consider that the enemy did not launch his attack—in fact he didn't get off the first shot. I am confident that breakfast time in that troop concentration area the next morning would have been considerably different if the unmanned sensor had not told us, in advance, that the enemy was in the area and that he was up to something.

Now let me talk just a little about the development of the use of these devices as I saw it.

The 25th Infantry Division's initial employment of sensors occurred in 1968 near Saigon. During July and August eleven North Vietnamese Army Regiments and smaller Vietcong units reportedly were getting ready for an attack on Saigon. It was anticipated that this was to be an attempt to duplicate the TET and May offensive that had occurred earlier in the year of 1968.

General Abrams' directives were quite clear. Friendly forces would attack North Vietnamese formations before they could launch another major offensive. Our orders further stated that enemy units would not be permitted to enter Saigon.

I had four brigades under my command at the time, three of my own division and one from the 101st Airborne Division. These elements were placed in depth from North of Tay Ninh to Saigon. We were operating in a depth of approximately 100 miles and were attempting to cover 150 miles of Cambodian border. My most southern brigade was actually part of the perimeter that was responsible for the close-in physical defense of the capital city.

Plans for the close-in defense of Saigon called for massing radar, reconnaissance aircraft and ground patrols generally in a circular pattern outside the city proper. It was at this time that I was informed that a very small number of sensors were available for emplacement on the Saigon defense perimeter. I had been briefed on these sensors before I left the United States but I must admit that I was a neophyte as to the exact manner in which they were to be emplaced. The sensors were delivered and put in position by experts provided by higher headquarters. My people, of course, were looking over their shoulders attempting to learn the business. These sensors did not have the opportunity to provide us early warning of enemy in the Saigon area since our efforts farther north kept his large units some distance from the city. Major contacts with the enemy were near Tay Ninh in August of 1968. With the battle scene shifting north to the Tay Ninh area, I requested additional sensors. The instruments were in very short supply so during this period we trained just one emplacement team of six men under a Captain from the Division Intelligence Section.

The pitifully small number of just four sensors arrived in early September. I gave instructions to emplace the instruments north of Tay Ninh along a known attack route of the enemy 9th Division. The portatale, the readout monitor, was to be located at French Fort, an American fire support base of four 175mm long range guns located twelve miles north of Tay Ninh.

I am going into some detail at this time—I hope my purpose will be clear in a few moments. In mid-September the Division's emplacement team, with a platoon of mechanized infantry, set out from French Fort to place the sensors in the vicinity of a road junction just north of the famous Black Virgin Mountain, better known to some as Nui Ba Den. The team didn't reach the emplacement area that day.

They were attacked by a large NVA force about two miles from their destination. Two of the armored personnel carriers were hit and set afire by Rocket Propelled Grenades. We lost two of our emplacement team members during the initial exchange of fire. Through true gallantry that the American soldier displays when the chips are down—we managed to save the sensors from the burning personnel carriers and returned them to French Fort. Our nose was bloodied that day but later we were able to make the enemy pay dearly for the loss of our two soldiers.

A short time later, the team departed Tay Ninh with a powerful escort consisting of two mechanized infantry companies with helicopter gunships covering. The instruments were emplaced without incident.

The readout monitor was in a bunker at French Fort and was kept under observation during the hours of darkness. Our helicopters performed visual reconnaissance of the area during daylight.

September is the heavy rainy season in this part of South Viet Nam and our monitors at French Fort had trouble differentiating between rain falling on the sensors and human movement. We had several false alarms before the operators attained a good feel for reading the monitor.

In the third week of September our efforts with sensors finally paid off. At eleven o'clock one night the monitor at French Fort indicated movement being reported by two of the sensors. It was raining rather hard but there was no doubt about the reading—something more than rain was registering on the portable monitor.

Two of the 175mm guns opened up slightly north of the sensors. Six 105mm howitzers commenced blocking fires just south of the sensors while two 81mm mortars fired directly on the road junction. At first light the following morning, reconnaissance helicopters reported to our patrol that headed for the area, that enemy bodies were observed from the air. When the patrol arrived on the scene they found—literally a carnage. The big 175mm guns had found their target. Enemy field equipment and weapons were strewn about the rice paddy. We found just seven bodies, but we also found an additional thirty drag trails and blood trails leaving the area. Documents identified the enemy's 271st Regiment, a part of this 9th Division that I mentioned. Our intelligence officers believed that an attack on our Fire Base Buell nearer to Tay Ninh may have been pre-empted.

That was our first record of the sensors assisting us in the destruction of enemy forces.

I want to point out the reason I have gone into some detail concerning this particular small action is that we were learning—we were gaining experience in a new field—which would—nearly a year later—give us the technical and tactical know-how to use hundreds of these instruments within the 25th Division sector.

Between September of 1968 and February of 1969 a few sensors dribbled in. We reseeded the field north of Tay Ninh and instituted a new field along a river line just south of the Boi Loi Woods.

Under the assumption that sensors would become available in larger numbers in mid-1969, we increased our number of sensor experts and tactical planners at division headquarters. We consolidated our sensor people with our radar experts. Our helicopter personnel commenced looking for more efficient ways of using helicopters in conjunction with the sensors at night. We were searching for better ways of obtaining early warning and using our firepower to break up enemy attack: before they could gain momentum. Most important, we were looking for ways to take the night away from the enemy.

One major step taken during this period was to train personnel from each of our eleven maneuver battalions and the Long Range Patrol Company as to how to emplace the sensors. I thought this decentralization was necessary in that a lot of people had to learn how to use these devices if we were to handle the large number of sensors promised us.

In February 1969 the 25th Infantry Division did in fact begin receiving larger quantities of sensors, and the special coordinating group which we activated within the Division Intelligence Section went into full operation. A plan for the employment of 140 sensors was completed in late February and as the number of sensors increased we planted additional fields. The major fields completed by March 1969 were devoted entirely to denying the enemy freedom of movement. Four fields were along major routes of infiltration, and one was placed to protect approaches to the Third Brigade base camp which bordered the Michelin Rubber Plantation at Dau Dieng.

At this stage of employment, all sensors were read out on portatales located at a nearby fire support base. During this time frame the Division began to improve the responsiveness of its firepower in reacting to sensor activations. I mentioned the sensors field placed around the Third Brigade Dau Tieng base camp. Actually the circumference of this camp was about seven miles. On 25 February 1969 enemy elements conducted probing attacks against Dau Tieng at seven different times and places. Unaware that his initial movements had been detected prior to reaching the base camp perimeter, the enemy pressed on time and again, only to be thrown back by security forces that had quickly moved into blocking positions. Incidentally, this security force was composed of support troops; cooks, clerks and mechanics. This prior warning provided by the sensors assured these rear echelon troops an advantage which the enemy could not overcome. They were able to concentrate at the critical areas before the enemy started his attack. I have never seen a more confident group of cooks in my life who, after eliminating some 78 of the enemy one night, boasted that hot breakfast was served right on time the next morning.

Meanwhile, sensor fields along some infiltration routes had not provided the results that we had hoped for, although artillery had been responding nightly to activations. Scattered instances such as the find of three or four enemy bodies in graves adjacent to sensor fields throughout our sector did provide us evidence that our efforts were beginning to get some results. But, we still weren't completely convinced that our sensings were adequate to justify great expenditures of ammunition. We needed a fool proof way to verify the results of our artillery and mortar fire on sensor activations.

In April we started using a system that we called "closing the loop". Each morning we sent air and ground observers into the activation areas of the previous evening. We soon found that we were doing the enemy more damage than we had previously thought. I would recognize claims of success only if our teams could produce a man, a weapon or enough other equipment to give a clear indication that we had in fact gotten the job done.

I will divert from the sensors briefly to describe the Night Hawk Helicopters. I do this to emphasize that the sensors were not working in isolation. This helicopter proved to be a valuable night surveillance tool as well as a deadly weapon. The Night Hawk kit was built in the 25th Infantry Division. It consists of a searchlight having an infra-red and white searchlight capability, mounted coaxially with a crew-served night observation device. Alongside the light and observation device is a pedestal-mounted minigun—the rapid firing machine gun. As soon as an unmanned sensor registered, a Night Hawk helicopter was dispatched to the scene. We killed 103 North Vietnamese soldiers during a one month period using this technique at no personnel cost to us, not even an injury.

You probably have heard the saying that "The life of a new idea is all too short". The enemy became wise to the Night Hawk pretty quickly, however, he was forced to combat our new technique by reducing his free movement at night. He actually played into our hands by moving more in daylight hours when we were better able to see him and shoot him.

Following a series of actions near Tay Ninh in the fall of 1968, we recognized that our fire support bases and patrol bases could be utilized in a more profitable manner—they could be the fire power jumping off place as opposed to just a defensive position. With proper prior information of the enemy we could often fight a major battle without actually committing the physical bodies of our men into the danger area. That meant that we could spread out. We could use less men in a given area. We could occupy more areas that were widely dispersed.

Our fire bases initially were quite large and required two, three or more rifle companies for their defense. The elliptical shape was rejected in favor of a circle and the size of the bases was eventually reduced so that the bases could each be defended by one rifle company or less. In addition to freeing additional troops to provide the division with a more flexible maneuver force these smaller bases were designed so that emplacement, complete with heavy bunkers, protective wire and observation towers, could be completed within a ten-hour period, thereby giving our men good protection the first night. With the small defensive force, rapid emplacement took on paramount importance. Here is a sequence of an observation tower going into position; the helicopter lift in; the quick set up; and here it is during an actual night operation.

We were now ready for the more offensive roll of the fire bases. Instead of just defending in close to a fire base as shown here and later moving our fires out to follow the enemy retreat as shown here, we learned to find the enemy early and, as I have mentioned several times, we started fighting with fire power great distances from our troop location areas as shown here. This caused us to give high priority to and to place great reliance on our surveillance devices.

In early 1969, the enemy commenced a series of hit and run attacks from his Cambodian sanctuary. You probably read of some of our battles around Diamond I, II and III and Frontier City, the names given our bases by company and battalion commanders. With these very small fire bases, placed in exposed positions, some poorly informed people back here in the United States accused us of baiting the enemy. Actually Diamond I, the first in the series, was put in position because the enemy, operating out of Cambodia, had raided the SVN Government supporting, prosperous, little town of Phuc Lu three different times. The enemy had killed the village chief and ten other local officials during these three raids. Diamond I was placed in a flat dryed up rice paddy in the wide open between Phuc Lu and the Cambodian border in order to stop these enemy raids. Our radars, sensors and Night Hawk aircraft were in place ready to work. On five separate occasions NVA battalions and regiments attacked these bases and on every occasion our early warning gave us the advantage of being able to deliver large volumes of firepower which broke up the momentum of his attack and sent him reeling back into Cambodia.

Now I guess the best real war story that I have is Fire Base Crook. This is the story of where 412 enemy soldiers were eliminated with the loss of one U.S. soldier.

Fire Support Base Crook was established in April 1969 northwest of Tay Ninh City. The base was an irritation to the enemy because from it we could block movements of the enemy 9th Division and could support continuous reconnaissance operations into his base areas near the Cambodian border. Unlike many of our bases farther south along the Cambodian border, Fire Support Base Crook was in place almost two months before the enemy decided that he had to attack. When he did, he meant business.

On 5 June 1969 the first indication of enemy activity near Crook was given by sensor activations 950 meters east and 550 meters northwest of the base at 2000 hours. Reconstruction of enemy plans later proved this movement was preparation for a secondary attack and the establishment of firing positions for his indirect fire weapons. Artillery took the movements under fire. Simultaneously our radar atop the tower began to detect groups of three to four persons moving in the woodline which ranged from 220 meters to 1000 meters from the base perimeter. Some eighteen sightings were made between 2000 and 0100 hours. All of these were engaged with artillery fire from within the base. All personnel within the perimeter were alerted and the higher headquarters got all outside supporting elements ready to operate, loud cover cleared shortly after midnight, and the soldier manning the night observation device on the tower began confirming radar sightings.

From 0130 until 0255, enemy movement appeared to cease. The quiet was broken at 0255 with a heavy attack by indirect fire as the enemy attempted assaults from the south and east. One US soldier was killed by a mortar round as his listening post withdrew into the base. This was our only man to die in this great battle. The enemy attack continued until 0530 hours. Meanwhile, all available artillery and air support had been dispatched to the Crook area as the initial actions around the base quickly proved to be our firepower offensive. As soon as the enemy was detected we went into an attack by fire against him. A search of the battlefild after the first night showed that the enemy had lost 76 of his troops. Although the bodies were relatively free of documents, we did pick up enough to identify the attacking unit as a battalion of the 272d NVA Regiment. Search of the battlefield was not completed on 6 June because elements flown in to assist in sweeping the area became engaged with small enemy forces. Contact in

the deep jungle continued until late afternoon—B Company, 3/22d Infantry and its artillery battery remained in the small circle and secured for the night.

The second night, 6 June, proved to be even more active than the first. Strangely the times of the incidents were almost identical. Sensor fields activated at about 2000 hours, radar sightings of small groups were made from 2000 to 0100 hours, starlight scope operators spotted movement around midnight, movement had substantially ceased at 0100, and the attack commenced at 0255 hours. Several notable sightings were made—the radar detected two groups of about 40 persons each moving about 1500 meters north of the base at about 2030 hours, and the Night Hawk Helicopter detected another group of about 40 persons actually *in formation* moving toward Crook along the road from the east. The Night Hawk immediately dived on its target. All other targets were engaged with direct and indirect artillery fire, mortar fire and all available Army helicopters and Air Force attack planes. Analysis of the action proved that these relatively large groups were sighted in the general direction of the enemy's main attacks.

As on the previous night, the attack ceased at about 0530 hours. Our defensive was, in fact, an offensive that went exactly as planned. The aircraft approached from the west to remain clear of artillery trajectories. Indirect fire and fire from within the base were placed into the indicated areas. Our search of the battlefield proved just how punishing our efforts had been.

At daylight additional infantry elements were flown into the battle area to assist in the sweep. Before helicopters could land on the helipad at Crook, 38 enemy bodies had to be removed. This diagram indicates where the bodies were found, and gives us an idea as to which weapons eliminated the enemy. The 60 (29+31) west of the river were killed almost exclusively by helicopters, the 32 along the woodline were killed by indirect artillery, the 20 close in were killed by direct fire (rifle and machine gun) from the base, the 43 along the road were killed by the Night Hawk Helicopters and the remainder of over 150 were killed by a combination of US Air Force planes and fire from within the base. In all, on the second night, 323 additional enemy were killed and 10 live prisoners were taken. I had to move two bulldozers up just to bury the dead.

On the third night the first base commander again held his test firing in the early evening to check all weapons. Much to our surprise the enemy responded with return fire on the support base. This action apparently pre-empted another planned enemy attack and cost him three more of his soldiers. I don't know what happened to our early warning that last night. It is possible that the enemy moved in during the daylight while we were depending on visual observation and were not reading our sensors. This completed the action at Fire Base Crook, resulting in 402 enemy killed and 10 captured. One U.S. soldier was killed during the battles, three were slightly wounded.

While the enemy's main forces were suffering major defeats in their attacks on our fire bases, he instructed the Vietcong local forces to increase the use of anti-tank mines and booby traps throughout our sector. They used plastic anti-tank mines which are nearly impossible to detect with our current mine sweeping equipment. They also employed literally thousands of booby-trapped hand grenades and home made devices which were producing an unacceptable rate of U.S. and Vietnamese casualties. Something had to be done about this as a matter of priority?

We had a hunch that there was a pattern to the enemy's use of mines and booby traps. In the division we had a UNIVAC 1005 computer (actually it is more of a high speed card processor). This is used primarily for mechanizing personnel records and computing our pay.

Somebody had the bright idea of punching a card for every mine and booby-trap we had encountered since January 1st of 1969. After running various sorting procedures on the computer, we found that there were definite patterns in the manner in which the enemy used mines and booby-traps. We found that NVA regular units seldom used anti-personnel mines or booby-traps. They used metallic anti-tank mines almost exclusively on roads and trails. On the other side of the coin, most non-metallic mines and booby-traps were laid by the Vietcong.

To make a long story short, we found seven areas in our division zone where mines and booby-traps were sown in high density. Let us recognize that the computer did not give us the answer to our problem. It merely took a great deal of information that we had on hand and allowed us to collate this data and put it in manageable format for effective study and decision making.

Some of our bright young men continued the study of the mine/booby-trap problem and recommended that we emplace sensors in the vicinity of the heavily mined areas. The theory here was to detect the enemy soldier whose mission was to steal out at night and sow the mines. This was the core of the problem. If the miner could be stopped, the mines would be stopped.

We diverted 56 unmanned sensors to the mine problem. Our initial results against anti-tank mines were somewhat dramatic. In one month we reduced the number of damaged or destroyed vehicles by 50%. I'm sure you appreciate the fact that most of these vehicles were the expensive full-track armored types as we used them more as we were opening roads. It was relatively easy to fight the anti-tank miner because he, in general, was working on a road or trail away from populated areas.

Each morning we sent confirmation teams, helicopter and ground patrols, into places where we had fired during the night. I recall three separate occasions when we confirmed that we, responding to a sensor pickup, had blown up a mine before it was planted. We found groups of three to four dead mine planters lying beside their shovels. I am convinced that we complicated the life of the mine planter no end!

The employment of sensors in the heavily booby-trapped areas was not quite as effective but we did reduce our casualties by about 30%. This is less than the anti-tank mine side of the coin because booby-traps are more often used among people. Very often our reaction to sensor alerts could not be firepower. The best we could do was to send out patrols to try to capture the enemy or run him off. This often found us arriving too late.

Small, moveable sensors became available to field units in July 1969. They were used most successfully by the Armored cavalry squadron at many night locations. These small, moveable devices are of significant value to maneuver units in any situation where they stop for only a few hours at a time.

So far, I have described those good points about the sensors. Of course, with the good, there usually exist some drawbacks. Each commander must equate the cost of employment of each asset in his command against the results that that asset is producing. We found the sensors rather expensive with respect to personnel requirements.

1. During sensor emplacement operations, I often sent an infantry company to protect the emplacement team. This was expensive in many instances since the entire company might have been used somewhere else. We countered this limitation to some extent by learning to accurately drop the sensors from helicopter.

2. Watching a portatale monitor can be expensive in time and it can be boring. We found that a soldier's optimum time watching a monitor is no longer than three hours, particularly during the rainy season. At this stage we did not have extra people in our organizations to monitor the portables.

Every military commander is always looking for a fool-proof early warning system that will allow him to execute his plans early enough to thwart his enemy before that enemy can become truly dangerous. I found at the Diamonds, Frontier City, and Fire Support Base Crook, that sensors represent only a part of a team. Where the unmanned sensor is ineffective, the small radar may compensate—and vice versa. We once again confirmed, however, that often we have to have a man with his eyes, his brain and his morality to tell us where and when to shoot.

Like anything new, the sensor must completely prove itself on the battlefield. We tried our best to make it work during those early stages of development and we consider that we did a reasonably good job.

I was one of the first major Army Commanders to use sensors in Vietnam. I employed early versions and models which were not as effective as the sensors that are currently in use. General Wright who will follow me will discuss these newer sensors.

I have taken you away from the subject of sensors and back again several times to help us understand the philosophy of operations in order to more clearly see what we were doing with surveillance devices.

We of the Army are continuing tests at Fort Hood, Texas and elsewhere. We are making unusual efforts to avoid having the American young man stand toe-to-toe, eyeball-to-eyeball, or even rifle-to-rifle against the enemy that may outnumber him on the battlefield. We are trying to fight the enemy with our bullets instead of the bodies of our young men—"firepower not manpower."

No one can say that the unmanned sensors, the radars, or the night observation devices were the total difference between victory and defeat; between high or low friendly casualty figures. I am sure, however, that every soldier who has engaged an enemy in battle will tell you in plain terms how important early warning is, how essential it is to know where and when the enemy is moving, how less painful it is to use firepower to fight him at a distance rather than expend your manpower as the enemy makes his close in assault.

In my judgment, as a combat commander, I certainly believe that the availability and use of unattended ground sensors and other surveillance devices significantly lowered our casualties.

Thank you gentlemen, may I have your questions.

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STATEMENT BY MAJ. GEN. R. McC. TOMPKINS, U.S. MARINE CORPS, BEFORE THE PREPAREDNESS INVESTIGATING SUBCOMMITTEE, ARMED SERVICES COMMITTEE, U.S. SENATE, SECOND SESSION, 91ST CONGRESS

SENSORS AT KHE SANH

Just to be sure we're all in the picture, let me say a word about the I Corps area. It comprises the five northern Provinces of Vietnam (Quang Tri, Thua Thien, Quang Nam, Quang Tin, Quang Ngai). I Corps (about 170 miles long) has an area of about 10,000 square miles, bordered on the north by the DMZ, on the west by Laos, on the east by the China Sea, and on the south by II Corps.

Now today I am going to talk primarily about northern I Corps—the two northern Provinces of Quang Tri and Thua Thien. The war here in the two northern Provinces was unique in all of Vietnam. It was unique for two reasons:

(1) The enemy was composed almost entirely of NVA—something on the order of 90%.

(2) the enemy was supported not only by the usual rockets and mortars but also modern artillery up to and including 130 M/M guns and the 152 M/M gun-howitzer. This was the only place in Vietnam where the enemy was equipped with artillery.

In 1 December 1967 in northern I Corps the enemy was disposed as follows:

(1) Along the eastern DMZ he had the 423–B Division (the 803D, 812th and 90th Infantry Regiments). On the east coast he had the 270th Infantry Regiment (3 infantry battalions, an artillery battalion, and an AA battalion). In the area bounded by Gio Linh, Con Thien, Cam Lo, Dong Ha—known locally as "leatherneck square"—he had the 27th Infantry Battalion of 4 companies.

(2) in the area west of the city of Quang Tri, he had about 3,250 infantry and in the area west of the city of Hue, not shown but which lies to the south of Quang Tri, about 1,385 infantry plus certain supporting troops.

(3) Between Ca Lu and Khe Sanh we knew that there was one unidentified battalion at work.

(4) In the eastern DMZ he was supported by about 100–110 artillery tubes.

Opposing him in the northern I Corps area—a distance of 85 miles from Hai Van Pass in the south to the border of the DMZ in the north and from the China Sea in the east to the Laotian border in the west—a distance of 45 miles—was the 3d Marine Division (reinforced).

The 3d Marine Division instead of the usual 9 Infantry Battalions had on 2Dec67 13 infantry battalions and 140 artillery tubes. Of necessity the division was widely dispersed. At Khe Sanh there was a single infantry battalion. There was one battalion between Hai Van Pass and Hue. The balance of the division was disposed between Hue in the south and the southern border of the DMZ in the north.

During the first week in December intelligence indicated enemy units moving toward Khe Sanh. Patrols from the Khe Sanh combat base reported increasing contacts with NVA troops who were well equipped with the latest weapons, well uniformed, well fed and thoroughly professional in the way that they handled themselves.

On 13Dec67 the III MAF Commander, Lgen Cushman, directed CG3d Mar Div to reinforce Khe Sanh with an additional battalion plus certain supporting troops.

At the same time it became apparent that other events were taking place within the division's tactical area of responsibility that had ominous overtones. The 324–B Division which had been content to remain fairly well in place in the Eastern DMZ for some months, began moving. There was unsubstantiated information about a new NVA Division moving down to the DMZ. The enemy units in base areas 101 and 114—in the vicinity of Quang Tri City and Hue respectively—showed increasing activity and aggressiveness.

It was against this background of enemy activity and movement that some hard decisions had to be made. I asked for and received another battalion from the special landing force. Then we flew in additional forces to Khe Sanh. The combat base was reinforced with a battalion on 15Jan68 and another battalion on 22Jan68, along with additional artillery and supporting troops.

I should say here that everything that went to Khe Sanh went by air. The road—Route 9 which runs from Ca Lu to Khe Sanh—had been cut by the enemy in August 1967 and remained closed until mid-April 1968.

Thus by 27 January at Khe Sanh we had the 26th Marine Regiment of four battalions—1/26, 2/26, 3/26, and 1/9—plus a battalion (18 tubes) of 105 N/M howitzers, a battery (6 tubes) of 155 N/M howitzers, a 5x90 M/M gun tanks, 92–106m/m recoilless rifles, 6–4/2" mortars plus the usual organic weapons of 4 infantry battalions.

We had done all that could be done at the time and under the circumstances then prevailing in northern I corps.

Higher authority, acutely sensitive to the growing enemy threat which spread across the entire front, reacted with speed and decision.

A reinforced regiment from the 1st marine division was brought into the Hue-Phu Bai area. Both the 1st Air Cavalry division and 101st Air Cavalry division began staging into the area between Hue and Quang Tri city.

In the meanwhile, at Khe Sanh, the enemy build-up continued. It now appeared that two enemy divisions—324–C and 304 were in the immediate area.

The 325–C division consisted of the 90th, 101st, and 29th Infantry regiments. Both the 90th and the 101st had been involved in the bitter battles for Hill 881–S and Hill 881–B at Khe Sanh in May 1967. These enemy regiments were badly cut up in those battles and had lain doggo for the ensuing months until then turned up in the same arena in January 1968. The 29th regiment was new to us although we suspected it was one of their battalions that had been operating for some months between Ca Lu and Khe Sanh to the north of Route 9.

The 304 division—consisting of the 9th, 57th, and 66th Infantry regiments—was an unknown quantity as far as we were concerned.

We did know that 304 division with only one of its infantry regiments, the 57th had fought at Dien Bieu Phu together with their 345th Artillery Battalion. They attacked strong-point "Isabelle" and overran it finally, suffering 490 Kia.

At this same time things were getting tighter at Khe Sanh on 18 January the enemy probed our positions on Hills 881–S and 861. On 19 January one of our combat patrols early in the morning surprised an enemy force moving onto Hill 881–N. The patrol was reinforced by two rifle companies and the argument became quite vigorous.

This action continued until dark when our forces withdrew to their permanent positions. We could not afford to have them out on a limb 2,000 meters beyond our most advanced combat out-post on Hill 881–S.

And now, on 20 January, at Khe Sanh there occurred one of these fortuitous chances that make the expression "the fortunes of war" something more than a tired cliche. At 1400 hours on that day, 1st Lt. La Thanh Tonc of the 14th AA Co., 5th Bn 101st Regiment 325–C Division approached our lines waving a white flag. He revealed to our interrogators not only the dispositions of the two assault regiments of 325–C Division—that is, the 95th and 101st—but also the general plan of attack to include specific objectives.

An officer courier flew in to my CP from Khe Sanh with the interrogation report. I had assembled my principal staff officers and we studied the information that 1st Lt. La Thanh Tonc had revealed. I decided that we would accept it as valid; we had nothing to lose by so doing and stood to gain a great deal. I recalled that sometime before, at Dak To in the highlands, a similar event had occurred and the Army CG had received valuable information from a deserter: the army staff tended to believe the information was too good to be true and should be discounted. The CG ruled otherwise and events vindicated his judgment. I wondered if history would repeat itself on us.

It may be of interest to tell you what had caused the lt. to desert. He was a regular with 14 years service and had recently failed to be selected for promotion to captain. An officer with less service and fewer qualifications—at least as far as Lt. Tonic was concerned—had been promoted. This so incensed Lt. Tonc that he deserted.

I have often thought that Lt. Tonc's desertion may have caused the enemy to launch his attack earlier than had been planned originally. The enemy undoubtedly learned of Tonc's disappearance within a few hours of his surrender.

At any rate the initial attack on the hill positions at Khe Sanh combat base really commenced on 21 January at about 0415 hours. And I am pleased to report to you that the attack followed exactly the plan that Lt. Tonc had revealed to us the day before. The combat base itself came under an extremely heavy mortar, artillery and rocket barrage. One of the first incoming rounds landed in the ammunition dump: the results were spectacular.

The enemy had placed his heavy artillery just over the border in Laos. We did not have the range to fire counter-battery on his 152 M/M, 122 M/M and 130 M/M guns. Air strikes were only partially effective and then more from an inhibiting role than in a destructive role.

We were never able to silence the heavy enemy artillery and rockets that could bear on Khe Sanh combat base. Improving trenches and shelters became quite popular.

Concurrently with the attack on the combat case, the enemy attacked and finally—after 24 hours—captured the village of Khe Sanh. There was now not less than one enemy regiment astride Route 9 west of the combat base, thus isolating the special forces at Lang Vei near the Laotian border.

The situation of the 23 of January was essentially that which we had to endure for the next two months. Khe Sanh combat base was completely surrounded and dependent on aerial re-supply for everything.

So long as we held firmly to the hill positions and could keep them resupplied by helicopter, the enemy would have a difficult job in attacking the base. It was clear, however, that we must now allow ourselves to be bled to death by engaging in meaningless adventures that did not contribute to the mission—hold on to Khe Sanh combat base; it must not fall into enemy hands.

Our four infantry battalions averaged (counting all hands) about 1,000 men each. The enemy battalions—some 18 in the two divisions—averaged about 550 men each. At least theoretically, on the basis of infantrymen, the enemy had almost 10,000 against our 4,000. Or, to put it another way, the total ration strength at Khe Sanh was some 6,000 men against two good NVA divisions totalling about 20,000 men.

I planned, therefore, a set-piece type of defense that would require the enemy to come to us. The daily papers, I am glad to say, made much of the fact that we were locked into our positions and did not engage in patrolling, etc. I hope the enemy high command believed it because such was not the case.

On 27 January the 37th Ranger battalion (ARVN) joined us at Khe Sanh with an effective strength of about 350 total. This was the last reinforcement to come into Khe Sanh, other than individual replacements for casualties, until we were relieved in April.

Our dispositions were now as follows:

3d Bn 26th Marines occupying the hill positions on 881–S, 861, 861–A and 950 outside the perimeter.

1st Bn 9th Marines occupying a position outside the perimeter and 800 meters directly west of it.

2d Bn 26th Marines occuping hill 558 outside the perimeter and 4,400 meters directly north of it.

1st Bn 26th Marines, 37th Ranger Bn and all supporting forces within the perimeter itself.

Patrolling outside our perimeter was constant, but I put a limit of 500 meters on them. This was to prevent a patrol being mousetrapped, with rescue forces, in turn, becoming entrapped. Our system worked very

well and at no time did the enemy manage to surprise a position and take hold it.

On the night of 5 February at 0445 hours the enemy began probing the entire Khe Sanh combat base under cover of artillery and rocket fire.

It was in this attack that the sensors proved their great worth to Khe Sahn combat base—in their role as information-gathering devices. Let me tell you in some detail how these events were reported by one officer in the S–2 section in a personal letter to me sometime later.

Throughout the dark of 3–4 February, the sensors reported large troop movements along a ridge to the northwest of hill 881–S. This ridge approaches the hill to a point about 3,000 meters away. Then, it runs south for some 4,000 meters, lying to the west and southwest of the hill. Then, it turns abruptly to the east, ending about 3,000 meters due south of the hill. It is a Z shaped ridge. The northwest section of the ridge, which stretched in that direction for some 10,000 meters away from hill 88–S, was the only source of sensor activity. During that phase of the siege, the S2 and FSCC personnel knew little of sensor accuracy and reliability and I knew even less. And so, I embraced the theory that it would be folly to become erudite in one's ignorance: Therefore, believe that which the sensors purport to say. Thus, from the evidence of that night, I concluded that at least two battalions of infantry (or an equivalent number of porters) had reached a point 3,000 meters to the northwest of hill 881–S; and that they had come from the direction of the known location of the 325C Division. Dawn came without further developments—or confirmation, for that matter.

From the late evening of 4 February onwards, more and more puzzling things occurred. First, the sensors along the north-south portion of the ridge to the west of Hill 881S began to give tongue vociferously in the same intensity as had their neighbors on the northwest portion the night before. Second, the latter began to sound off again. Third, the hitherto silent southern portion of the ridge, running from west to east, reported movement in the same strength as had the other sensors, but only along the western section of the west to east ridge-line. The eastern section, which led to the main siege works about Khe Sahn's southern and southwestern perimeter, reported no activity. Fourth, after the western end of the west-east ridge-line (to the southwest of Hill 881S) had fallen silent, the north-south portion (to the west and southwest) began to sound off again and then lapsed into inactivity. Fifth, more activity in the same strength as event four was reported along the western end of the west-east portion of the ridge to the southwest and south of Hill HH1S. By 0100 5 February all sensors fell silent.

Bearing in mind that I had had only two weeks to learn something—very little—of sensor interpretations by this stage of the siege, let me summarize the events and offer conclusions.

A. Night 3–4 February: Activity to the northwest moving towards Hill 881S; estimate two battalions.

B. Night 4–5 February:

(1) Activity to the west and southwest moving south; estimate two battalions.

(2) Activity to the southwest and south moving east, but stopping when more activity *should* have been reported to the south-east, had the force continued its march east; estimate same two battalions.

(3) More activity to west and southwest, moving south; estimate one battalion.

(4) More activity along western end of ridge to south moving east, but stopping at same place as before; estimate same battalion as above.

(5) Activity to the northwest moving towards Hill 881S, but stopping before the ridge turns to the south; estimate two battalions.

Question to be determined: Have I account for two forces of three and two battalions respectively; do I have three battalions to the south of Hill 881S and two battalions to the northwest or four to the northwest; am I looking at a porter-borne logistic train or should I rush about, shouting "Aux armes"?

All activity had ceased by 0100, 5 February. Expecting more information, I sat back and waited. Then, urgent inquiries to all and sundry—including your headquarters—proving empty of satisfactory response, I slowly entered a state of inward panic. I could not prove that which I was beginning to believe. The forces—if there be forces—had either moved off the line of sensors and the ridges away from hill 881S (therefore, no danger) or they were moving towards the hill (therefore, grave danger—especially in the thick mist). I plumped for the second explanation; for this fell neatly within the lieutenant's remarks.

I then informed Lt. Col. Hennelly the FSC, who twice before had been my commanding officer. His conclusions: right or wrong, the risk was too great to ignore. What did I recommend? My reply: the NVA rate of march is 4 KMS per hour over easy ground and 2 KMS per hour over rough. The last sensor report from the south had occurred at 0100; it was now past 0200; we should fire at 0230 when the enemy should have reached this point (here) on its march north to hill 881S. The enemy will be in regimental column, battalions on line, interval 100 meters (standard NVA regimental tactics for night attack). Therefore, we should place a target block 500x300 square meters about the anticipated enemy position, fire 350 rounds of light and medium artillery into it, and copper bottom our bet by adding a 1000 meter curtain at each end of this east-west block to the south of the hill which would stretch from the southwest to the southeast and be composed of 200 rounds of 175mm fire in the event that the enemy outsmarted us by attempting a double envelopment. Alert aircraft for TPQ–10 runs, if necessary. Such was my advice.

At about 0230 eight batteries of artillery fired over 530 rounds into and along the curtains of the block.

We had no confirmation at all that we had hit anything. The enemy still had half an hour to march to reach hill 881–S. 0300 came and went without further sign of their presence. I concluded that, even if we had not struck them fair and square, at least we had informed them clearly that we were aware of their existence; and, consequently, the enemy had aborted the attack (another NVA characteristic upon which reliance may be placed—up to a point). But, nevertheless, something continued to bother my mind. Despite my concern, the general euphoria which by that time had permeated the FSCC prevented me from remembering the one or two facts which hitherto had escaped my attention.

At about 0445, those facts were violently brought to mind. The enemy, attacking in two battalion strength, assaulted hill 861–A. The missing two battalions had been signalled by the sensors (see page 5, event B(5)) and I had, to my shame, completely forgotten them. I assume now that those two battalions had left the northwest ridge near Hill 881–S, swung north of the hill, and had occupied their attack position to the northeast of Hill 861–A, whence they made their assault in battalion line, regimental (—) column—as is normal for them. The rest is history. Once more, Marine NCOs and other ranks made up for the mistakes of the alleged brains of and on the staff—as they have done throughout our history. There is no proof, naturally, of any connection between those sensor impulses representing a possible two battalions on the northwest ridge (event B(5)) and the units which attacked hill 861–A. Only one battalion actually made a known appearance on the hill; and it, as you will remember, met a revolting fate. The second battalion, if one there was, was attended to by one hour of shelling and air strikes, which landed on all the possible assemble/reserve areas at the base of the hill. Subsequent information suggested that such a second battalion actually did exist, but that it never had an opportunity to take its place in the line of battle.

It is, as you know, very easy to reason backwards. Sensor information can be very deceptively inviting in this regard. I like to think that all I have told you herein is precisely as it happened; but, I cannot be sure and I never will really know until the NVA actually tell us. For whatever it is worth, the major assault upon the combat base, during the night of 29 Feb.-1 Mar. was signalled in precisely the same way as had been the hill attacks and we were ready for them.

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REMARKS DELIVERED TO THE U.S. SENATE, COMMITTEE ON PREPAREDNESS ON KHE SANH, AND THE ROLE OF SENSORS IN ITS DEFENSE

Gentlemen: I am Col. David E. Lownds USMC (Retired) who commanded the 26th Marines and conducted the Defense of Khe Sanh during the Tet offensive of 1967–68.

At Khe Sanh I had the distinct honor and privilege to command some of the finest Marines in our Corps' history and I was proud of the performances and contributions of our sister services—The Navy—The Soldiers—Air Force Personnel and finally the ARVN Forces who added considerable strength. All of them cheerfully endured their hardships and constantly produced a team effort through most trying conditions. Through all this, their morale stayed high and their spirit never lagged.

A great deal was written about Khe Sanh—about the feasibility and desirability of defending it. Make no mistake about it, Khe Sanh was important at the time and the enemy wanted it—wanted it so badly that he committed approximately three divisions to try and get it; of course, it is history that it failed.

One of the most important reasons for this failure was the man on the ground—those Marines and men of the other services and the gallant South Vietnamese Forces who fought along side them. The enemy knew that to take Khe Sanh he had to defeat those ground forces and he found out this was impossible.

In addition to the man on the ground—we had access to the finest combination of supporting arms ever to be assembled, each time the enemy mounted an attack he was soundly defeated both at the wire by the troops on the line and in his assembly areas by our supporting arms. He was never able to sustain an attack because of this combination. Two cases in point may illustrate this—on Feb. 5, 1968 an estimated battalion tried to overrun Marine positions on the west side of Hill 881 the attack was defeated by I Co, 3rd Battalion 26th Marines who killed 109 NVA on the defensive wire. Again on Feb. 9 at least a battalion of NVA attacked our positions about two miles southwest of the airstrip and they were driven off with 124 KIA's and fifty captured weapons (1/9). In both encounters our casualties were light. In addition, the enemy tried to attack different areas of Khe Sanh five times during the month of March in each instance were driven off.

What technological advances played a part in the defense of Khe Sanh and what did

they foretell for the battlefield of the future? The actual battlefield of the future won't be that much different from the past. The red mud of Khe Sanh in 1968 was very much like the mud of Flanders in 1918 to the young man living and fighting in it and the geologists tell us that mud won't change that much—what can be predicted is a continuation of the evolutions stemming from and closely tied to the sophisticated technology used at Khe Sanh and which are in keeping with the sophisticated technological society in which we live.

One of these developments which played a significant role in the defense of Khe Sanh, was the sensor which allowed for early warning and active target acquisition of targets not only close in but deep within enemy dominated terrain and the subsequent destruction of the targets. The sensor is not a panacea but is a valuable tool in the effective coordination of exceptionally responsive and particularly flexible firepower (it is flexible and expendable which is something, in my estimation, your and my sons are not.)

It allows a commander to quickly locate enemy assembly areas and destroy or render ineffective the main force before he can close the main battle position. In this regard one particular situation at Khe Sanh comes to mind it occurred in early March of 1968. The sensors which had been emplaced along Route 9 to the Laotian Border suddenly came to life and it became obvious that a large column was moving adjacent to Route 9 toward the base. A personal previous reconnaissance prior to the start of the battle gave me the time it took to reach given points along the road and the sensors were verifying the information that the NVA were proceeding as estimated. By computing the length of the column by information produced by the sensors it became obvious to me that an enemy regiment was trying to close the base. This information coupled with possible assembly areas allowed us to bring down upon this unit devastating fire power (i.e. B–52, tactical air and artillery) to break up the impending attack. Approximately only one company was able to close and were destroyed in front of the ARVN positions on the southeast corner of the perimeter.

Circumstances such as this occurred several times (although the enemy forces were not necessarily in regiment size) during the battle of Khe Sanh.

In my estimation during the single episode described above a significant number of American lives were saved.

The sensor and electronic battlefield as it existed at Khe Sanh were an extremely valuable adjunct to the defense. In closing let me say the battlefield is a dirty and ugly place. All the most sophisticated instruments of destruction we can devise won't change it nor will they change the supreme demands of courage, sacrifice, professional skill and dedication which Marines of each and every generation have met on the field of battle. However, we should have the vision with which to make our country more secure and the tasks of our young men of the future easier, their challenges less trying and their sacrifices less costly.

Thank you.

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STATEMENT OF MAJ. JERRY E. HUDSON, 076400, U.S. MARINE CORPS

During the period November 1967 through April 1968, I was assigned as Intelligence Officer for the 26th Marines at Khe Sanh. During early January, multi-source intelligence indicated a substantial build-up in enemy activity in the area and the threat of attack appeared imminent.

Approximately 18 January a team from MACV Headquarters in Saigon visited Khe Sanh and offered the use of some electronic devices which would give indications of enemy presence, later to be called sensors. Within 48 hours we began receiving reports that the devices were being implanted in likely avenues of approach to the combat base. Approximately the same time we also began receiving reports that the devices were indicating enemy activity. These reports increased in volume to over one-hundred per day. During the first days the reports were received with some anxiety as their meaning was not clear; however, after exchange of numerous messages with the various commands involved in implanting, readout, and interpretation of the information, definite patterns could be detected and were targeted.

During the height of activity at Khe Sanh we received several hundred air strikes, over five-hundred artillery missions, as many as eighty radar directed bomb missions and as high as sixteen B–52 missions all in a twenty-four hour period. Sensors provided a prime source in the identification of targets for these systems. One B–52 mission was followed by over two hours of secondary explosions.

Prior to the advent of sensors, it was command doctrine to shoot numerous harassing and interdiction (H&I) artillery missions each night. These missions were usually based on map inspection, suspect areas, and yesterday's intelligence. The sensor provided real time information and the words harassing and interdiction were virtually removed from the Third Marine Division vocabulary in favor of moving target-fire.

Khe Sanh enjoyed what is probably the most heavily concentrated intelligence collection effort ever directed in support of a regimental sized operation. Sensors played an important part in this effort. Sensor activations were immediately targeted for coverage by infrared sensing aircraft and side looking airborne radar. When weather permitted, all sensor activations were reacted to by aerial observers. When sensor activations were viewed with the information available from the many other sources, valuable intelligence could be produced regarding enemy base camps, storage areas, truck parks, artillery sites and movement through the area in general.

I believe that sensors played an important role in the defense of Khe Sanh. I know that they were relied upon heavily in determining my estimates of the enemy situation to Colonel Lownds, the Regimental Commander of 26th Marines and commanders of the Khe Sanh combat base.

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## SMALL BUSINESS ADMINISTRATION LOANS AND COMMITMENTS

Mr. McINTYRE. Mr. President, I am reporting a clean bill from the Senate Committee on Banking and Currency relating to the Small Business Administration.

The bill would increase the amount of loans and commitments which the Small Business Administration can have outstanding in its regular business loans, in trade adjustment loans, in loans made under title IV of the Economic Opportunity Act of 1964 and under its prime contract authority. This amount would be increased from $1.9 to $2.2 billion. There is a sublimitation increase of from $200 to $300 million in the amount which can be outstanding under title IV of the Economic Opportunity Act of 1964. SBA estimates that this increase will permit it to continue these programs until June 30, 1971.

The bill would also increase the amount which may be outstanding in loans to State and local development programs under title V of the Small Business Investment Act of 1958 from $300 to $500 million. SBA estimates that this increase will permit it to continue these programs until June 30, 1972.

These increases are vital to the continuance of SBA's loan programs. At the present time the existing statutory ceilings are so close to being exceeded that SBA has issued an order dated November 9, 1970, which prevents its field offices from approving regular business loans, EOL loans, displaced business loans, trade adjustment loans, and prime contracts. All approvals are being made in the Washington office.

This order came as a surprise to the Small Business Subcommittee. We had been led to believe that the present statutory ceilings for these loan programs were sufficient to continue these programs until Congress had had a chance to act on these increases after the election recess. However, the large volume of loans in September and October had adverse effect on projections which SBA had made.

The Senate has already acted to increase the ceilings which may be outstanding in loans to State and local development companies on August 11, 1969. No action has been taken on this bill, S. 2815, in the House. This increase is included in this bill to facilitate action by both Houses of the Congress on this very important matter. Loans under this program have been limited since September to the amount of repayments and cancellations received by SBA. On November 6, 1970, a moratorium was placed on all State and local development company loans.

This bill also broadens SBA's ability to pay the travel expenses and other related costs in its volunteer management counseling program. Under present law SBA is restricted in its ability to pay the expenses incurred by the volunteers who assist SBA in its management counseling. This bill would permit SBA to rent needed office space, pay telephone bills, and parking charges of these volunteers. It would also permit SBA to alert the SBA community of the availability of this program.

SBA is in danger of losing the volunteers it now has if it is not able to meet the basic expense requirements of those businessmen who assist in this important work.

This is truly emergency legislation. I understand that the House Banking and Currency Committee will act on this matter Tuesday, November 24, 1970. I strongly recommend that the Senate act on this bill as promptly as possible.

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## THE "DELTA QUEEN"

Mr. SAXBE. Mr. President, I wish to join Senators who are speaking today about the renewed efforts in the House of Representatives to save the *Delta Queen*. These efforts, which revolve around H.R. 6114 as amended, would extend for 3 years the operating authority of the historic steamer that traditionally plys the Mississippi River system.

The language of the amended bill would affect only the *Delta Queen*, the last overnight paddle wheel steamboat in the United States. The proposed legislation does not provide for a total exemption from the safety-at-sea law,

Public Law 89–777. Rather, it allows time for implementation of recommendations made by the conferees to H.R. 15424, the merchant marine program.

The bill does not involve any expenditure of Federal funds, but its passage would permit the *Delta Queen* to continue while a replacement is being constructed as well as providing time for Congress to decide how to save this last bit of history that played such an important part in the building of America. The reestablishment of passenger traffic on our inland rivers, even if only for tourist purposes, would aid all States on the Mississippi system, as well as my own State of Ohio.

House procedure will allow a full and fair vote by all the Members, allowing them to express themselves and their constituencies as to whether the *Queen's* operations at full passenger capacity should continue. This is all that those of us that support continued operation of the *Delta Queen* can ask. The Senate has twice supported this position in an overwhelming manner. First, it voted to include an exemption for the *Delta Queen* in the merchant marine program that just became law. Then, the members of the Judiciary Committee with the full Senate concurring attached the extension language in the present bill now pending before the House Judiciary Committee.

I urge the members of the House Judiciary Committee, led by its distinguished ranking minority member, the Honorable WILLIAM MCCULLOCH of the Ohio delegation, to bring the *Delta Queen* extension bill to the floor for a vote. Thus, preventing this small but very important part of our heritage from being destroyed by a fraction of the membership of the House of Representatives.

## ENLIGHTENED POSITION OF MOBIL OIL CO. ON MASS TRANSPORTATION

Mr. MUSKIE. Mr. President, Mobil Oil Co. recently placed an advertisement in the New York Times which commented on the "highway construction boom" and the "mass transportation bust."

The sentiments expressed in this advertisement are not those that are expected of a company that profits from greater use of automobiles and highways. The enlightened position of the Mobil Oil Co. with respect to mass transportation may be a source of strength for those of us who are concerned with this problem and who plan to seek major changes in our Nation's transportation policies during the next session of Congress.

I ask unanimous consent that the text of the Mobil Oil Co. advertisement be printed in the RECORD.

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

[From the New York Times, Oct, 19, 1970]

AMERICA HAS THE WORLD'S BEST HIGHWAYS AND THE WORLD'S WORST MASS TRANSIT—WE HOPE THIS AD MOVES PEOPLE

In recent years the United States has developed a really superb highway system. It's been built with tax revenues earmarked specifically for road building.

But the highway construction boom has been accompanied by a mass transit bust. Train and bus travel in this country, with few exceptions, is decrepit. The air traveler suffers increasing indignities despite bigger, faster planes.

Greater New York is a typical example. You can depend on commuting to and from Manhattan—but only to be undependable and slow. On public transport, the 25 miles to Westfield, N.J. takes 75 minutes at an average speed of 20 miles per hour. The 33 miles to Stamford, Conn. takes 60 minutes at 33 mph. The 26 miles to Hicksville, L.I. takes 55 minutes at 28 mph. When you're on time.

You have to be a stoic with stamina to use public ground transportation for a trip beyond the commuting range. Fly to a nearby city? You can hardly get at our congested air terminals, either by land or air. The ride to or from the airport often takes longer than the flight.

Mass transit seems to work better abroad. Americans are agreeably impressed by the fast, comfortable, and attractive subways in foreign cities. Intercity trains in other countries make ours look pitiful, Japan's high-speed Tokaido line carries more than 200,000 passengers a day. Clean, comfortable French, German, Italian, and British trains regularly attain speeds over 100 mph. European railroads are already planning or building expresses that will do better than 150 mph.

Yet, in the United States, new mass transit systems are for the most part still in the wild blue yonder.

Providing for our future transportation needs will require very large expenditures. We believe there's an urgent need for legislators to reexamine the procedures used to generate and expend transportation revenues. Such a review may yield the conclusion that special earmarked funds are no longer the best approach.

In weighing priorities, no decision-maker can ignore the increasing congestion on those fine highways of ours, especially in and around the great urban centers. But more and better mass transit could stop traffic jams before they start. Just one rail line has triple the people-moving capacity of a three-lane superhighway.

It costs less—in energy consumption and in money—to move people via mass transit than on highways. Thus mass transit means less air pollution.

It also means conservation. Whether the energy comes from gasoline for cars, or fuel oil, natural gas, or coal for electric power plants, it's derived from a diminishing natural resource. So we think *all* forms of transportation should be brought into a national plan for safe, rapid, economical ways of moving people—consistent with the wisest use of our energy resources.

While Mobil sells fuels and lubricants, we don't believe the gasoline consumed by a car idling in a traffic jam (carrying a single passenger, probably) is the best possible use of America's limited petroleum resources. Our products ought to help more people get where they want to go.

To us, that means a green light for mass transit . . . soon.—Mobil.

## THE "DELTA QUEEN"

Mr. SCOTT. Mr. President, I welcome this opportunity to speak on behalf of the paddle wheeler *Delta Queen* to express the hope that Congress will complete action in this session to permit this historic vessel to continue overnight passenger service.

We in the Senate have acted on two separate occasions this year to pass amendments to "save the *Delta Queen*." The opportunity for further action now rests with the House of Representatives, but it seems fully appropriate that we in the Senate who have supported this effort make our continuing interest known.

My own interest in this matter is twofold. The *Delta Queen*, the last of America's overnight paddle wheel passenger steamers, has become a familiar sight in Pittsburgh in my own Commonwealth of Pennsylvania during the more than four decades she has sailed on the inland Monongahela, Ohio, and Mississippi Rivers on trips through 17 States terminating in New Orleans.

But it seems to me that there is also a larger national question of public interest at stake here. In the *Delta Queen*, Congress has what is probably its last opportunity to preserve all that now remains of the riverboat's colorful and once-thriving role in our American heritage. The Department of the Interior has recognized this public-policy question by designating the *Delta Queen* for preservation by including her in the Department's official National Register of Historic Places. Many who have seen or ridden the *Delta Queen* feel that this vessel ranks equally with Philadelphia's Independence Hall and New York's Statue of Liberty as an American landmark. It seems paradoxical that this boat, which has been marked for preservation by one Federal agency, may be doomed by another. I remain hopeful that Congress will take the opportunity still available to make sure that this does not happen.

At issue, Mr. President, is Public Law 89–777, the so-called Safety at Sea Act, which Congress enacted to authorize fire safety standards to protect Americans sailing on the high seas many miles from shore. Obviously, no one can deny that the tragedies which led to the passage of this legislation warranted responsible action by Congress.

It is the Coast Guard's contention that the *Delta Queen*, because of her wooden construction, represents a similar fire hazard. Although much of this wood is in fixtures and appointments representing the elegance of a period gone by, I can appreciate the Coast Guard's concern for it is this agency which, after all, is primarily responsible for the implementation of Public Law 89–777.

There are, however, marked differences which, in my opinion, justify special consideration for the *Delta Queen*. Unlike those vessels which operate on the high seas, the *Delta Queen* sails on usually calm inland waters at distances close to shore. In addition, the boat is already equipped with an automatic sprinkler system, and all of her staterooms open on outside corridors, adding to her safety. It seems worth noting that the *Delta Queen*, in all her years of service, has never experienced a single passenger fatality.

Moreover, the vessel's owners, with whom I have been in close contact, have shown every willingness to undertake the added expense of further safety improvements. Several approaches, including the possibility of fireproofing with special materials originally developed by the National Aeronautics and Space Administration for use in our own space program, have been explored. I have

every reason to believe that those who operate the *Delta Queen* will take every reasonable precaution to insure passenger safety.

The current legislation already passed by the Senate and now before the House of Representatives is a compromise with an earlier Senate amendment which would have granted an indefinite exemption from Public Law 89–777 for the *Delta Queen*. The extension now at issue would be for a specified period only, a period of 3 years during which the *Delta Queen's* owners would continue to offer overnight passenger service with the present vessel while having the opportunity to make the necessary financial arrangements to construct a replacement that complies fully with the fire safety requirements of Public Law 89–777.

Technically, the exemption for the existing *Delta Queen* has already expired, but the boat had been previously scheduled for other repairs at this time. Therefore, the opportunity to "save the *Delta Queen*" still exists.

A public interest in the preservation of the *Delta Queen* has been amply demonstrated through letters, telegrams and phone calls to virtually every congressional office. Clearly, the public is looking to Congress for the needed legislation to keep the *Delta Queen* in service. I sincerely hope that the public will not be disappointed.

## THE LEGAL SERVICES PROGRAM

Mr. McGOVERN. Mr. President, the words of Donald Rumsfeld on July 14, 1969, announcing the appointment of Terry F. Lenzner to be Director of the Legal Services Program:

> The Legal Services Program has come to symbolize much of the mission of this Agency: justice for the poor, effective advocacy on behalf of the poor, and orderly institutional change within the framework of the legal system. Just as this Agency, by Congressional mandate, represents the concerns and needs of the poor within government, so also this program is to provide the poor with representing and advocacy before all institutions and at all levels of government.
>
> The poor must have effective legal representation—the kind of advocacy on which our legal system rests—if they are to have faith that justice is truly equal and that it can be achieved within the existing system of law. We cannot restrict lawyers from giving their clients that representation which the highest standards of the profession require without encouraging those denied to seek change outside the legal system.
>
> Tradition requires that lawyers be advocates—for the poor and rich alike. It is my desire to see the Legal Services Program express the concern, advocacy, and commitment necessary to assure equal justice for the needy.
>
> Terry Lenzner is an attorney for whom I have the highest respect. He has had a remarkable range of experience—a trial attorney of the Civil Rights Division of the Justice Department, Assistant United States Attorney in the organized crime section in the Southern District of New York, private practice, Special Assistant to the Chairman of the Board of Education of the city of New York. I have worked closely and personally with him on a daily basis since assuming this position, and I have confidence in his judgment, his ability and his commitment.

At that time Mr. Rumsfeld went on to say:

> I have every confidence that Mr. Lenzner, the staff and the National Advisory Committee will work with increased effectiveness to bring those ideas closer to reality.

Now, 16 months later, Mr. Rumsfeld has fired Terry Lenzner and his deputy, Frank Jones, accusing them of condoning various violations of agency regulations by local legal service programs.

It is interesting that at this time Rumsfeld does not talk in terms of effective advocacy for the poor, or the highest standards of the profession, or faith in justice, nor of commitments to insure equal justice for the needy. No; now he talks of agency regulations.

Lenzner and Jones have now joined the long list of persons with too keen a sense of integrity and justice to be allowed to reside in this administration—Leon Panetta, James E. Allen, John Knowles, and many attorneys within the Civil Rights Division of the Justice Department.

I would imagine that now that he has performed the Nixon administration's dirty work Mr. Rumsfeld will be rewarded with greater influence and a chair closer to the President as was Robert Finch after he performed the coup de grace on James E. Allen, the then Commissioner of the Office of Education, an outspoken advocate of equal educational opportunity.

The firing of Lenzner culminates a year-long effort of trying to gut the program through an administrative procedure euphemistically called regionalization. In fact, regionalization has always meant stripping Lenzner and the National Office of Legal Services of an effective control over the program. The latest effort at regionalization was announced by Rumsfeld earlier this week and promptly denounced by the Citizens' Advocate Center. I would like to include in the RECORD a copy of the conclusions of the report put out by the center. I also want to serve notice that I will join with my colleagues in the Senate, especially Senator MONDALE who has so long and so ably defended this program against administration politics, to prevent regionalization.

I think it is about time we had an end to this type of political retribution while there are still some people with a concern for equal justice and equal opportunity left in Government.

I have had personal experience with the work of legal service attorneys all across the Nation who have brought suits on behalf of America's hungry poor. These suits have angered local, State and Federal officials but they have insured that hundreds of thousands of persons have received the food assistance to which they are entitled.

Let us have an end to the politics of poverty.

I ask unanimous consent that an analysis of the Legal Services program prepared by the Citizens Advocate Center be printed at this point in the RECORD.

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

On Sunday, November 15, 1970, Donald Rumsfeld, Director of the Office of Economic Opportunity announced that the OEO Legal Services Program would not be regionalized. Simultaneously, OEO promulgated six single space pages of detailed procedures purporting to implement that decision.

The announcement to discard regionalization was no victory. What replaced it was far more devastating; as Pyrrhus is reported to have remarked: "Another such victory and we are undone."

The Citizens Advocate Center was requested to prepare an analysis of these procedures by individual members of the National Advisory Committee to the OEO Legal Services Program because the National Advisory Committee has no staff to perform such functions. Members of the National Advisory Committee requesting this analysis include John Commiskey (Member, Board of Governors, ABA), Honorable Edward Bell (President, National Bar Association), Jacob Fuchsberg (past President, American Trial Lawyers Association), Revius Ortique (Vice President, National Legal Aid and Defender Association), Jean Camper Cahn (Chairman, Subcommittee on Regionalization of the National Advisory Committee) and Mary Ellen Hamilton (President, National Clients Council).

Careful scrutiny of these procedures and the manner in which they were promulgated compels the Citizens Advocate Center to reach the following conclusions:

I. The new procedures achieve administratively the precise results which made the proposed regionalization so objectionable and indeed, go considerably beyond the proposed regionalization in destroying the administrative independence of the Legal Services Program;

II. The new procedures represent a repudiation of recommendations adopted by the National Advisory Committee and the National Clients Council on November 6 which set forth the administrative features deemed essential to protect the professional integrity of the Legal Services Program;

III. The new procedures were developed and promulgated in such a manner as to bypass entirely, both the Legal Services staff of OEO and the National Advisory Committee (which is the agency's official internal vehicle for consultation with the organized bar).

The foregoing conclusions were arrived at only after intensive analysis of the new OEO procedures. They were not reached lightly, precisely because they fly in the face of the public impression generated by Director Rumsfeld's announcement which appeared to end a period of grave peril for the Legal Services Program. In fact, the new procedures strip the Legal Services Program of virtually all administrative and professional insulation despite the OEO's official statement that "particular attention was given to the views submitted last month in a letter from Edward L. Wright, president of the American Bar Association."

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*The new procedures achieve administratively the precise results which made the proposed regionalization so objectionable and indeed, go considerably beyond the proposed regionalization in destroying the administrative independence of the Legal Services Program.*

Rumsfeld in his November 14th memorandum made it clear that his public rejection of regionalization was extremely limited by conscious intent:

"In rejecting the 'regionalization' approach, I wish, therefore, to emphasize that I am rejecting only the recommendation to shift operational control of the program from the Office of Legal Services to the Regional Directors. While program control will be retained by Legal Services *staff*, such control will increasingly shift from the Headquarters

to the Regional level, i.e., from the National Office of Legal Services to the Regional Legal Services Divisions. This decentralization of control will proceed on a Region-by-Region basis as the respective Regional Legal Services Divisions demonstrate the capacity to exercise such authority.

"However, I also wish to emphasize that whether or not an individual Regional Legal Services Division has been delegated operational program authority in the Headquarters/Regional decentralization process, the Regional Legal Services Division *must* follow an explicit set of procedures setting out a meaningful and continuing process of coordination between the Regional Legal Services Director and the Regional Director and his staff. These procedures will insure the Regional Director and his staff full opportunity to participate in the grant review and approval process for Legal Services Programs at every major stage in that process."

Under the procedures issued, there is no need to delegate authority to the Regional Directors. They have the substantive power to intervene, to block, to monitor, to coerce acquiescence, and to precipitate an appeal directly to Carlucci and Hjornevik merely by registering a dissent on any issue.

The new instructions thus radically alter the existing decision making structure in several ways:

1. The Regional Director's sign off is no longer ministerial; it can be withheld for substantive reasons—and appeals or the threat of appeals at all the preliminary checkpoint stages can effectively obviate the need ever to withhold final sign off. By that time, all issues can have been resolved on a low visibility level.

2. Lenzner can no longer withdraw the concurrent signoff power delegated to the Regional Directors if he disagrees with them. Previously, the Regional Director could be compelled to sign or have his concurrent power withdrawn by Lenzner unilaterally. Now that the Regional Director has the right to appeal to Carlucci when he withholds his final sign off, Lenzner can no longer assert sole jurisdiction where the Regional Director refuses to sign.

3. Lenzner no longer has the sole power to decide to delegate sign off power to his Regional Legal Service Directors. He thus loses an important element of line command which is the power to grant or withhold sign off power to the Regional Legal Service Directors. Under the new procedures, the decision to decentralize is made by Lenzner *and* Rumsfeld based upon a determination of whether the Regional Legal Service Director has "demonstrated the capacity to exercise such authority." Should Rumsfeld decide that decentralization to a given Regional Legal Service Director is in order, Lenzner's refusal to do so would take on the appearance of a vote of "no confidence" in his own staff—thus creating a powerful incentive for dissension between Lenzner and his Regional Staff. And an ambitious Regional Legal Service Director could generate pressure through the Regional Director to get Rumsfeld to rule him "capable." Accordingly, there are powerful incentives for the Regional Legal Service Director to accede to the wishes of the Regional Director as a prerequisite of gaining Rumsfeld's agreement to decentralize. Equally disturbing, Lenzner can not withdraw such a delegation once made to his Regional Legal Service Director. The reasons for withdrawing such authority might be, e.g., trying to oversee the actions of a weak Legal Services Director who was making decisions at variance with national policy.

4. Under the new procedures, Lenzner no longer has any power to monitor programs on a day-to-day basis, whether that program be in Volusia County, Florida or Grand Rapids, Michigan, or the Navajo Reservation, or Chicago, Illinois. The instructions make clear that all day to day monitoring, funding, planning is to be done in the regions. Prior to November 15th, if CRLA, DNA or Florida migrant faced unusual problems, Lenzner and his headquarters staff were available and had the power necessary to do the trouble shooting so often required by aggressive legal service program. Lenzner and his headquarters staff must now rely on such information as his Regional Legal Service Director can garner. But Lenzner cannot act in person. Equally, Lenzner no longer has power to protect a Regional Legal Service Director who is being subjected to intolerable pressures within a particular Regional Office when the only way of assuring full communication and notice to Headquarters may be to withdraw signoff power to insure that Headquarters is aware of the problem. In the light of past experience with censorship of correspondence from Regional Legal Service Directors to grantees—and even to Headquaters, the ability to withdraw certain powers may be crucial to guarantee a flow of information.

The November 15 procedures substitute for delegation to the Regional Directors far more extensive authority to intervene in, scrutinize, control, and dominate the Legal Services Program by four steps:

1. decentralization to Regional Legal Service Staff.

2. extensive "checkpoint procedures" which provide not only the power but the affirmative obligation on the part of non-Legal Services staff to question, challenge, obstruct, and harass those charged with administration of the Legal Services Program and which, by proliferating checkpoints, have levied upon Regional Legal Service personnel responsibility for preparing all grant papers under a far more onerous and cumbersome procedure.*

3. proliferation of "appealable conflicts" invites ready circumvention of any theoretical control exercised by the Legal Service Director. The procedures vest power in the Regional Directors or their staff to November 15th challenge and overturn four classes of decisions: appointment of Legal Services staff, approval of the Regional Legal Services Operational Plan, approval of any Letter of Understanding to any Legal Services grantee explaining the terms and conditions of the grant, and final sign off releasing the funds for the grant. Power to make those four decisions is in fact power to run the Legal Services Program.

4. elimination of any formal role for the National Advisory Committee to redress the balance of power, to police the program and to protect its professional integrity.

The net result of these four steps is either to emasculate the program or to throw the Legal Services Program into a continuous pitched battle with the remainder of the agency at every level and regarding every program. Regionalization, the subcommittee of the NAC concluded, posed an imminent threat to the program, increasing the likelihood of political interference with the attorney client relationship, and rendering the Legal Services Staff impotent to protect the program's professional integrity.

*The procedure for drafting a letter of understanding to a Legal Service Grantee involving predrafting consultation, post drafting consultation, dual review challenges in headquarters, and appeals procedures provides the most extensive illustration. (6c, p. 5.)

## DARTMOUTH INDIANS CAPTURE IVY LEAGUE FOOTBALL CROWN

Mr. COTTON. Mr. President, from the rugged mountains of the State of New Hampshire came the welcome news last weekend that the Dartmouth Indians had captured the Ivy League football crown by defeating Penn 28 to 0.

In doing so, they also won the Lambert Trophy, which is awarded to the best college football team in the East.

Dartmouth compiled some amazing statistics in going undefeated for the third season in 9 years.

The Indians won nine straight games.

They won six by shutout.

They led the Nation in scoring defense.

They were among the national leaders in total offense.

In winning the Ivy League title, they presented Coach Bob Blackman with the 150th victory of his college career. He joins the select company of coaches Bear Bryant, Alabama; Johnny Vaught, Mississippi; Woody Hayes, Ohio State; and Ben Schwartzwalder, Syracuse, the only coaches in the Nation who have more.

In 16 seasons at Dartmouth, a remarkable tenure in the college coaching profession, Coach Blackman has guided the Indians to 101 wins, 37 losses, and 3 ties.

The people of New Hampshire share with the Nation their pride in the academic and athletic accomplishments of Dartmouth, the Nation's ninth oldest college. As a Senator from New Hampshire, I am pleased today to pay tribute to the Dartmouth Indians and to Coach Bob Blackman and his staff by bringing to the attention of Congress their fine record of achievement.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

## WATER CARRIER MIXING RULE

The PRESIDING OFFICER (Mr. STEVENSON). Under the previous order, the Chair lays before the Senate the pending business, which will be stated.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 8298) to amend section 303 (b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments on page 1, line 6, after the word "part", strike out the comma and "except the provisions of section 306 and, in case of any violation thereof or of any rule, regulation, requirement or order thereunder, or of failure to comply therewith, the provisions of sections 316 and 317,"; on page 2, line 9, after the word "count.", strike out "The transportation, subject to the provisions of this part, of commodities not in bulk, or commodities in bulk at rates lawfully filed and subject to the provisions of section 307, or both, shall not prevent the application of the provisions of this subsection to the concurrent transportation in the same vessel of commodities in bulk moving under the exemption provided in this subsection. For the purposes of this subsection two or more vessels while navigated as a unit shall be considered to be a

single vessel."; in line 20, after the word "amended.", strike out "The provisions of this subsection are not intended to alter existing law, as in effect on the day before the date of enactment of this sentence, with respect to water carriers operating solely within a harbor or within the Great Lakes.";

At the top of page 3 strike out:

SEC. 2. The amendment made by the first section of this Act shall expire at the end of the two-year period beginning on the date of its enactment. Not less than ninety days before the expiration of such two-year period the Interstate Commerce Commission shall report to the Congress on the effects of such amendment on transportation operations under section 303(b) of the Interstate Commerce Act.

And, in lieu thereof, insert:

SEC. 2. The Secretary of Transportation shall undertake a comprehensive study of the present system of economic regulation of dry bulk commodity transportation; of the effect of this Act upon the carriers to whom it applies and upon the shippers of dry bulk commodities; and what changes in the existing regulatory system, if any, would be desirable to improve competitive conditions between carriers of different modes whether or not subject to the provisions of the Interstate Commerce Act. The Interstate Commerce Commission and the Secretary of the Army are directed to cooperate fully with the Secretary of Transportation in carrying out the purposes of this Act. The Secretary shall transmit the results of such study to the Congress within two years after the date of enactment of this Act.

In line 23, after the word "the", strike out "Interstate Commerce Commission" and insert "Secretary of Transportation"; and on page 4, line 3, after the word "the", strike out "Commission" and insert "Secretary".

Mr. HOLLINGS. Mr. President, the purpose of H.R. 8298 is to remove outmoded restrictions upon the application and scope of the qualified exemption from regulation contained in section 303(b) of the Interstate Commerce Act which stand as a bar to the realization of greater efficiency of operations in the transportation of commodities by barge on our inland waterways.

Technological improvements in the last 20 years have produced vastly more powerful towboats, making possible for the first time the transportation of large economical towloads of up to as many as 40 or more barges in a single tow. The benefits which should flow from this technological progress will be denied to the users of barge transportation and the industry itself under a recent interpretation by the Interstate Commerce Commission of the obsolete and restrictive working contained in section 303(b) unless such interpretation is legislatively overturned.

H.R. 8298, as amended, also requires the Secretary of Transportation to undertake a comprehensive study of the present system of economic regulation of dry bulk commodities and to report back to Congress within 2 years his conclusions as to what changes, if any, in the existing regulatory system would be desirable to improve competitive conditions between carriers of different modes with respect to the transportation of such commodities.

Public hearings were conducted on this legislation before the Surface Transportation Subcommittee on September 22, 1970, at which I presided. Twenty-one witnesses, representing every conceivable viewpoint, were heard from.

There was virtual unanimity among the witnesses and in the letters of comment on the proposal that the prohibition of mixing regulated and unregulated commodities in a single tow is not in the public interest. The railroads condition their view upon their being afforded equal regulatory treatment with respect to the commodities involved as to which they are principal competitors on the barge lines.

The most controversial provision of the House bill was the requirement that all water carriers whether they be regulated or exempt should publish and then file rate applicable to exempt bulk commodities. While the regulated water carriers and the railroads supported that provision, the shippers of bulk commodities and the exempt carriers were adamantly opposed. The railroads considered the rate filing provision to be essential.

The following is a summary of committee amendments:

First. Strike from H.R. 8298 all requirements for rate filing.

Second. Reverse the mixing rule using the Senate approach contained in S. 1314 of the 90th Congress by eliminating the definition of two or more vessels operated as a unit as constituting a single vessel in lieu of the approach now contained in H.R. 8298.

Third. Provide for a 2-year study by the Department of Transportation in lieu of the ICC as provided for by the House.

On behalf of the Commerce Committee I urge that the Senate adopt the measure as amended by the committee.

## 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 a concurrent resolution (H. Con. Res. 786) providing for an adjournment of the House from November 25 to November 30, 1970, in which it requested the concurrence of the Senate.

## ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 3630. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission; and

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.

## EQUAL-TIME REQUIREMENTS FOR CANDIDATES FOR PUBLIC OFFICE—VETO

The PRESIDING OFFICER (Mr. STEVENSON). Under the previous order, the Chair lays before the Senate the President's veto message on S. 3637, a bill to revise the provisions of the Communications Act which relate to political broadcasting.

(For President's veto message, see p. 36320 of the CONGRESSIONAL RECORD of Oct. 12, 1970.)

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The time for debate on this question will run until 5 p.m. and is to be equally divided and controlled by the majority and minority leaders, or their designees.

Who yields time?

Mr. PASTORE. Mr. President, I yield myself whatever time is necessary for me to make the opening statement.

I ask unanimous consent that the text of the bill as agreed upon and passed by both Houses of Congress be printed in the RECORD at this point.

There being no objection, the text of S. 3637 was ordered to be printed in the RECORD, as follows:

S. 3637

*An act to revise the provisions of the Communications Act of 1934 which relate to political broadcasting*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the first sentence of section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended by inserting before the colon the following: ", except that the foregoing requirement shall not apply to the use of a broadcasting station by a legally qualified candidate for the office of President or Vice President of the United States in a general election".

(b) Section 315(b) of such Act is amended to read as follows:

"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office shall not exceed the lowest unit charge of the station for the same amount of time in the same time period."

SEC. 2. Section 315 of the Communications Act of 1934 is further amended by redesignating subsection (c) as subsection (f) and by inserting immediately before such subsection the following new subsections:

"(c)(1) For purposes of this subsection, the term 'major elective office' means the office of President, United States Senator or Representative, or Governor or Lieutenant Governor of a State.

"(2)(A) No legally qualified candidate in an election (other than a primary election) for a major elective office may spend for the use of broadcasting stations on behalf of his candidacy in such election a total amount in excess of—

"(i) 7 cents multiplied by the number of votes cast for all legally qualified candidates for such office in the last preceding general election for such office; or

"(ii) $20,000, if greater than the amount determined under clause (i) (or if clause (i) is inapplicable).

"(B) In the case of a candidate for United States Senator in a State in which the total number of votes cast for all legally qualified candidates for Senator in the last preceding election for Senator was less than the greatest total number of votes cast for all legally qualified candidates in any election (held after such preceding senatorial election) for a statewide office in such State, the amount determined under subparagraph (A)(i) shall be 7 cents multiplied by such greatest total number of votes for statewide office.

"(3) No legally qualified candidate in a primary election for nomination to a major

elective office, other than President, may spend for the use of broadcasting stations on behalf of his candidacy in such election a total amount in excess of 50 per centum of the amount determined under paragraph (2) with respect to the general election for such office.

"(4) Amounts spent for the use of broadcasting stations on behalf of any legally qualified candidate for major elective office (or for nomination of such office) shall, for the purposes of this subsection, be deemed to have been spent by such candidate. Amounts spent for the use of broadcasting stations by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this subsection, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

"(5) No station licensee may make any charge for the use of such station by or on behalf of any candidate for major elective office (or for nomination to such office) unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate paragraph (2) or (3, whichever is applicable.

"(d) If the Commission determines that—

"(1) a State by law—

"(A) has provided that a primary or other election for any office of such State (other than Governor or Lieutenant Governor) or of a political subdivision thereof is subject to this subsection, and

"(B) has specified a limitation upon total expenditures for the use of broadcasting stations on behalf of the candidacy of each legally qualified candidate in such election, and

"(2) the amount of such limitation does not exceed the amount which would be determined for such election under subsection (c) had such election been an election for a major elective office, or nomination thereto, then no station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate in such election unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate such limitation upon total expenditures.

"(c) For the purposes of this section, the term 'broadcasting station' includes a community antenna television system, and the terms 'licensee' and 'station licensee' when used with respect to a community antenna television system, mean the operator of such system."

SEC. 3. (a) The amendment made by subsection (b) of the first section of this Act shall take effect on the thirtieth day after the date of its enactment.

(b) (1) The amendments made by section 2 of this Act, insofar as they relate to primary elections, shall take effect on January 1, 1971. Except as provided in paragraph (2), the amendments made by section 2, insofar as they relate to general elections, shall apply with respect to amounts paid for broadcast time used after the thirtieth day after the date of enactment of this Act.

(2) If the Federal Communications Commission determines that—

(A) on August 12, 1970, a person is a legally qualified candidate for major elective office (or nomination thereto),

(B) there are in effect on such date one or more written agreements with station licensees for the purchase of broadcast time to be used after such thirtieth day on behalf of his candidacy for such office (or nomination thereto), and

(C) such agreements specify amounts to be paid for the purchase of such time to be used after such thirtieth day which, in the aggregate, exceed the limitation imposed by section 315(c)(2) of the Communications Act of 1934 with respect to the general election for such office,

then such amendments shall not apply to any of the candidates for election to such office in an election held before January 1, 1971.

Mr. PASTORE. Mr. President, I ask unanimous consent that the President's veto message be printed in the RECORD at this point.

There being no objection, the President's veto message was ordered to be printed in the RECORD, as follows:

VETO MESSAGE

*To the Senate of the United States:*

I return herewith, without my approval, S. 3637, a bill to revise the provisions of the Communications Act which relate to political broadcasting.

This legislation is aimed at the highly laudable and widely supported goals of controlling political campaign expenditures and preventing one candidate from having an unfair advantage over another. Its fatal deficiency is that it not only falls far short of achieving these goals but also threatens to make matters worse.

S. 3637 does not limit the overall cost of campaigning. It merely limits the amount that candidates can spend on radio and television. In doing so, it unfairly endangers freedom of discussion, discriminates against the broadcast media, favors the incumbent officeholder over the officeseeker and gives an unfair advantage to the famous. It raises the prospect of more—rather than less—campaign spending. It would be difficult, in many instances impossible, to enforce and would tend to penalize most those who conscientiously attempt to abide by the law.

The problem with campaign spending is not radio television; the problem is spending. This bill plugs only one hole in a sieve.

Candidates who had and wanted to spend large sums of money, could and would simply shift their advertising out of radio and television into other media—magazines, newspapers, billboards, pamphlets, and direct mail. There would be no restriction on the amount they could spend in these media.

Hence, nothing in this bill would mean less campaign spending.

In fact, the bill might tend to increase rather than decrease the total amount that candidates spend in their campaigns. It is a fact of political life that in many Congressional districts and States a candidate can reach more voters per dollar through radio and TV than any other means of communication. Severely limiting the use of TV and radio in these areas would only force the candidate to spend more by requiring him to use more expensive techniques.

By restricting the amount of time a candidate can obtain on television and radio, this legislation would severely limit the ability of many candidates to get their message to the greatest number of the electorate. The people deserve to know more, not less, about the candidates and where they stand.

There are other discriminatory features in this legislation. It limits the amount of money candidates for a major elective office may spend for broadcasting in general elections to 7¢ per vote cast for the office in question in the last election or $20,000 whichever is greater. This formula was arrived at through legislative compromise and is not based on any scientific analysis of broadcast markets. It fails to take into account the differing campaign expenditure requirements of candidates in various broadcast areas. In many urban centers, the $20,000 limitation would permit a Congressional candidate to purchase only a few minutes of broadcast time, thus precluding the use of radio or television as an effective instrument of communication. On the other hand, $20,000 spent on television broadcasting in another district would enable a candidate to virtually blanket a large area with campaign advertising spots. For example, 30 seconds of prime television time in New York City costs $3,500; in the Wichita-Hutchinson, Kansas, area, it costs $145.

S. 3637 raises a host of other questions of both principle and practice. It would require that broadcasters charge candidates no more than the lowest unit charge of the station for comparable time. This is tantamount to rate-setting by statute and represents a radical departure for the Congress which has traditionally abhorred any attempt to establish rates by legislation.

Among the other questions raised and left unanswered are these: How would expenditures of various individuals and organizations not directly connected with the candidate be charged? Would they be considered part of a candidate's allowed total expenditure, even if they were beyond the candidate's control? And how would money spent by a committee opposing a candidate be accounted? Would it be included in the total for that candidate's opponent, even though spent without his consent or control? This bill does not effectively limit the purchase of television time to oppose a candidate.

In the end, enforcement of the expenditure limitation would in most cases occur after the election. This raises the possibility of confusion and chaos as elections come to be challenged for violation of S. 3637 and the cases are still unresolved when the day arrives on which the winning candidate should take office.

There is another issue here which is perhaps the most important of all. An honored part of the American political tradition is that any little known but highly qualified citizen has the opportunity to seek and ultimately win elective office. This bill would strike a serious blow at that tradition. The incumbent—because he has a natural avenue of public attention through the news media in the conduct of his office—would have an immeasurable advantage over the "out" who was trying to get in. The only others who would share part of this advantage would be those whose names were well-known for some other reason.

What we have in S. 3637 is a good aim, gone amiss. Nearly everyone who is active or interested in the political process wants to find some way to limit the crushing and growing cost of political campaigning. But this legislation is worse than no answer to the problem—it is a wrong answer.

I urge that the Congress continue to analyze and consider ways to reach this goal through legislation which will not restrict freedom of discussion, will not discriminate against any communications medium, will not tend to freeze incumbents in office, will not favor the famed over the worthy but little-known, will not risk confusion and chaos in our election process and will not promote more rather than less campaign spending. Such legislation will have to be far better than S. 3637.

I am as opposed to big spending in campaigns as I am to big spending in government. But before we tamper with something as fundamental as the electoral process, we must be certain that we never give the celebrity an advantage over an unknown, or the office holder an extra advantage over the challenger.

RICHARD NIXON.

THE WHITE HOUSE, *October 12, 1970.*

Mr. PASTORE. Mr. President, the strength of our democracy depends on a well-informed electorate. By vetoing S. 3637, the President has chosen to block a major effort to remove what many have characterized as the most critical bar-

rier to informing the voters of America—the spiraling cost of campaigning for public office via the electronic media. Unless Congress overrides his veto the American people will be the losers, and a great disservice will have been done them.

In his message accompanying the veto of S. 3637, President Nixon said that although he was opposed to big spending in campaigns, he found S. 3637 defective because it merely limits the amount that condidates may send on radio and television. Therefore, to quote the President, "the legislation plugs only one hole in a sieve."

I quite agree that S. 3637 only limits the amount that candidates may spend on radio and television; and that is precisely what the legislation is intended to do. As a matter of fact, that is precisely what our particular committee had the jurisdiction to do—and only the jurisdiction to do. But when one examines the spiraling costs of campaigning for elective office and the rapidly accelerating costs of the electronic media for this purpose, then the objective is a major one by any standard.

It may be that other measures are also necessary to check these accelerating costs, but I fail to understand why this possibility should excuse the Congress from taking remedial action on the one aspect of the problem that has been identified as most critical by many experts.

If the American Government, and by that I mean the President and the Congress, had used this kind of reasoning with respect to air pollution, I dread to think what the state of the Nation's health would be today.

For some years we have known that our atmosphere was being polluted from many different sources, and that steps had to be taken to correct this situation before life as we know it was seriously jeopardized.

Did we wait until all the sources of pollution had been identified, and a total solution found? Of course not. We started with the automobile. We passed legislation governing its emissions, and we have gone on from there. As a consequence, each step we have taken makes the quality of the air we breath a little better.

When my committee held hearings on political broadcasting the members of the Twentieth Century Fund Commission on Campaign Costs in the Electronic Era appeared and testified in support of voter's time—the proposal in their report.

I might add, in passing, that one of the distinguished members of that bipartisan Commission was the present Chairman of the FCC—the Honorable Dean Burch.

Some of the statistics in that report dramatically illustrate why the Congress is and should be concerned with the cost of campaigning via the electronic media. I believe they bear repeating now.

According to the report, after 1952, when television emerged as a dominant form of communications in presidential campaigns, the estimated cost per vote took a sharp upward turn. From 19 cents in 1952, the cost per vote rose to 29 cents in 1960, and to 35 cents in 1964. In 1968 it jumped to 60 cents.

For the same periods the estimated direct spending of national-level party and campaign committees rose progressively from $11.6 million in 1952; to $12.9 million in 1956; to $19.9 million in 1960; and to $24.8 million in 1964. In 1968 it reached $44.2 million.

The total charges for broadcasting time for all general election campaigns was $9.8 million in 1956; $14.1 million in 1960; $24.6 million in 1964; and $40.4 million in 1968.

The Commission's report recognized that many factors contributed to the big rise in the cost per vote in the 1968 presidential campaign, but concluded that no one single factor seems to have had television's explosive effect on this rise.

I believe it is fair to say that the Commission's report merely buttressed what we in Congress already knew from personal experience.

What we have attempted to do in S. 3637, therefore, is remedy what many experts have characterized as the most acute problem in our campaign process.

Stripped of all the rhetoric, S. 3637, recognizes two incontestable realities, and deals with them in a summer which is calculated best to serve the interests of the people of our country.

First, by permanently suspending the equal opportunities requirement of section 315 as it pertains to presidential campaigns, the bill gives greater opportunity to significant candidates for the highest office in the land to discuss the issues and take their candidacies to the people. This was the case when Congress suspended that requirement for the 1960 presidential campaign. I want to say here this afternoon, in no boastful way, that I was responsible for that resolution.

The three major television networks have assured us that if the equal time restriction were removed for presidential campaigns, they would make free time available to the significant candidates. They have also assured us—and I want to emphasize this, Mr. President, that if such time is made available, it will not be conditioned on a predetermined format by the networks. In other words, each candidate will be free to work out with the networks the manner in which he wishes to use the free time offered him.

I emphasize this because it is always said, every time we make an exception to section 315, that what we are making possible are debates.

Mr. President, I say frankly that I am one of those who can understand the reluctance of an incumbent President to debate. I would never do a single thing or utter a single word to embarrass the President to compel him to debate. This is because he occupies a high office, a high office that carries with it knowledge of tremendous classified and secret information. I do not believe that he should be badgered by anyone as to why he did this or did not do that, and compel him to be placed in the embarrassing position of having to reveal a secret that might injure the security of this country.

I have said that time and time again. For that reason, when the presidents of the networks appeared before my committee, I brought up the subject. I asked, "Who is going to determine the format? Are you going to determine it? Are you going to tell the people of this country what the President should do and should not do, or are you going to leave it up to the President to decide?"

They said they would leave it up to the President to decide. If anyone stands up now and says that it is not a boon to a presidential campaign to leave section 315 as drawn in the bill, I suggest that they read the bill and the report and the record of the hearings.

If the networks are given the opportunity to live up to the responsibilities of section 315, they will give satisfactory, abundant, and adequate time to the office of President or Vice President to be used at his discretion so that he can appear before the American public and discuss the issues without this tremendous burden of staging $1,000 dinners to raise money. That is the scandal of our day. They are having $1,000 dinners to raise money. Who goes to a $1,000 dinner? It is someone who has an ax to grind. Let us face it.

That does not necessary mean that the candidate becomes subservient or beholden. I give credit to the people in public office with very few exceptions. They have the stamina, the courage, and the fortitude to exercise their convictions without interference from anyone else. That is the glory of America.

Every once in a while we experience a litte scandal. I understand that there is not, in politics any more or less purity than in American life as a whole. We have our faults. But on the whole I have been proud of the men and women I have been associated with in public life. And I have been in public life now continuously, thank God, for 35 years.

By vetoing S. 3637, therefore, the President has chosen to deprive the American voters of a demonstrated opportunity to be enlightened further on issues and candidates in the elections for the most significant office in our country.

The other reality that S. 3637 recognizes is, of course, the increasing reliance that candidates for public office have put on the electronic media, and the concomitant spiraling cost of using that media. If this continues, only the wealthy or those who are able to obtain large contributions from limited sources will be able to seek elective office. Neither situation is desirable, and both are inimicable to the American system.

S. 3637 simply and effectively speaks to this problem. It requires that broadcast stations charge candidates at their own established lowest unit rate for comparable commercial time, and it puts a ceiling on the amount of money candidates or anyone on their behalf may spend for radio and television time.

In some cases, the lowest unit rate could amount to a 35- to 50-percent discount for candidates. Thus, their dollar will buy more air time. The limitation on expenditures, however, assures that this discount does not become merely a bo-

nanza for the wealthy candidate or the one who has large campaign resources.

Mr. President, several other points were raised in the veto message which I believe should be answered. Before doing so, however, I should mention that when this legislation was being considered by the Congress the administration did not come forward to voice the objections which the President now has assigned as his reasons for vetoing S. 3637. Had this been done, I am confident we would not now be faced with the task of overriding a Presidential veto in order to preserve the integrity of the electoral process and best serve the interests of the American people.

We have been told that S. 3637 is discriminatory because it singles out broadcasting to the exclusion of other media.

So it does, but unlike owners of newspapers and other advertising media, broadcasters are by law trustees of the airwaves for the communities which they are licensed to serve. As a consequence, and again unlike other media owners, they are subject to specific legal obligations and restrictions reasonably calculated to serve the public interest.

Thus, although S. 3637 singles out broadcasting, that distinction has a reasonable and legal basis. It is grounded in the fact that the electronic media is a major factor in escalating campaign costs, and further, on the unique legal obligation of broadcasters to serve the public interest.

In characterizing S. 3637 as discriminatory, I think it should also be kept in mind that this legislation was an original bill reported to the Senate from its Committee on Commerce which has legislative and oversight responsibility for broadcasting. The bill represents the committee's efforts to remedy a problem which exists within one of its areas of responsibility; that is, broadcasting. It would be inappropriate, of course, for the committee to attempt to act in areas beyond its province. It would be derelict of the committee, on the other hand, to fail to act where it has the obligation to do so.

We have also been told that the lowest unit rate provision in S. 3637 is tantamount to ratesetting by statute and thus represents a radical departure by Congress. In reply I can only say that since 1952, section 315 has required that broadcasters charge candidates for air time no more than comparable rates for other purposes. If S. 3637 is ratesetting by statute, so is the 1952 amendment. But no one seriously contends that the 1952 amendment is ratesetting by statute. Call it what you will, however, this provision in S. 3637 represents no radical departure from tradition by the Congress.

The President raised a series of questions concerning the practicality of the legislation. I will not take the Senate's time on this point because the mechanics for complying with the provisions of S. 3637, and the means for enforcing them, are clearly set forth in the legislative history that was made in the Senate and House.

I urge that the Senate once again rise above partisan interests, and reaffirm its support of S. 3637 as a necessary first step in the effort to halt the rapidly escalating cost of seeking elective office.

Mr. President, I trust nothing I have said leaves the impression that I am either insensitive to, or unaware of, the possible necessity for other measures to limit campaign spending. I would hope that in the next session of Congress, the appropriate committees will review other areas where campaign reforms may be necessary; and if they are, make suitable recommendations to the Congress. In the meantime, however, let us begin.

All I have to make is just one statement. It has been acknowledged that one candidate spent $7 million to be elected to office.

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

Mr. PASTORE. I yield.

Mr. MILLER. Mr. President, I hope that the Senator will not mind my asking a question if it does not interrupt his thought.

I received the Senator's letter addressed to me under date of November 18 enclosing a brief statement of the concise points covered by the bill. Item 3 of the enclosure to his letter states that the bill sets a limitation on the amount of money a candidate for the office of President, Senator, Congressman, Governor, and Lieutenant Governor, or anyone on his behalf, may spend in purchasing time.

I am sure that refers to the amendment to section 315 in the bill which provides that the amount of money spent for the use of broadcasting stations on behalf of any legally qualified candidate for major elective office shall, for the purposes of this subsection, be determined to have been spent by such candidate.

I am correct, am I not?

Mr. PASTORE. The Senator is correct.

Mr. MILLER. Mr. President, I say to my friend, the Senator from Rhode Island, that there have been some expressions of concern over the meaning and intent of this provision. For example, suppose there are two candidates for the office of U.S. Senator, candidate A and candidate B, and, in order to circumvent the so-called literal meaning of this paragraph, let us say, a group of friends of candidate A form an organization called the Organization for Superior Government and spend a lot of money on television and radio talking about how good candidate A is.

Mr. PASTORE. The Senator means during the campaign?

Mr. MILLER. During the campaign. Would that activity on the part of this organization be considered to have been spent on behalf of candidate A?

Mr. PASTORE. Precisely.

Mr. MILLER. May I ask a further question. The Senator from Rhode Island is not a person to play games with the English language, nor is the Senator from Iowa. Suppose that organization says they are not going to spend any money on behalf of candidate A, but they are going to get on television and cut up candidate B. They would not, following the literal language of the section, be spending on candidate A.

Mr. PASTORE. In that case the fairness doctrine would be invoked, and candidate B would have quasi-equal time that he could buy in order to refute that.

Mr. MILLER. This would be an organization in support of candidate A.

Mr. PASTORE. It could be candidate A or B, any way we want to have it. I will explain it very simply.

Under this bill when one goes to a broadcasting station, he has to submit a certificate, as a delegate or a candidate, to say that he is within the limits of the law.

When this organization or group that the Senator is talking about goes to that station, they have to say that they want to put on a program. They have to get a certificate from the candidate.

No one is going to go there to make a speech for me unless I think he is going to help me. And certainly he is not going to make a speech to hurt me when he buys time to advance the Pastore campaign. He has to get a certificate. That is required.

They want to know if that comes within the limits of the law. That is all.

In the other case, when they want to do something against a candidate, they do not need a certificate. However, the minute I find that a group has been formed in Rhode Island to beat me and to start a campaign against me, I am entitled to equal opportunity under the fairness doctrine over and above the ceiling stipulated in the bill.

Mr. MILLER. Mr. President, I thank my friend for his answer.

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

Mr. PASTORE. I yield.

Mr. MURPHY. Mr. President, if I understood the distinguished Senator from Rhode Island, he said that he would have the right to go down and buy equal time.

Mr. PASTORE. I would have the right to buy adequate equal time to refute the charges made against me over and above the stipulated amount in the bill under the fairness doctrine.

Mr. MURPHY. Mr. President, suppose the candidate did not have the money to buy time. It occurs to the Senator from California that this is the nub of the situation. One man has unlimited money and the other man has limited money. We are trying to find ways and means for a man to be a candidate for office in this great Nation of ours. Is that not precluded by the fact that a man cannot afford it? It is something only for rich men or for men who have their expenses guaranteed by a group of rich men or by a group of labor unions which spend a lot of money.

So, we get back to the fairness question, which I am sure is the matter my friend has in mind.

Mr. PASTORE. Mr. President, I want to say to the Senator from California that we can begin to invent a lot of things. First, the candidate is announcing his position to the American public. Without that, where would the candidate be?

Today the sky is the limit. I doubt very much that a broadcaster, first of all, would accept that kind of program.

That would involve the integrity of the station. Furthermore, it could be challenged by the other candidate who did not have the money. The answer is that today the sky is the limit.

Mr. MURPHY. I agree.

Mr. PASTORE. I suppose that in the Senator's particular case——

Mr. MURPHY. It is not my particular case.

Mr. PASTORE. I refer to the example the Senator gave. I think the Senator knows what I am talking about. There may be a question there that if a person is being allowed to be badgered by the opposition and the other candidate has no money to buy the time, he would be, more or less, in the kind of position he is in today. There is no question at all about it. But with this law and the umbrella of this law that embarrassment would do those rascals a lot more harm than good. I use the word "rascals" very advisedly.

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

Mr. PASTORE. I yield.

Mr. GRAVEL. The point the Senator from California raises does not apply in this regard. If the person does not have enough money to buy the time to refute the charges under the fairness doctrine, it can be presumed he would not have enough money to get into that facet of the campaign. So the Senator's argument against the proposal, to my mind, is not valid.

Mr. MURPHY. If the Senator will forgive me, there has been some misunderstanding. I was not arguing against the proposal. I think those who worked on this bill deserve a tremendous amount of credit.

My concern with the bill is that it is not as comprehensive or complete as I would like to see it. Over the years I have watched campaigns. I have just been in a campaign about which I may one day write the history. It is a fantastic experience. The amounts of money concerned are astronomical. It is absolutely ridiculous. We talk about the campaign debate. I have yet to really see a debate. It is always a kind of question-and-answer period.

Mr. PASTORE. It is a powder-puff expedition. Let us admit it. It is a marshmallow performance.

Mr. MURPHY. The only ones who gain are the networks. They say, "There will be some feathers ripped out tonight. We will give them equal time. They will knock each other's brains out. It will be wonderful." So time is sold. Then, when there is no debate, there is a new dialog that comes out of editing. I know something about that. They take something that was said over here and something that was said over there and run them back to back and create a debate that did not happen. I would like to see something said about that practice.

I would like to go into this matter in great depth, and we will have the time after January to develop a basic foundation, so that the selection of those who represent us in this great Nation will be as fair as possible.

As I said at the outset, that is my only concern. I congratulate the distinguished Senator from Rhode Island. He did a great service in bringing this matter before us. If I object to it, which I will today, it will not be because I disagree with all he is attempting to do. I would like to see a bill evolve from long discussion, long debate, and deep study, a bill that protects not in this one facet but in all facets. In the past 30 years this matter has gotten out of hand and it has become wilder and wilder. We had three or four examples in the last election which precluded any chance for the ordinary fellow running successfully for office. This is wrong and we should not permit that to happen.

Mr. PASTORE. First, the Senator gave me an autographed copy of his book. It was autographed "GEORGE MURPHY." I read it from cover to cover. It is marvelous. Of course it is indoctrinated with Republicanism. It radiates Republicanism, almost as a religion. But apart from that it is well done. It is a chronological and historical story of the rise of certain amateurs who became the greatest actors and actresses of this country. I loved every bit of the book but at times it is too Republican.

Mr. MURPHY. It is a completely bipartisan story. The first half was as a Democrat.

Mr. PASTORE. That is right, but you did not last there too long. That is what was wrong with it.

Mr. MURPHY. I went with Jim Farley and some others, and Al Smith.

Mr. PASTORE. Yes, but you should have said JOHN PASTORE. Then I would like it.

Mr. MURPHY. That will be in the next edition.

Mr. PASTORE. When the Senator gets to the second book I want an autographed copy of that, too.

Mr. MURPHY. You will be in it.

Mr. PASTORE. It is admitted that this measure is confined alone to the electronics medium. The Senator from California will have to understand what brought us to this point. A bill was introduced in the Senate which was sponsored by 34 Senators, All it had to do with was the discount on certain spot announcements—I think 120 for the Senate and 60 for the House. They were 1 minute spots and one or two for 30 minutes at a particular discount just for Members of Congress. When that bill came to my committee, frankly, I did not think much of the bill. With due respect to the sponsors, it was discriminatory in that it referred only to Members of Congress. I said time and time again, "Do you mean I could go to the television station and get a discount and the Governor of my State has to pay the full load?" I said, "They will never get away with that. It will become the laughing stock of the country."

What did we do? We did not set a new price. We said that when a licensee or broadcaster establishes a rate for anybody, that rate becomes the rate any man running for public office is compelled to pay during the campaign, whether that office is the Presidency, a governorship, a Member of Congress, or even a school committeeman back home in his bailiwick. That is why that was done. That is a price set by the broadcaster himself.

Some broadcasters said:

But the man who has not run for public office before in his life has not earned the discount rate. How can we do that?

Mr. MURPHY. If the Senator will yield, I would like to make a comment.

Mr. PASTORE. Let me finish, first; then the Senator can put in his punch line.

The purpose of all of this is the fact that my jurisdiction was limited to the electronics medium. We could have no say in what a candidate might do about newspapers or billboards. When I came to the floor of the Senate I said that this should be sufficient notice to all committees to do something about that.

To beat this bill and to sustain the veto somebody came up with the idea about having an all-inclusive bill. Where have they been up to now? My argument is to take this giant step now, and this is a giant step. The Senator will admit the big money goes to radio and television, does it not? Is that not true? This idea that the money is going to be taken from this and put into that would be a waste of money. The big money is in television and radio.

I say this. If the Senator will allow us to override this veto and allow this to become law, I do not care if in this all-inclusive bill they write in a provision that upon the passage of that bill this bill shall be repealed. That is all right with me. But I suspect this idea to kill it now and we will come up with something better later on—I have been here for a long time and I have not yet seen it happen. I will be here now for another 6 years, and I do not think it will happen unless we take this step now. This measure will be the incentive, the impetus, and the reason for coming out with an all-inclusive bill.

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

Mr. MURPHY. Mr. President, if I may inject a remark that I had intended to do, to color up the Senator's case, it relates to what was the commercial rate. I will give an example of what I had in mind. Six years ago I was in debate with a candidate, and we provided the largest audience that station had ever had. So in politics one should not have to qualify in the manner that one does in industry or something else.

One of the things we suffered from in the matter of rates in the old days in show business was that we paid a higher advertising rate in the newspapers. There was a reason for it. Perhaps a show would come to town and would not do very well. The people in the show left town in a hurry and did not pay the advertising bill. So a higher advertising rate was charged to them because the newspapers might have to go out looking for the people to pay them. Later they were made to pay in advance. This happened in my case in California. One paid for the time, and he paid on the barrelhead, or the time was gone. There would

be no reserving of the time and "I will pay you later on, maybe."

There have been experiences in which candidates spent more money than they could afford. They went in the red, and then later the candidates would try to settle the bills on the basis of 20 cents on the dollar or 30 cents on the dollar, or perhaps nothing at all. This happens not only in television but with respect to hotel bills and all sorts of bills.

After January, I would like to think more about this and I would like to sign on as an assistant to my distinguished colleague from Rhode Island. Perhaps between us we can achieve what he thinks is impossible at the moment. I do not think it is impossible, and I will say why. I think as time has gone on, and the public has become more and more aware of the existing conditions, I think people have begun to understand the need, and I think, as the elected representatives of the people, Members of the Senate and Members of the other body will become more sensitive to this need for regulation. I think they will have a better opportunity to put together and pass a comprehensive bill, one that will close all of the loopholes.

I venture to say that eight or 10 of us in this Chamber could get together and find all of the loopholes that have been invented so far, and perhaps erect barriers to prevent loopholes in the future that we have not yet found, and protect us against them. As a result, the great right and the great privilege to run for elective office will not be denied to anyone. As a further result, it will not be necessary for a candidate to have a certain amount of money before he can have an equal chance, particularly where the issues are lost and image and exposure count most.

I thank the Senator for making this effort. Whether the bill is enacted into law or not, he has performed a great service.

Mr. PASTORE. After the generosity of the Senator from Rhode Island in permitting the Senator from California to speak on his time, that is, my time, I hope the Senator from California will reconsider the way he is going to vote.

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

Mr. PASTORE. I yield.

Mr. HART. I heard the comment just made by the Senator from California. I suggest it is not a lack of understanding of the loopholes which delays adoption of election reform in the area of campaign spending. I doubt if one could find 10 Senators here who are not aware of the loopholes. That is not the problem. The problem is attempting to develop a will to do something about it.

For the first time since I have been here we really have our hands on a lever which will produce effective corrections of one of the loopholes. It is not a loophole in the sense that it does violence to existing law, but it responds to one of the greatest excesses and abuses of campaigning: TV advertising.

To say we should do nothing about this until we do something about everything may have logic, but it lacks political understanding of the realities. It was difficult enough—and it is a great tribute to the Senator from Rhode Island—to take on this small segment of the economy which has an interest in selling campaigns, and get this part of it corrected. If we undertake to take on all the interests, on an all or nothing basis, it will be nothing, in all likelihood——

Mr. MURPHY. Mr. President, will the Senator yield for a comment?

Mr. PASTORE. Mr. President, if I may make this suggestion, we have 3 hours. I am not going to use much more than I have already used, except I am going to answer questions, but I think we ought to allocate time on the other side. I do not know who is managing the time for the other side. Perhaps it is the Senator from Wyoming (Mr. HANSEN) who can do it.

Mr. HANSEN. Mr. President, I shall be glad to. I was asked to do it.

Mr. PASTORE. I do not mind giving time to those who are opponents of the overriding of the veto, but we are going to end up lopsided if we do not keep matters in proper perspective. I think the opposition should speak on its own time.

I yield now to the Senator from Michigan.

Mr. HART. I remember that in September of last year, when the able Republican Senator from Kansas (Mr. PEARSON) and I introduced the original proposal, if there had been bookmakers here they would have given enormous odds against the likelihood of its passage. I do not know what the likelihood is in terms of overriding, but, in terms of national interest, the will of the Senate earlier expressed should prevail again.

The Senator from Rhode Island has done a masterful job, along with Members on the other side, in bringing about this reform legislation. I lived with the statutory ceiling established by the bill in the race that occurred in Michigan last month, as did my opponent. It is practical and feasible. But please let us not misunderstand the realities of where we are. We now have our fingers on the biggest fire that burns across this country in terms of criticism of campaigning abuse. Let us put this fire out, when we have a chance, and then take care of the smaller, less threatening fires. Would we not scalp the firefighter who said, "But let us wait until we put out the whole fire. Do not put water on the big fire until we have hose and water ready to work on these smaller fires?" That is a criticism people will make of us if we do not act now to zero in on the big offender in campaign financing.

Mr. HANSEN. Mr. President, I yield 5 minutes to the Senator from Kansas (Mr. DOLE).

Mr. DOLE. Mr. President, not being a member of the committee, I am not as well versed in the specifics of the work done by the committee, but let me say, as the Senator from California has said, I applaud the efforts of the Senator from Rhode Island, but would like to pose a question or two to the Senator from Rhode Island. I will say at the outset that I know everyone can dream up a question, but I believe it is a legitimate question.

Does this bill cover a nominee for the office of President?

Mr. PASTORE. Will the Senator repeat the question?

Mr. DOLE. Does this bill include candidates for the office of President?

Mr. PASTORE. Yes.

Mr. DOLE. It does include candidates for the office of President?

Mr. PASTORE. That is right.

Mr. DOLE. What happens in 1972—and I am not a candidate in 1972—with reference to the nominee of the Democratic Party and the nominee of the Republican Party running for President and, of course, having television ads, for example, in my State of Kansas and the Senator's State of Rhode Island, and perhaps including in that advertisement or in that spoken announcement also the candidate for Governor, the candidate for Lieutenant Governor, and the candidate for Senator; how do they share the cost? Who determines whether or not the Senator is responsible for reporting that, or who does assume that responsibility? How do we apportion the 7 cents per vote or $20,000?

Mr. PASTORE. We are talking about the time that is bought by the candidates or on behalf of the candidates. If it is just a casual thing, if you appear with the President and the President says, "I think you ought to vote for so and so," it is not charged; but if he gets on there and makes a speech for the candidate, it is charged up to the candidate.

Mr. DOLE. Turn it around. Say that in some States the candidate for Governor might be as strong as or stronger than the candidate for President, and he is on the spot saying, "You should vote for Mr. X for President." Is that limited, under this provision? Is there any limit as to how much he can spend?

Mr. PASTORE. If he gets on there and makes a speech for the candidate for President, it is charged up to him, with his consent. You have to get his consent. It has to be certified.

I know that one can take any angle of this bill and stretch it out to an absurdity, if he wants to. The fact still remains, you have to be practical. I do not know how any law could be written to cure what the Senator is talking about. I think the ultimate answer is that a committee of the Senate should get busy immediately and provide for an overall ceiling on what anyone can spend. But as far as the President is concerned, not only can he buy it at the lowest unit cost, but he is even going to be given free time by the networks.

We are trying to do what we are trying to do here because the hue and cry has been in the past, "Let the licensee give free time; he has got this franchise, so why should he not give free time?" Maybe ultimately we will come to that, but I do not believe the country is ready for it now.

I was very much opposed, in the bill that was introduced originally by 34 Senators, to making this discount available only to Members of Congress. That would not have gone very far. It has to be for everyone.

What we are saying is that the lowest unit cost set for anyone is the rate they

have got to give, in the public interest. By law, they are charged to render public service. They are charged by law with that.

I do not see any great strain here. I think the amount is reasonable. I think the whole thing would be reasonable in my State. The Senator from Michigan said it was reasonable in his State.

You can take many of these examples and stretch them, especially if you are against the bill. It is easy enough to stretch it to any length. But what we are trying to do is reach a realistic, practical solution. If this is not it, the Senate will have to say so.

But we listened to all this hard and long in our hearings. The Senator went on a television show and said something about "this was greased right through." It was not greased at all. I was there at every hearing. I heard every witness. Whoever wanted to be heard was heard.

Then we had an executive hearing, and it came out unanimously, out of that committee, without the ceiling.

It was the Senator from Rhode Island who said, "If you are going to give a discount to make this reasonable for the poor man, or tne man of moderate means, you have got to have a ceiling," and I rose on this floor and offered that amendment, and that is how it came about. Nothing was greased.

Mr. DOLE. Mr. President, let me say, as the Senator from California indicated earlier, and as I am sure everyone in this body feels, we should do something to limit campaign expenditures.

But I find it difficult, and I know the Senator from Rhode Island finds it difficult——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOLE. May I have 2 additional minutes?

Mr. PASTORE. I yield the Senator 2 additional minutes. Is the Senator going to ask any further questions? Because I have to leave for a moment.

Mr. DOLE. No.

I know the Senator from Rhode Island said his committee could not legislate in the entire field of campaign expenditures, he could not limit what people might spend for newspaper advertisements. But it does seem that this is a discrimination against one industry.

It may seem strange for Republicans to be defending the television industry, or the radio industry. I can understand why the newspapers would support this bill, because it limits what one can spend on radio and television, and does make those funds accessible for expenditures in other media—newspapers, billboards, balloons, or whatever.

But I would suggest, as a matter of principle, if we want campaign expenditures limited, why not set a total limit, and let the candidate decide how it is to be spent? Why single out one industry, the electronics industry, and say, "You are limited to 7 cents per vote or $20,000," which might be more than we would spend in such States as Kansas, Wyoming, or Montana on this industry. But it seems to me, as a matter of——

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

Mr. DOLE. I yield.

Mr. HANSEN. I would like to ask the distinguished Senator from Kansas if he is implying, recognizing, as he and I do, that travel is a considerable item of expenditure for the typical candidate, would it not make as much sense to say, "We will limit the amount that can be spent on airplane travel, but we will not say anything about travel by car or train"?

Mr. DOLE. I think it might make as much sense to say, "We will not spend any money at all." I think that might be well accepted by the public.

I cannot help but look upon this legislation as an incumbents' bill. There is no question in my mind that we have a great advantage, those of us, Democrats and Republicans alike, who are incumbents. We have our newsletters, we have our radio and television programs, if we choose to have radio and television programs on a regular basis, and I would suggest that we are not under the pressure that someone who is seeking to unseat us might be.

I am not inviting opponents in 1974, but it does occur to me that except in those exceptional cases—I see the Senator from New York rising—such as in New York, where you have a candidate who challenges an incumbent who has millions of dollars to spend, it is no problem; but what about the average challenger, like many of us, who do not have unlimited resources, and who must rely on campaign contributions.

I would suggest again, if we are talking about a limitation on campaign expenditures, let us use a total dollar figure. Basing it on a per-vote basis makes it fair for Kansas and fair for New York, but I would point out that 30 seconds of prime time in New York costs about $3,500, and 30 seconds of prime time in the Wichita, Kans., area costs about $145. That seems to me to be discriminatory. It seems to make it an incumbents' proposal. So I shall vote to sustain the President's veto.

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

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

Mr. HANSEN. I yield the Senator 2 minutes.

Mr. GOODELL. I take it that the Senator from Kansas does favor overall limitations on campaign spending.

Mr. DOLE. The Senator is correct; I do favor an overall limitation on campaign spending.

Mr. GOODELL. So do I. Does the Senator from Kansas know that I advocated that and full disclosure in campaign spending some time ago, when he and I were both in the House of Representatives? I presume the Senator from Kansas favored it then, too.

It seems to me that the logic of the Senator's argument that this would be an incumbents' bill would also apply to a limitation on overall spending. The incumbent has an advantage. I do not know how you can eliminate the advantage. If a challenger is limited not only in what he can spend on electronic media, but on all other types of campaign activities, that would be even more of an incumbents' bill, it seems to me. How does the Senator from Kansas answer that?

Mr. DOLE. Let me say, first of all, I agree, as I did in the House of Representatives, with the Senator from New York on an overall campaign limitation, and on disclosure of assets and liabilities—if we have any assets—I would add that it does pose some dilemma to the challenger.

The Senator is correct; when we do this, we infringe upon the rights of the challenger. We make it more difficult for him. Whether or not we do it on an overall basis, it would be more difficult for anyone who might challenge him in a primary or in some general election. But we should have a comprehensive limitation of expenditures rather than a single shot limitation which applies only to the electronic media.

Mr. President, the message accompanying the veto of the political broadcast bill, S. 3637, was a cogent and comprehensive catalog of its infirmities. As the President put it, the bill in the first place does not achieve the worthy and appropriate goals of controlling campaign expenditures and preventing unfair advantages from being enjoyed by particular candidates. Even more serious, however, the bill threatens to worsen the very conditions it seeks to improve. Thus the President in the exercise of his constitutional powers and his best judgment vetoed the bill rather than loose it on an already troubled situation.

Let it be understood that this veto was not an act of crass partisanship or cyncial obstructionism as some have suggested. The subject of political campaign reform, as the question of improving the governmental process, generally, is one having no partisan coloration, no Republican side, no Democrat side.

It has but one side, the side of the American people's best interests. And it was in the public interest that S. 3637 was vetoed.

President Nixon, time and again, has emphasized his desire to see broad, effective and progressive campaign reform implemented. That Congress should propose a narrow bill of questionable effectiveness and dubious value is insufficient reason to accept it as a first step.

What the country needs at this point is not the scrambled product of Senate floor tampering with a committee bill, but the well-considered product of the orderly legislative process.

Considering the widespread publicity recently given to the emerging role of broadcasting in the political world, it is not surprising that this bill should be focused exclusively on the radio-TV aspect of campaigning. However, this approach ignores a fact of political life which is obvious perhaps only to those not swept up in the McLuhanesque mania endemic in popular circles today. The fact is that however popular, effective, efficient, with-it, up-to-date and useful radio and TV are, if they are limited or restricted the money will be spent elsewhere. A dollar may not buy the same voter impact when put into a newspaper ad or a mailing. The message may not be delivered with the same gusto

when it comes via the postman or the paperboy. But there is no doubt that if the money is available it will be spent—whether for prerecorded automatic phone calls, saturation computer-written letters, skywriting or new methods yet to be conceived by advertising agencies and campaign managers.

This is the failing of S. 3637: It attacks only symptoms—and few at that—not the causes of political campaign practice inequities.

The expense of running for public office has reached scandalous levels. Sums which once were registered as totals for presidential campaigns are now being run up in races for Governor and Senator. Indeed, broadcast costs have constituted the major source of these increased expenses. But to attempt to channel expenditure of money rather than limit the availability of that money in the first place is wrong. Moreover, it is doomed to ineffectiveness.

We must deal with this problem at the roots, for by cutting off only random branches we will merely stimulate the growth of other equally serious problems elsewhere in the system.

Mr. President, I urge the Senate to sustain this veto and at the same time resolve to work with the President next session in the drafting, preparation, and passage of a campaign spending bill in which we can all take pride and in which the American people will see the public interest clearly and effectively served.

Mr. GOODELL. Mr. President, will the Senator yield me 2 minutes?

Mr. PASTORE. I yield 2 minutes to the Senator from New York.

Mr. GOODELL. Mr. President, I spoke extensively on this matter last week, and I do not intend to deliver a long address today. My position is clear. I am in favor of overriding the veto of this bill. I have been trying to communicate that position to my colleagues personally and privately and openly.

I have just been through a campaign in New York. I originally had some doubts, as the Senator from Rhode Island will attest, as to whether this 7-cent figure would be adequate. We had to have some kind of figure. We had to set some limit that seemed reasonable and then try it out with experience. I believe this limit would have worked very well in New York State.

Reference was made to the expense of TV in New York City. It certainly is true. But, as a practical matter, if this bill had been law in New York State, it would have permitted me to spend just about what I did spend. I think it was an adequate amount to communicate my views to the public, provided that there was not saturation from other candidates who had a great deal more money. And there was saturation from the other candidates that I could not match.

The same would be true with an incumbent if he happened to be a millionaire. After all, we had an incumbent in New York State who was running this year and who had quite a bit of money. Nothing particularly precludes an incumbent having access to millions and millions of dollars. This gives him an unfair advantage.

I think the essential issue here is this: Should money, should access to millions of dollars, be a major factor in a political campaign? We know that the way it becomes a major factor, the primary way, is by use of the television and radio media. They are the most potent media. We can talk about bumper-sticker blitzes all we want, but that is not going to win an election the way a TV blitz can win an election. We have seen that happen over and over again in many campaigns.

Those who demand perfection in any law are saying that we should not legislate, because there is no way to write a perfect law. This is a fair bill. It is a reasonable bill. I think if we look across the country and see how it would have operated this year, it would have worked out very well.

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

Mr. GOODELL. I ask for 2 additional minutes.

The two candidates in Ohio agreed to abide by this bill, and I have heard no complaints from either one of them. It apparently worked out quite well.

An argument has been made that candidates in New Jersey would have to go either to Philadelphia or New York City to use the media. So a millionaire running for office in New Jersey, with no law such as this at all, would have a tremendous advantage. He could go to New York City and Philadelphia to buy media time a major way and a candidate who did not have access to the same amount of money would be precluded completely.

As a matter of fact, I think the New Jersey situation militates more than any other situation for the necessity of this law. The same is true in a great many other areas of the country where the source of the media may be outside the campaign area and where 80 or 90 percent of the viewing audience cannot vote for the candidates. As a practical matter, in most cases this means that candidates for those offices do not use the media. This is true of congressional candidates in New York City, where they cannot afford the media in a massive way.

I think it is important that we take this first step today to strengthen and to reinforce our democratic process by scouring it of this tremendous influence of money and focusing instead on the merits of issues and candidates.

I thank the Senator for yielding.

Mr. HANSEN. I yield 2 minutes to the distinguished Senator from North Dakota.

Mr. YOUNG of North Dakota. Mr. President, I will vote to sustain the President's veto of the Campaign Expenditure Limitations Act.

I am one of probably less than five Members of the U.S. Senate who would not have been affected by this limitation in past campaigns and probably the only one in any of the Upper Midwest States. In none of my campaigns have I come close to spending the maximum allowance under this bill of 7 cents per vote or $20,000, whichever is the higher, on television and radio advertising. My broadcast expenditures have been considerably less than this.

While I believe corrective legislation in the field of excessive spending on political advertising is necessary, I do not believe this legislation is enforceable or even fair. For example, lower rates for advertising by politicians than those that commercial interests have to pay cannot be justified.

Any incumbent Member of Congress in an election campaign already has considerable advantage over his opponent. This legislation would give him an even greater and unfair advantage.

I cannot help but feel that ways can and would be found to circumvent the limitations called for in this bill. Thus, the candidate who tried to abide by the spirit of the law might find himself at quite a disadvantage with others who would find ways to subvert the law.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HANSEN. Mr. President, I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 5 minutes.

Mr. MURPHY. Mr. President, before us today is the bill vetoed by the President which deals with the television and radio spending of presidential and congressional candidates.

I commend Senator PASTORE and all who have worked so hard on this bill for they have truly forged ahead in an area where reform is most necessary and long overdue.

In fact, almost everyone is agreed, including the President, that there is a great need to impose effective controls on campaign spending—not just on the matter of television, but on the entire matter of the cost of campaigns that have gotten away out of hand. But, the supporters of this legislation do not even pretend that it will provide overall effective control on spending. Indeed, it has been characterized as a first step and even those who wrote the language admit that it is not perfect. It has been my experience that when avid supporters of a bill admit it is less than perfect then it is wise for the rest of us to try to insure the necessary improvements. Sometimes a bill gets passed and it will be thought that the bill would take care of it. Many things that need consideration are then forgotten.

I will not rehash all of the substantive objections to this legislation. President Nixon dealt with them quite well in his veto message.

However, I would like to make a few observations based on my personal experience and how they relate to the bill.

It appears now that when the final figures are in on this year's senatorial

campaign in my State, the record will show that more than $5 million was spent, with almost $2 million of this expended by the man who ran against me in my party's primary.

This is too much money.

We must do something to reduce such expenditures.

But the legislation before us today is not the answer since, to use a somewhat trite but true phrase, it is a classic example of treating a single symptom rather than the overall disease.

Yes, as I indicated, television and radio costs are an enormous and important part of the problem, but they are interwoven with other issues, and they must all be considered as interrelated parts of the whole if any meaningful overall solution is to be reached.

For instance, what about the question of campaign ethics?

This is surely an important issue when one considers the deception, inuendo and downright dishonesty which, unfortunately, have become prevalent. It is excused by saying that it is just campaign oratory.

Then, too, there is the more subtle approach of the so-called professional image-makers who make candidates appear to be something that they are not.

Rather than use the heavy-handed "big le" technique, these individuals prefer to poison the mind more slowly but just as lethally.

I remember years ago one television advertisement which showed a little girl picking leaves from a daisy until suddenly the world exploded around her. Everyone knows this was done for the purpose of deceiving the public.

Is this not part of the ailment, too, just as much as the high costs of television?

And how about campaign contributors themselves?

Regulations already in effect control the individual donor who wishes to make a straightforward contribution.

But then there is the person who ostensibly lends campaign funds—and later writes them off when the candidate of his choice achieves victory.

That is a technique that I refuse to accept. I had several people this year who said that they would lend me money. I said that I did not think that was proper, but that if they wanted to make a proper donation it would be fine, but otherwise they should just forget it.

The enormity of this problem of lenders—whether they are repaid or not—can be demonstrated, I think, from a recent newspaper article on our race in California.

After originally reporting a deficit of $600,000—or about $1 for every vote in his margin of victory—my opponent's staff later revised their figures to show a deficit of $450,000 out of a total expenditure of $1,100,000. A particularly interesting point of their revelation was that $350,000 of this deficit was in the form of loans of one kind or another.

Furthermore, what price tag do you put on the registration drives, the so-called educational work and the campaign activities conducted by labor unions, sometimes supplied by rank and file members who may or may not agree with the candidate selected for endorsement by the leaders of the union?

As a member of a union for over 40 years, I know something about this. I have had some experience. I recall very vividly the problem encountered by my friend, C. B. DeMille, who was told unless he donated $1 for a campaign he would be denied the time to appear on radio. That was before the time of television.

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

Mr. MURPHY. Mr. President, I ask unanimous consent that I may be permitted to continue for 3 additional minutes.

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

Mr. MURPHY. Mr. President, I have been told that labor helped register nearly a million voters in my State alone and surely that cost someone something, but what was it—50 cents a head? $1 a head? $2 a head? Should there be any limitation on this sort of expenditure?

At even 25 cents a head, a million voters costs a lot of money, and it seems obvious, I think, that this is the type of campaign expense which merits investigation, too.

Yes, these problems must be considered as a whole for there is no sense in telling a man that his one vote will mean something and then permitting his decision on how to cast that vote to be unduly influenced by excessive spending, coercion, evasion of the law or some form of political chicanery. After all, we fought for the one-man, one-vote principle. I am sure that every Senator is familiar with it, just as I am.

The administration and the Congress agree that reforms are needed but the need is for remedies which will be directed toward curing the entire problem.

The bill before us does not do that.

At best it seeks to soothe just one ailing portion of the situation and, in fact, at its worst it might even accent the difficulty.

I am confident that with the determination which was shown in the formulation of the bill before us, the administration and the Congress can surely move forward together to devise a new measure which will help insure that our voters can go to the polls enlightened as to the issues and the merits of the candidates, free from coercion of any type, and without the contrived mental and emotional confusion which sometimes results from the false packaging of some of our candidates by professional imagebuilders.

Mr. President, last week the junior Senator from New York asked the Senate to vote to override the President's veto of the Political Broadcasting Act of 1970. I can understand and sympathize with Senator GOODELL's feelings on this matter. He faced a Democratic candidate who, in the primary and general election, probably spent more money on his media campaign than any other single candidate in the country. However, we should not forget the pertinent fact that Senator GOODELL's Democratic opponent also lost the election.

In fact, I would ask the supporters of this legislation to point out a single instance in the recent elections where a media campaign was the primary factor in the election of a Senator. There are no such examples.

When this legislation was originally passed by the Senate before the November elections, there was a great concern that blitz television campaigns would unfairly weight the races in favor of those candidates who had more money to spend on advertising.

In light of the election results, those fears have been proved groundless. The 1970 elections were decided, just as past elections, by the issues, by personalities, by party and campaign organization, and by voter registration.

I know of very few races where television advertising can be rated as a more important factor than the basic political techniques I have mentioned. In a number of instances, candidates who lost spent unprecedented sums on their media campaign.

There is a great need to impose effective controls on campaign spending. But the supporters of this legislation do not even pretend that it will provide overall effective control on spending. Indeed, it has been characterized as a first step and even those who wrote the language admit that it is not perfect. It has been my experience that when avid supporters of a bill admit it is less than perfect then it is wise for the rest of us to try to insure the necessary improvements.

I will not rehash all of the substantive objections to this legislation. President Nixon dealt with them quite well in his veto message.

For instance, if a candidate is limited to $20,000 to spend on television advertising, how will he allocate the money to buy time?

Will he buy a limited number of 1 minute to 5 minute spots in which he can tell the voters his position on the issues and discuss his program in depth?

Or will he decide on 10 to 15 second spots designed to portray his charisma, how rugged he looks in shirtsleeves and what a good family man he is?

Every one of my colleagues knows the answer to that question.

A man who wants to win will not choose to spend his limited funds for a broadcast program that may reach 300,000 voters when he can spend the same amount of funds to put his name and face before millions of voters.

So how have we served the democratic process of elections?

In an age when people depend increasingly on television for information, this bill would have the effect of eliminating any serious discussion of the issues on television.

An incumbent Senator who is proud of his record and his achievements in Congress would have to think twice about taking the expensive but necessary time to discuss the issues properly, particularly when he knows that his at-

tractive challenger is reaching many millions of voters with his superficial but effective spots.

And in all of this the biggest loser would be the American voters, who would be denied the opportunity to find out what their candidates really stand for.

As the President pointed out in his veto message, 30 seconds of prime television time in New York City cost $3,500; in the Wichita-Hutchinson, Kans., area it cost $145.

Even under the formula, which allots more money to heavily populated States, there would still be a wide gap in the exposure time allowed. Why should this be? Why should the voters of New York be denied the opportunity to see and listen to their candidates as often as the voters of Kansas?

It may be a trite phrase, but this legislation is a classic example of treating the symptoms but not the disease. In its efforts to reach the admirable goal of an effective limitation on campaign spending, the Congress has produced a bill which is unjust, unfair, and inequitable. And it will certainly do more harm than good.

I would like to add one more personal point directed at the Republican Members of the Senate. In his speech last Thursday, calling for an override of the President's veto, Senator GOODELL implored our Republican Members to vote their conscience rather than party loyalty on this issue.

There are many occasions when a Senator is forced into the unpleasant choice of voting his conscience or standing with his party. When these decisions concern the great issues of the war, the economy, or social unrest, a President—however much he might wish it otherwise—can understand and respect a Senator's decision to vote against him.

However, this is not such an issue. There can be no matter of conscience involved when a piece of legislation is so demonstrably unfair. It is an attempt by the Democratic Party to take advantage for the 1972 elections and to reflect further embarrassment on the President by overriding his veto.

It is being pushed in the press with the rallying cry that the Republicans outspent the Democrats in the last election by 10 to 1. This is a totally unprovable claim—but let us look for a moment at some verifiable statistics about campaign financing in America.

Official reports on file with the Clerk of the House show that two-thirds of the funds collected by the national Republican Party have been contributed in amounts of less than $100. Most of these contributions have been in the amount of $10 or $25, either through a sustaining membership in the Republican National Committee or the newsletter program of the Republican Congressional Campaign Committee.

Over the last 8 years, more than 700,000 Americans have contributed in this manner, many of them six, seven, and eight times over. This is participatory democracy at its best. Republicans have no cause to be ashamed of the source of their campaign contributions—there is no matter of conscience involved when two-thirds of our funds come from individual Americans who want to see Republicans elected and have a right to expect that their contributions will be used in the most effective manner.

These contributors believe in the Republican Party and they know that we face an uphill fight in getting elected to office in America. The last Gallup poll that asked respondents for party affiliation was taken in July and August of 1970. It showed that 44 percent identified themselves as Democrats, 29 percent as Republican, and 27 percent as Independents.

In any campaign, Democrats start with a broad base of support. And then Republicans face other difficulties. If you are a Republican candidate you will have to find some way to counter the work of organized labor. What pricetag do you put on thousands of deeply committed campaign workers provided to Democrat candidates by the labor unions and the millions of dollars used for so-called educational work and for voter registration?

Mr. President, I repeat, we are being asked to vote for legislation that is demonstrably unfair, that will not do the job for which it is intended, and will surely create more problems than it will solve. Its sole effect will be to give the majority party in America an even greater edge at the polls.

On the other hand, a vote to sustain the President's veto is a vote that will be in the best interests of all the American people.

The President of the United States has rejected this legislation. Our distinguished minority leader has rejected this legislation. I hope that this afternoon there will be enough impartial votes in this Chamber to insure that the legislation is finally laid to rest.

I will vote in opposition. It is my feeling that there are political overtones in the consideration of this bill. We need a good bill. I think that the bill should come as a result of long debate, many hearings, and a determination on the part of those in charge which is as strong, as honest, and as direct as the determinations on the part of my good friend, the Senator from Rhode Island, who has spearheaded this move.

It involves the protection of the franchise of individual citizens in this country and means the right of any citizen to run for office should be guaranteed in the future and that the right to run for office will not just be set aside for those who would agree to vote always at the behest of some of the power structure or small groups of rich individuals, or any individual who can afford to put up the money.

Mr. HANSEN. Mr. President, I yield 2 minutes to the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. AIKEN. Mr. President, many people think this political broadcasting bill was passed by the Democrats to make it more difficult for President Nixon to be reelected in 1972, should he choose to run.

On the other hand, there are many who believe that this legislation was vetoed for the same reason.

Personally, I do not feel this bill is worth the paper it is written on because it will cover only a scant portion of the methods used to promote candidates at election time.

We cannot legislate honesty.

We do a disservice to the country by pretending to make some improvements in the current situation when passage of this legislation would likely spawn even more devious ways to campaign maneuvering.

Passage of this bill would not raise the ethical standards of the Congress since it would not do anything to really control the methods of influencing voters at election time.

Let us not delude ourselves or the American people by passing a law when we know down deep that it will not work out as its host of conscientious supporters have been led to believe.

I voted for this bill in the vain hope that as law it might discourage some unsavory practices during election campaigns. I might say the last campaign rather disillusioned me in that respect.

I will vote for an even more comprehensive bill if one is offered next session.

But I reiterate, Congress cannot legislate honesty in a candidate for public office.

I intend to vote to sustain the President's veto in the hope that he will seize upon this opportunity and present to the Congress legislation aimed at controlling all types of campaign spending.

Mr. PEARSON. Mr. President, today we will reach a momentous decision when we cast our vote on the President's veto of S. 3637, the bill which limits spending for political broadcasting and which repeals the equal-time requirement for presidential and vice presidential candidates. It is unfortunate that this issue has been cast in partisan terms, for it is certainly a question far above party. All Americans, regardless of philosophy or partisan affiliation, are becoming outraged and concerned over the amount of money being spent to elect high public officials to office. It constitutes a threat to our democratic political system that can no longer be ignored.

As one of the original authors of the legislation which provided the genesis for the bill under consideration today, I believe most strongly that the area in greatest need of reform is the field of political broadcasting. No other sector of politics has shown such a dramatic spurt in usage—and in spending. According to the Citizens Research Foundation, of Princeton, N.J., approximately $9.8 million was spent on political radio and television advertising in 1956. By 1964 that figure had jumped to $24.6 million and by 1968 it had reached $40.4 million. The figures from the 1970 elections are not yet in, and even though this is an off-presidential year, I can safely predict that the amount spent on radio and television will be staggering.

Everyone agrees that something must be done. Everyone agrees that the prob-

lem is complex. Everyone agrees that the consequences of inaction or ill-conceived legislation are foreboding. Everyone agrees, yet many shy away from taking any decisive step. The bill now under debate differs substantially from the one the distinguished Senator from Michigan (Mr. HART) and I introduced last year. It does not deal with many areas of campaign finance that are in obvious need of attention. But it is a start. It is the product of many hours of hearings, committee work, and debate in both Houses of Congress and as such it is certainly not open to the charge of being hastily conceived.

Mr. President, the legislative process is essentially one of compromise and the reconciliation of differences. The bill before us today reflects that influence and as a result was able to win the support of decisive majorities in both Houses of Congress. It would be a surprise if this legislation had the total approbation of very many Members of Congress. But on balance it clearly deserves the support of us all. It may not cover all aspects of campaign spending, but it does cover the most important part. The formula it uses may not be the most perfect that could be devised, but it is workable. And though changes and additions could readily be devised, they would only provoke more delay. And delay is the one thing that is not needed.

Several years ago, I introduced the Campaign Finance Act as an omnibus reform measure to provide for a broader contributions base and tightened campaign spending requirements. During the last session I introduced it again. It is my intention to redraft this proposal, submit it once more, and work vigorously for its adoption in 1971. And if the bill now before us is not adopted over the President's veto I will include some measures to deal with this area of campaign finance as well. But it is my earnest hope that the Congress will make this last step unnecessary by moving forward now to curb the spending for political advertising on radio and television that is making a mockery of our election process. It is time to return to the process of allowing voters to judge candidates as they are, not as they seem to be. It is time to have more debate on issues and fewer singing commercials. This bill will not regulate the content of political advertising, of course, but it will at least slow the trend toward elaborate media blitzes that soon focus more attention on the form than the substances of a campaign.

Mr. President, if we do not act now, then when will we act, Next year? I have been hearing that through many sessions of Congress. If we turn down this opportunity to start the process of meaningful campaign finance reform, then we will have to begin at the bottom of the long legislative trail before we reach this point again. If justice delayed is often justice denied, then the same can be said of reform. The longer we wait to act the worse the situation will become. I, for one, feel the time to change the dangerous trend toward buying political office which has grown unchecked over the past 45 years is now. Each of us in this Chamber can easily recall instances when contributors or potential contributors tried to use their support as a lever to force commitments from us that would not necessarily be in the public interest. I am confident everyone here is of a character to resist these blandishments, but the financial pressures on all those participating in politics are going to continue to rise astronomically unless some corrective steps are taken. It would be a real national tragedy if anyone allowed temporary personal advantage to halt much needed institutional reform. No personal considerations should be allowed to stand in the way of performing a public duty.

Mr. HANSEN. Mr. President, there has been much talk about "taking the first step" with regard to campaign excesses. The bill, S. 3637, has been touted as that important step. I disagree not with the need for effective measures but with the conclusion that S. 3637 would achieve even a small part of those worthwhile objectives.

I fear that the step taken would be along a meandering, poorly marked trail that would carry us far from the intended destination.

The problem of campaign costs is not just a television or radio problem. Long before the media was utilized to any appreciable extent there was a disparity between the kind of race a wealthy candidate could run and that of a less endowed opponent.

It is true that broadcast advertising is a very large expenditure in a modern political campaign. An increasing disclosure made by the Republican National Committee released after Senator GOLDWATER'S campaign for the presidential election shows a budget item of $5,608,635 for TV and radio. While this was the largest single item listed separately, there were also figures of $1,586,672 for salaries, $955,827 for postage and express, $909,632 for travel, an additional separate item of $807,997 for chartered airplanes and trains, $555,252 for printing and reproduction, $529,868 for ads in newspapers and magazines, $398,113 for telephones and $155,349 for data processing—that figure would be much higher today with increasing use of computers and demographic technicians.

The point is—while TV and radio were the largest outlay of funds, there were other costs that amounted to 61 percent of the campaign expenditures.

To be completely accurate, that dollar figure for TV and radio should be divided up because $1,066,484 was spent for the production of films and video tapes. This is something completely untouched by the bill under consideration, S. 3637.

The only result on the solicitation of campaign funds, on the undesirable dependence on major campaign contributors will be that steps to disclose these actions and curtail the overall expenses of seeking public office will be delayed. This is because once any measure is passed on the subject the momentum to again tackle this emotionally charged issue will be lost. We will be told that the problem is solved—or at least let us wait and see how everything works before we do anything else in the area.

Well, I know the costs of running for office will not be reduced by S. 3637. Politicians will have to search out other means than broadcast on local stations to reach their potential constituents. I suspect that their broadcast budgets will be diverted from individual purchases on small, locally oriented stations to be placed on the major market stations serving whole regions.

Local newspapers, outdoor advertisers, direct mail, and other means of reaching the voter will be employed to the financial detriment of these small, marginally profitable stations and to the advantage of the competing media. The sum difference to the candidate will be nil. Expenditures will not decrease.

Personal resources will continue to enter the picture. Only a truly comprehensive limit on spending with detailed disclosure requirements will ever solve the dilemma. Until that time, diversions ought to be squelched. I will vote to sustain the veto of S. 3637 and will work for introduction of true campaign reform legislation.

I include the following table:

*Cost of Senator Goldwater's presidential campaign*

| | |
|---|---|
| Salaries | $1,586,672 |
| Postage and express | 955,827 |
| Travel | 909,632 |
| Chartered planes and trains | 807,997 |
| Printing and reproduction | 555,252 |
| Newspaper and magazine ads | 529,868 |
| Telephones | 398,113 |
| Data processing | 155,349 |
| Total | 8,807,689 |
| TV and radio | 5,608,635 |
| Total | 14,416,342 |

Mr. McINTYRE. Mr. President, I support the effort to override the President's veto of the campaign spending bill, but not without some misgivings.

Those misgivings are based upon a traditional reluctance to have the Federal Government restrict the free flow of information—a position which prompted my authorship of the Independent Media Preservation Act and the Newsmen's Privilege Act—and upon the suspicion that the campaign spending bill, as written, treats symptoms and not causes.

Despite those reservations, however, I do support reversing the veto because of one overriding consideration: the campaign spending bill is, at least, a first step toward curtailing the influence of vast sums of money in politics.

The real evil is not heavy spending in media promotion of the candidate. The real evil is a campaign cost situation which demands that great sums of money be raised, sums so great that their very acceptance by the candidate places him under implied obligation and sullies the integrity of the office sought.

Carried to its ultimate conclusion, one is left with this unhappy alternative: If the electorate demands integrity, then it may have to settle for only those candidates whose personal fortunes are so great they need not seek campaign funds from self-seeking contributors. This, of course, would so narrow the base of elected representation as to mock the democratic concept.

I do not mean to imply by this that rich officeholders cannot be good officeholders, officeholders committed to serving the entire constituency. There are

enough examples in this great body to refute that notion.

But I cannot help but believe that the American people are better served by a mix of representation than by an aristocratic elite, regardless of how dedicated, concerned, and compassionate individual members of that elite may be.

So I chose to support the campaign spending bill because it does move toward that goal of assuring a representative mix through restrictions on spending.

I regret that the electronic media have to be singled out for such restrictions, but I am realistic enough to know that for the Congress to move in this fashion beyond the electronic media would mark an even sharper break from congressional restraint, with no certainty of effectiveness.

But there is authority to move along other fronts in the battle to save political integrity from unsavory influence and I would urge my colleagues to consider seriously many of the proposals for substantive reform outlined in an editorial statement by Post-Newsweek stations last week.

Chief among those recommendations was a challenge to the Congress to enact legislation dealing with the overall money spent in political campaigns, either by considering a ceiling on spending—or a floor beneath spending.

Coupled with this was a call for enactment of the toughest possible disclosure law for campaign finances.

In all, the Post-Newsweek stations made 10 proposals, not all of which I would support, but all of which I believe deserve respectful attention.

These stations, I must note, oppose reversing the Presidential veto of the campaign spending bill, contending that the bill is discriminatory and does not get at the heart of the problem.

I repeat. I do support overriding the veto. But I also repeat that this bill is *but a first step.* And I agree with the Post-Newsweek editorial statement that much more subsantive work must be done to reform the political process.

In conclusion, I cannot resist pointing out to those in high office who have made a practice of belaboring the so-called monolithic eastern establishment press that on this issue the Post-Newsweek stations have taken an editorial position in direct opposition to the editorial stance of the parent Washington Post.

Mr. HRUSKA. Mr. President, the cost of election campaigns continues to mount, and the role of television—while no doubt highly effective—becomes increasingly controversial.

There is certainly not one of us in this body who believes the cause of democracy is served well by the ability of a given candidate to buy his election through lavish utilization of television time, or more importantly, through misuse or abuse of the technological virtues of the medium.

We can all agree that ultimately there must be some control over campaign expenditures, and there must be an element of protection to avoid misuse and abuse of the power of television.

The goal of S. 3637, to enact certain restrictions on the use of television in election campaigns, is a laudable goal which most of us can support.

It is the implementation of the various aspects of the bill which troubles me. It would appear the bill fails to make any real progress toward solving the problems we are encountering in the use of the medium in campaigning. In the meantime, suspicion grows that it may serve primarily to create new problems and inequities.

It is these concerns which caused President Nixon to veto the bill when it was sent to him for signature. The same concerns are shared by this Senator. Consequently I will vote to uphold the President's veto of S. 3637.

Allow me to detail a few of the major objections to the bill, Mr. President. The first is that it is discriminatory, against the candidates and against the electronic media.

It discriminates against the untried and unknown candidate. This is a most important point, Mr. President, because notwithstanding the inherent appeal and competence of a new candidate, he cannot hope to be very successful without good public identification. Since he does not have the publicity and other advantages which an incumbent has of making his name and face known to the voting public, the new candidate must rely upon advertising media and especially the electronic media for reaching groups of voters.

It is not unreasonable to expect that he would as a result utilize more television time than his opponent to equalize their situations. But under this bill, he is confined to a fairly stringent monetary limitation for radio and television time. He is already at a distinct and in many cases, fatal disadvantage before the campaign begins.

The measure also is of concern because it is discriminatory against the electronic media. It deals with restrictions only on radio and television. It fails to concern itself with newspapers and direct mail. Unlimited spending is allowed in those cases.

It would appear that most campaign budgets are laid out in similar fashion—by allocating the funds available throughout the various media so as to provide the best possible impact upon the most people. The effect of this bill upon that fairly scientific approach to campaign advertising will simply be to place a firm limitation upon the amount of radio and television time which can be purchased. The remainder of the available funds will be channeled into newspapers, direct mail, or similar media. There will be little if any reduction in total budgets.

Still another discriminatory aspect of the bill is the penalties it creates for broadcasters in terms of advertising rates. The bill stipulates that campaign advertising should be charged the lowest rates available by a radio or television. This would work an undue hardship upon station management which carries intensive amounts of political advertising for a brief period of a few weeks every 2 years or so. In so doing, it must displace its steady commercial advertisers, creating problems with its clientele. It seems no more than fair that in return for this difficult situation the station is placed in, it should be allowed to charge such transitory advertising accounts at a higher rate to compensate for the client relations problems it entails. Newspapers charge higher rates for political advertising. One cannot blame the electronic media for asking "Why us?"

There are also a number of questions about the effectiveness of the measure. For instance, how will it be enforced? Who will compile the records from all of the radio or television stations in a given State or congressional district to see whether a candidate is within the legal limit? Who is to say whether a radio or television station must release figures on the amount of advertising it carries for a particular advertiser? There are some tough problems to be resolved in this area.

The second factor on enforcement is the question of advertising submitted in behalf of a candidate. The bill stipulates that the limitation would apply to all advertising in behalf of a candidate. What would happen if unauthorized committees submit advertising on behalf of a candidate, pushing his television budget over the ceiling? What would happen if unauthorized committees usurped most or all of the advertising allotment of a given candidate before he and his authorized committees were ready to begin their campaign? Would it not be hypothetically possible under this limitation for committees supporting one candidate to purchase all the time allotted for his opponent, to preempt his opponent's time for more effective advertising? What is to stop a candidate from utilizing his full allotment of time and having a number of unauthorized committees who would submit advertising in his behalf? When one considers all of the bizarre problems which are apt to arise as candidates and committees look for loopholes in such a bill, it takes little imagination to predict the confusion which would surround any effort to enforce such a measure.

Returning to my original premise, Mr. President, I agree with the vast majority of my colleagues that we must soon come to grips with the electronic giant of television and carefully attempt to control its misuse and abuse in political contests and also with other aspects of campaign expenditures.

S. 3637 is not the measure for accomplishing our objectives, however. It has been designed in haste and suffers accordingly. It would be more effective if we were to go back and study the problem carefully, listen to all the media people involved and attempt to arrive at a schedule of campaign expenditures which will accomplish our goals without discrimination. Such action would make an effective contribution to fair and educational campaigns which will avoid gimmicks and which will highlight the attitudes and capabilities of the candidates, enabling the voters to make an informed and sensible choice. I stand ready to assist and support such an effort at an early time.

For these reasons, Mr. President, I intend to support President Nixon's veto of S. 3637.

Mr. SPONG. Mr. President, I shall vote to override the President's veto of the Campaign Broadcasting Act because I believe we must make a start toward controlling the ballooning costs of seeking public office.

As a cosponsor of the original bill, I would be the first to admit that it is not a complete answer to the problem. What is needed are effective controls on overall campaign spending and I shall continue to work for such legislation in the Congress ahead. But until we can put such a comprehensive law on the books, I believe we must take a first step.

There is no question in my mind that in limiting expenditures for television and radio broadcasting, this bill will contribute substantially to the reduction of campaign spending. It moves us that much closer to our goal of bringing public office within reach of the best men this country has to offer and not merely the wealthiest.

Mr. EASTLAND. Mr. President, I shall vote to sustain the President's veto of the bill which would limit election campaign spending on television and radio. I do so, I firmly believe, in the interest of the American people and in the preservation of our democratic election process. For the reasons I shall outline, I hope the legislation does not become law.

I have watched and studied this bill with considerable interest since its introduction. I realize it is a well-meaning attempt to regulate our election campaigns, which, in the recent past, have become a contest not of men, nor ideas, but of bank accounts. I agree that action is needed. The American public is entitled to it—and the public demands it. A national poll published only yesterday revealed that 7 out of 10 Americans prefer a change in the campaign process, and 79 percent—more than ever before—would like to see campaign spending limited. This is clearly a call to action, but we must not go galloping off in the wrong direction against the wrong evil.

The major impact of the legislation at hand, I believe, would be to limit the amount of money a candidate for President, Vice President, Senator, Member of the House of Representatives, or Governor could spend on radio and television during his campaign for office. Television is perhaps the most dynamic force on the American political scene in the history of the Republic. This cry for restrictions on political use of television has been accentuated by the high-spending campaigns of the past decade. The impact of television upon the American voter has been obvious and the influence upon the outcome of the elections is well known. It has been estimated that nearly $60 million was spent on the congressional campaigns just concluded. So the need for change is apparent.

The proposal before us today, however, is an inadequate and ineffective approach to the problem of campaign spending. It seeks to impose restrictions upon one segment of the media, while there would be no limitations on the various other forms of political advertising. I feel this is not only unfair, but an impractical, unsuitable, and incomplete solution to a complex problem.

While it proposes to limit spending during a campaign, this legislation would not necessarily do so. One has only to look at our attempts to ban cigarette advertising on television. On January 1, we will prohibit the use of this media for cigarette commercials, but it is now reliably predicted that the same money spent on television by the manufacturers will be channeled into the other media. This would be the pattern for a ceiling on television spending. It would not reduce the amount required for a campaign, but would result in heavier spending in other areas such as newspapers, billboards or, more likely, direct mail. The bill would simply pounce on a part of the problem and fail to attack the abuses of spending during a political campaign.

Some have said this is an antibroadcasting bill. Perhaps this is not the intent, but certainly any bill which imposes restrictions on any one segment of an industry and ignores the rest is, on its face, punitive legislation.

While I oppose the bill, I do support action which would restore sanity and commonsense to the campaigns for public office. We must take steps to see that politics does not become a rich man's game and public office is not restricted to the very wealthy.

I firmly believe that effective controls on campaign spending are necessary and needed today. Such controls should be, however, meaningful restrictions which would deal directly with the problem. Such controls should not restrict the flow of political information to the American voter, but encourage communication between the candidates and the voter. Our goal should be to provide legislation which would, once and for all, insure that the voter would have a sound basis on which to make a wise choice between the candidates for public office. The end result would be the perpetuation of the democratic process which has served us so well.

Some have said the bill on which we act today would be only the first step in effective campaign controls. They argue that we could return next year to plug the holes in the law. I disagree. The scope of this bill is too narrow, its provisions too confined. It is a step in the wrong direction. We cannot have effective legislation in any field by building poor foundation and hope at some future date to raise upon it an area of the law that will withstand the test of time. Such action here today could do more harm than good for the American election process. I believe that if the bill becomes law it will end—not begin—the drive for election campaign controls.

There is also the question of State versus Federal action in this field. Today's bill not only proposes restrictions on the elections for President and Vice President, but for Senator and Representative as well as Governors of the States. The latter is most certainly a matter for the States to decide. In this day of ever-expanding Federal power, I would hesitate to interject the Federal law any further into State matters

We all agree that political campaigns are out of hand. The candidates, the media, and, above all, the American people are in full accord on this question. We also agree that it is a complex matter. This is all the more reason that we must make the proper approach to the problem. I would suggest—and strongly support—serious and detailed study into the matter of effective and comprehensive campaign controls.

Congress should take this matter under advisement—not with the intent to bury it, but to bring it out in the open for full and free discussion.

The media—and most particularly the television industry—should come forward with its own ideas. There should be voluntary controls on the part of the media and an honest and forthright attempt to bring the voter and the candidate together for the betterment of the election process. The industry has already moved in this direction and this action should be accelerated.

The candidate, too, must do his part. He must take steps to see that he runs the type of campaign necessary to give the American public the kind of officeholder that is needed in this Nation. After all, the burden of good campaigning rests upon the candidate—not on the media which merely reflects his image.

Working together in a concerted effort to correct the abuses of political campaigning, we can and will restore proper balance to our election process. It will be then—and only then—that we will devise a workable and effective means to campaigning for public office. We will meet this problem with a solution that can and will insure the survival of good government and the preservation of that revered phrase "of the people, by the people, and for the people."

Mr. MOSS. Mr. President, when the Senate votes on the Presidential veto of the bill to reform campaign broadcasting, S. 3637, I shall vote to override the veto. As an original cosponsor of the bill in the Senate, I feel the bill is not only advisable, but absolutely necessary to help preserve our political system.

Having just completed my third campaign for the U.S. Senate, I am accutely aware of the need to take legislative action to limit the electronic media costs of such campaigning. The time to take such action is now, not later. Before we realize it, we will be facing another presidential election during which the costs are even higher than the congressional elections just completed.

President Nixon, in vetoing the bill, gave every excuse possible, except the real excuse, that being that the Republican Party was financed in an amount eight times that of the Democratic Party for the congressional elections. And with the power of the White House the GOP will be similarly better financed for the presidential elections of 1972.

The President said the bill would plug only one hole in the seive, but he forgot to say that through that hole, about 70 to 80 percent of election costs flow. It would be a most significant hole to plug in reducing campaign costs.

The President complained that the bill would discriminate between urban and rural candidates. That is absurd. Rural candidates run against rural candidates,

and urban candidates run against urban candidates. Statewide candidates run in the same State, so any disadvantage encountered by the bill, if there were any, would be encountered by both candidates, and therefore no discrimination would occur.

The President said the bill would favor the incumbents over challengers. Again the argument does not hold water. It limits the amount of time each candidate can purchase, so the effect is the same on both candidates.

Nor does the bill discriminate against the broadcast media when they are required to sell officeseekers time at the same rate as other customers.

The President also said the bill would be difficult to enforce. This is not true. Each television station is required to keep a log of all advertisements, including political ads. Thus it would be extremely easy to review the logs of each station and determine if a candidate were violating the law by purchasing more time than allowed.

Mr. President, as I see it, none of the arguments offered by the President justify his veto action. If Mr. Nixon is going to adopt a policy that specific legislation must solve every aspect of every problem before he will sign it, we all know that very few bills would be signed.

Most Americans came away from the recent elections wanting some action to be taken to limit the costs involved, especially on broadcast media. Permitting this bill to become law would show the American voters that the Congress recognizes that the voters deserve a better level of campaign presentation than they have been getting.

By voting to override this veto, we will be saying to the voters, you deserve more of a discussion of the issues and less hucksterish hoopla when we seek your votes.

I hope that we are successful in overriding this veto so that the law can be put into effect before the presidential elections just 2 short years away.

Mr. JORDAN of North Carolina. Mr. President, I have decided to vote to override President Nixon's veto of the political broadcast reform bill when it comes up in the Senate today.

This decision was especially difficult for me for two principal reasons:

First, the bill deals with only one aspect of the campaign spending problem. It limits only spending for television and radio political advertising and does not restrict outlay for other forms of political advertising. To that degree it is neither as fair nor as effective as it should be.

Second, during the period immediately after the veto I wrote to several of my constituents and friends in the broadcasting industry that it was my intention to continue to oppose the bill as I did when I voted against adoption of the conference report on it.

Even though my major reason for voting against the conference report does not exist now, I still find it difficult to disappoint responsible members of the broadcast industry who feel the bill discriminates against them.

But in the larger public interest I have concluded I must do so, at the same time pledging my best efforts to broaden the law to cover other kinds of political advertising spending during the new Congress and well before the 1972 elections.

When this bill was introduced in September of 1969 it was sponsored by 77 leading Members of the Senate and House from both parties. As reported to the Senate in April of 1970 it had the following major provisions: First, repeal of the equal-time requirement for presidential candidates; and, second, a requirement that television and radio stations could not charge any political candidate more than the lowest rate charged commercial advertisers. It was amended on the floor of the Senate to limit spending by and for presidential, Senate, and House candidates to 7 cents per vote cast in the most recent general election. This amendment was adopted by a margin of 50 to 35 and the bill passed by 53 to 27. I voted for the amendment and the bill. As it stood then the bill's effective date was to be 30 days after the President's signature, so that if the House had acted on it promptly it could have been put into effect well ahead of the November 3 elections.

But the House did not pass the bill until August 11. The vote was 272 to 97. The House accepted amendments to add a 3½-cent per vote limit on primary spending, to extend the limitation provisions to gubernatorial and other statewide campaigns, and change the effective date to January of 1971. This would have eliminated confusion by avoiding making the new requirements apply to 1970 elections campaigns already underway.

However, the Senate-House conference committee wrote a new provision into its report which would have made the law effective 30 days after the President's signature, but would have applied it only to spending contracts signed after August 15. The House approved the conference report on September 16. By the time it came up in the Senate on September 23 it was so late that if the President had signed the bill at once it could have become effective on October 23, only 10 days before the elections. This would without question have caused general confusion among the candidates and the public. The spending limits would thus have applied only during the last 10 days, and not to money spent before that period. It would have been fair to no one.

I did not want to run that risk, and I, therefore, opposed the adoption of the conference report, which, however, was approved by the Senate by a vote of 60 to 19. The principal basis for my opposition is a moot question now, because the 1970 elections are history. If the bill becomes law now, it will be nearly 2 years before it will affect candidates—plenty of time both to amend it and to allow all candidates and the public to become familiar with its requirements.

My first thought after the President's veto was that perhaps it would be best to start all over with a new effort in January. But the appalling evidence of the magnitude of campaign spending which became apparent just before and immediately after the November elections all over the country made me change my mind. Spending in congressional races alone is reported to have exceeded $100 million. Increasingly, money makes the difference in our primaries and elections. We simply cannot afford a system under which only the rich can succeed in politics—or, probably worse, a system under which only a man or woman willing to accept really big money can win public office.

We have got to reverse that trend, and this bill makes a start in that direction. If it is killed now I am sure it will be far harder to enact a reform bill before the next elections. If it is passed now I believe the Congress will meet the challenge and amend the law to deal with excessive spending for all other kinds of political advertising which are left untouched by this bill. I will do all I can toward that objective.

Mr. PASTORE. Mr. President, what is the time situation?

The PRESIDING OFFICER. The time situation is that the Senator from Rhode Island has 42 minutes remaining and the Senator from Wyoming has 56 minutes remaining.

Mr. PASTORE. The 56 has the initiative.

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

Mr. PASTORE. The only trouble is whether we could take the time from the opposition.

Mr. HANSEN. I was going to be generous. I think it should be shared.

Mr. PASTORE. I am ready for a vote. Let it run for a while, Mr. President.

Mr. HANSEN. Divided equally.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECESS

Mr. PASTORE. Mr. President, I ask unanimous consent that there be a recess for 15 minutes.

The PRESIDING OFFICER. On whose time?

Mr. PASTORE. Any way they wish to do it.

Mr. HANSEN. Fifty-fifty.

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

(At 3 o'clock and 24 minutes p.m., the Senate took a recess until 3:39 p.m. the same day.)

(On the expiration of the recess, the Senate reassembled when called to order by the Presiding Officer (Mr. MURPHY).)

The PRESIDING OFFICER. Who yields time?

Mr. COOK. I yield 10 minutes to the Senator from Vermont.

Mr. PROUTY. Mr. President, when this bill was before the Senate last summer, I voted in favor of it.

I did not vote for it because I regarded it as a measure which would eliminate all campaign abuses—I did not vote for it on the ground that it covered all or even most of the situations involving campaign expenditures which, in my

opinion, need to be more strictly regulated by Congress. At the time I voted for this bill, I regarded it—at the most—as being a minor first step in the area where election reform is badly needed.

To be candid, Mr. President, I voted for this first step in the belief that it would become law in time to apply to the 1970 elections. As my colleagues know, I stood for reelection earlier this month. I was convinced that enactment of this proposed legislation in time for this fall's congressional campaigns would, to some extent, equalize campaign expenditures and spare the people of my State and of the other States the saturation of television and radio advertising campaigns which were engaged in by many candidates this year.

To be frank, however, it never entered my mind that election reform would stop with passage of S. 3637, or that further reform would not be enacted by Congress in 1971 which would be effective for the 1972 congressional and Presidential elections.

In fact, S. 3637 was not enacted in time for the 1970 campaigns and—even if the President had signed it when it finally came to him, it would not have been applicable to this year's elections.

In these circumstances, Mr. President, I have reached the judgment that President Nixon acted properly and wisely in vetoing this bill.

There is plainly sufficient time for Congress to adequately consider a comprehensive and broad-based election reform bill during the next session of Congress.

Those who now desire to override the President's veto claim that additional election reforms will still be enacted in 1971 should S. 3637 become law this year.

While this is possible, I sincerely doubt it. If this bill relating to political broadcasting becomes law in 1970, I believe that there will be a tendency to sidestep other needed election reform next year on the ground that one of the major abuses has just been dealt with by the Congress.

In my judgment, Mr. President, there is a clear need to enact a meaningful and desirable election reform bill dealing with many other potential and actual practices of campaign abuses before the 1972 elections.

There is obviously time for a Congress desirous of enacting major campaign reforms to do so in 1971 after a thorough study has been made of this entire complex subject.

For these reasons, Mr. President—because I am extremely dubious concerning the enactment of any meaningful overall election reform legislation in the foreseeable future should this bill be written into law now—I intend to vote today to sustain the President's veto of S. 3637.

Before I relinquish the floor, Mr. President, the RECORD should reflect the fact that I have consistently favored strong and effective reform of our election laws.

Ten years ago, when the Federal Elections Act of 1959 was under debate in the Senate, I offered an amendment which would have prohibited any person from making a political contribution to or on behalf of any candidate seeking nomination or election to the office of U.S. Senator or U.S. Representative to Congress outside of the contributor's own State.

This amendment, Mr. President, would have prohibited individuals or groups in one State from making direct contributions to candidates running for the House or Senate in other States.

It would also have prohibited a middleman from making a contribution to a candidate for the House or Senate unless the middleman disclosed, at the time the contribution was made, who made the money available to him for the purpose of the donation.

This amendment, Mr. President, would have permitted contributions to State or local committees in other States which were adjuncts of national political organizations such as the Republican and Democratic parties.

These funds, of course, could be made available to candidates in a State by their local and State party committees. The money would not be coming directly to a candidate from a contributor, however, and such requirements would strengthen both major parties at the local and State level.

I eventually withdrew my amendment, Mr. President, because the committee had not studied it in its deliberations and upon assurances that a comparable bill would be considered by the committee in the future.

I ask unanimous consent, Mr. President, that my proposed amendment and debate thereon, which appears in the CONGRESSIONAL RECORD, volume 106, part 1, pages 875–884, be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. PROUTY. I have just completed a very rigorous and demanding reelection campaign, Mr. President, which makes me even more conscious that drastic and meaningful changes are necessary in our election laws.

Speaking on my proposed amendment in 1960, Mr. President, I noted that the law does absolutely nothing to effectively curb unethical practices of some special interest groups which seek to circumvent regular party channels in attempts to influence the choice and election of candidates in the several States. At that time—in 1960—I said:

> It is my sincere conviction that citizens of one State should not meddle in the politics of another State. Certainly, they should not be permitted to influence, by contributions, the nomination or reelection of candidates in several States, for any reason whatsoever.

In my campaign this fall, Mr. President, these words were brought home to me with a vengeance, as elements from outside Vermont became active in seeking my defeat in a manner which would have been impossible if my 1960 amendment had been adopted.

Fortunately, however, the residents of Vermont were not taken in by these tactics, as I note in all humility that I was returned to office by a vote of 60 percent of my constituents.

The subject matter of this amendment I proposed in 1960, however, is but one of the important areas where election reform is needed that I believe should be acted upon by Congress in 1971.

As I mentioned earlier, I voted for S. 3637 originally in the hope it would become effective for the 1970 campaign.

This did not materialize, Mr. President, and I am now deeply distressed that other meaningful election reforms will be lost if this bill is now enacted over the President's veto.

Accordingly, I shall vote to sustain this veto, and I strongly recommend that my colleagues who desire comprehensive election reforms in time for the 1972 congressional and presidential campaigns do likewise.

EXHIBIT 1

FEDERAL ELECTIONS ACT OF 1959

Mr. PROUTY. Mr. President, I offer the amendment which I send to the desk. It is designated "1–13–60—G."

The PRESIDING OFFICER. Does the Senator wish to have the amendment read in full?

Mr. PROUTY. In view of the fact that the amendment has been on the desks of Senators for some time, I ask unanimous consent that the amendment be printed in the RECORD without reading.

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

(The amendment is as follows:)

On page 17, strike out lines 8 to 27, inclusive, and insert in lieu thereof the following:

"SEC. 608. (a) Whoever, directly or indirectly, makes contributions in an aggregate amount in excess of $5,000 during any calendar year, or in connection with any campaign for nomination or election, to or on behalf of any candidate for an elective Federal office with respect to which elections are conducted within the State in which the person making the contribution resides, including the offices of President of the United States and presidential and vice presidential electors, or to or on behalf of any committee or other organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the success of any national political party, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"This subsection shall not apply to contributions made to or by a State or local committee or other State or local organization or to similar committees or organizations in the District of Columbia or in the Commonwealth of Puerto Rico or in any possession of the United States.

"(b) Whoever, directly or indirectly, makes a contribution in any amount or of any value in connection with any campaign for nomination or election, to or on behalf of any candidate for an elective Federal office with respect to which elections are not conducted within the State in which the person making the contribution resides, or to or on behalf of any committee or other organization engaged in furthering, advancing, or advocating the nomination or election of any such candidate, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"This subsection shall not apply to contributions made to or by a State or local committee or other State or local organization or to similar committees or organizations in the District of Columbia or in the Commonwealth of Puerto Rico or in any possession of the United States, if such national committee or State or local committee or other State or local organization is a regularly organized adjunct of a National political party.

"(c) whoever, directly or indirectly, makes a contribution out of funds made available to

him for that purpose by another person in any amount or of any value in connection with any campaign for nomination or election, to or on behalf of any candidate for an elective Federal office (including the offices of President of the United States and presidential and vice presidential electors), or to or on behalf of any committee or other organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the success of any national political party shall, if he does not disclose at the time such contribution is made, the name of the person who made such funds so available to him, be fined not more than $5,000 or imprisoned not more than five years, or both.

"This subsection shall not apply to contributions made by a National, State, or local committee, or other State or local organization or by similar committees or organizations in the District of Columbia or in the Commonwealth of Puerto Rico or in any possession of the United States, if such national committee or State or local committee or other State or local organization is a regularly organized adjunct of a national political party."

And on page 17, line 25, strike out "(b)" and insert in lieu thereof "(d)" and on page 18, line 15, strike out "(c)" and insert in lieu thereof "(e)".

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Vermont [Mr. PROUTY].

Mr. PROUTY. Mr. President, on this question, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PROUTY. Mr. President, last night I was very glad to yield to the distinguished senior Senator from Missouri [Mr. HENNINGS] in order that he might offer the amendment which the Senate has just approved, because I knew that that amendment, if adopted, would operate well with the provisions contained in my amendment. In other words, my amendment is fully complementary to the one which the Senate has just approved.

The bill before the Senate is a good bill as far as it goes, but in no sense can it be considered a genuine election reform law.

The committee reported bill does alter obsolete limitations on spending; it tightens up reporting requirements and, it improves publicity provisions. However, it does absolutely nothing to effectively curb certain unethical practices of some special interest groups seeking to circumvent regular party channels in their attempts to influence the choice and election of candidates in several States.

While not a cure-all, the amendment I have submitted does offer a realistic method for controlling some of the more flagrant of these unethical and unhealthy practices.

Four years ago, as a Member of the House of Representatives, I introduced a bill with similar objectives. At that time, Members will recall, Congress and the public were aroused over a shocking incident related on this floor.

The bill in its present form, as amended, is a much stronger bill than the bill which first came to the floor.

I think I can also say, without fear of contradiction, that if the amendment I am proposing is adopted we shall have completed a genuine electoral reform measure.

Four years ago a representative of a private interest went into a State not his own and attempted, in a roundabout way, to make a quiet contribution of $2,500 to the forthcoming campaign for reelection of a U.S. Senator from that State. It later developed that the individual attempting to make the donation was acting on behalf of parties financially interested in the outcome of a bill then before Congress.

It is to the everlasting honor and credit of this Senator that he brought this matter so openly to the attention of the American public.

Mr. President, let the integrity of our electoral process become tainted and subject to abuse and the very bedrock of our republican form of government is endangered.

Among our American people honesty of elections is taken for granted. When we learn of an occasional dishonest election we rightfully become incensed. We can attribute this to the probity of our people generally and to the integrity of most of our candidates. It decidedly is not due to Federal laws relating to campaign contributions and expenditures. These are so loosely drawn that if they do not encourage, at least they permit, deception and dishonesty.

It is no news to Members of this body, to representatives of information media, or to the public generally that a good deal of money is required to conduct a political campaign today, and that the cost is becoming increasingly higher. Newspapers, radio and television time, and travel have become campaign necessities and must be paid for.

Unless we are to say that only rich men should become candidates for public office we must recognize the need and make provision for campaign contributions. But the public possesses a genuine concern in the amount of, the source of, the character of, and the circumstances surrounding such contributions.

Most political contributions, I sincerely believe, are made with the honest and aboveboard intention of supporting one of contending philosophies of government, or because of respect and admiration for a particular candidate. We must recognize, however, that some political contributors may have selfish aims; they may expect quid for quo. It is this type of contribution that we must be concerned with and that my amendment seeks to control.

It was the intention of the founders of our Republic and of those who came after them that every Member of Congress should owe his election to the suffrage of his constituents and that he should be answerable only to them and to his conscience for his words and deeds.

Despite this intent, certain influences exist which tend to alter our traditional pattern. Not content with limiting their representation in Congress to Senators and Members of the House from their own State, as intended by the Constitution, some individuals have participated, directly or indirectly, in the nomination and election of candidates in States other than their own.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. PROUTY. I yield.

Mr. LONG of Louisiana. Would the Senator's amendment reach the situation I shall picture to him, and, if so, how? Suppose a man simply mails his contribution or leaves it on someone's doorstep. Would the Senator's amendment cover that kind of situation?

Mr. PROUTY. I believe that when I have concluded my prepared statement and have read a series of questions and answers, I will have answered the Senator's question to his satisfaction.

Some of these individuals to which I have referred may have been well intentioned and not motivated by selfish interest. Others, however, have had no such high-minded inspiration. Their financial contributions have been made with the hope, if not the understanding, that the candidate would cherish, protect and, if possible, advance their private, special interests.

It is my sincere conviction that citizens of one State should not meddle in the politics of another State. Certainly, they should not be permitted to influence, by contributions, the nomination or election of candidates in several States, for any reason whatsoever.

I am also firmly of the belief that no individual or group should have the right to make political contributions through a middleman. Not only does this conceal the identity of the real contributor, it also affords an opportunity for circumventing the statutory limitations relating to political contributions.

The amendment which I have offered to the bill (S. 2436), the Federal Elections Act of 1959, is not presented as a cure-all. It cannot change the minds and hearts of men with evil intent. It does, however, seek to control, in what I believe is a fair, realistic, and practical manner, the actions of their hands.

The PRESIDING OFFICER. The Senator from Vermont will suspend. Once more the Chair would state that the Senator from Vermont is entitled to attention, under the rules. He is deserving of being heard.

Mr. PROUTY. My proposal would prohibit any person from making a political contribution to, or on behalf of, any candidate seeking nomination or election outside the contributor's own State for the office of U.S. Senator or Representative in Congress.

There would be no prohibition, however, against contributing to presidential and vice-presidential candidates, since my proposal specifically permits contributions to, or on behalf of, candidates running in elections which are conducted within the State in which the person making the contribution resides.

Groups formed in one State, which are not affiliated with a national party, would be prohibited by my proposal from making contributions to influence the nomination or election of Senators and Representatives in other States. Of course, there would be no prohibition against activities of a local organized committee in a State making contributions so long as its activities were confined to elections within the State and are in conformity with the provisions of existing law.

National, State, and local committees which are genuine adjuncts of a national political party would be exempt under my proposal, from the prohibition against interstate political donations. There are several good reasons for this exemption:

In the first place, no national political party organization or any adjunct thereof contributes financially to candidates in State primaries or other State nomination systems. They only contribute toward the election of candidates in several States.

This exemption would result in a more extensive channeling of campaign funds through legitimate political committees; and, under the law, such committees are required to file reports of their contributions and expenditures. Other committees professing to be educational or nonpolitical in character sometimes do not consider themselves so obligated.

Another major feature of my amendment would make it a violation of law for any person to make a political contribution out of funds made available to him for that purpose without disclosing at the time the contribution is made the name of the person or persons who made such funds available.

This "who gave it" provision would be applicable to contributions made to national political parties and genuine adjuncts thereof, but would not apply to contributions made by them.

Mr. COTTON. Mr. President, will the Senator yield, before he leaves that paragraph?

Mr. PROUTY. I yield.

Mr. COTTON. I have been listening most attentively to the Senators explanation of his amendment. I wish to make sure that I understand it. I recall that when Senator Bob Taft was running for reelection, which was before I was a Member of the Senate, as a

citizen I was much interested in his campaign, and I remember, poor as I was, I sent him $5 toward his campaign in the State of Ohio, although I was a resident of the State of New Hampshire. If the Senator's amendment were adopted, would it preclude that being done?

Mr. PROUTY. The Senator could make the contribution if he made it to an adjunct of a national political organization in Ohio.

Mr. COTTON. An adjunct of a national political party?

Mr. PROUTY. Yes.

Mr. COTTON. This was an election campaign. It was sent, probably, to the treasurer of Senator Taft's own campaign. I had no special interest in any of the other candidates running in Ohio.

Would the Senator's amendment have precluded me if I had been wealthy enough to sent Bob Taft $10,000? Could I have sent it to him under the Senator's amendment?

Mr. PROUTY. Yes. I shall come to that a little later through a series of questions and answers, which I believe will bring out those points very clearly. I would much prefer not to yield further at this point until I have had an opportunity to conclude my statement and to read the series of questions and answers.

Mr. COTTON. I shall not interrupt the Senator further.

Mr. PROUTY. I am sure I will clarify the point for the Senator.

Mr. BUSH. Mr. President, I should like to ask just one question on that point. Would the Senator's amendment preclude the possibility of a personal contribution to the Taft-for-Senator campaign in 1944 or 1950—just to use that as an illustration?

Mr. PROUTY. It would preclude the sending of money across State lines for use in a primary campaign. It would prohibit the interstate donation of funds in a primary campaign. Theoretically such a donation could be made if some political adjunct of a national political party or local State committee wished to receive the money and turn it over to the Taft-for-Senator campaign. It could be done on that basis. Obviously political organizations of national parties are not going to contribute financially to primary campaigns.

Mr. BUSH. However, whether it be a primary or an election campaign, after the primary the Senator's amendment would prohibit a gift from out of the State to the Taft-for-Senator campaign committee directly?

Mr. PROUTY. If the Senator will be patient, I will answer all those questions a little later on in some detail. Then the Senator will have a much better understanding of what my amendment proposes to do.

Mr. BUSH. I will not delay the Senator. The Senator had already covered that point, and I merely wished to be sure that I understood the amendment.

Mr. PROUTY. I shall bring out those points later.

In short, then, my amendment would accomplish two major objectives.

First, it would prohibit individuals and groups in one State from contributing to candidates who are running for the House or Senate in another State. That is a direct contribution. It would not, however, stop an individual or a group in one State from giving to a regular Republican or Democratic committee in another State.

Secondly, it would prohibit a middleman from making a contribution to a candidate for the House and Senate unless the middleman disclosed, at the time the contribution was made, who made the money available to him for the purpose of the donation.

Naturally, my amendment would not require a regular Republican or Democratic Party organization to reveal to a candidate where it got the money it is giving the candidate. Such an administrative task would be well nigh impossible to perform.

Mr. President, inasmuch as I am not a lawyer, and because I do not wish to ask the Senate to rely on my own interpretation of existing election laws, I submitted a series of hypothetical questions to the American Law Division of the Library of Congress. I might say that Mr. Samuel H. Still, who prepared the answers to these hypothetical questions concerning present statutes is a recognized authority in this field.

I shall now read the questions and answers:

Question 1: An individual in State A goes to a Republican town committee in State A and contributes $10,000 to the committee with the understanding that it will be used to further the campaign of Jones for the U.S. Senate in State B.

Question 1(a): Could he give $10,000?

Answer: Yes. By the very terms of section 608 the $5,000 limitation does "not apply to contributions made to or by a State or local committee or other State or local organization or to similar committees or organizations in the District of Columbia or any territory or possession of the United States." (18 U.S.C., sec. 608 (a).) While Assistant Attorney General of the United States, Justice Tom C. Clark, wrote:

"Section 18 (18 U.S.C., sec. 608), though in term limiting to $5,000 the amount any individual may contribute to a candidate or political committee for his nomination and election, in fact restricts only the channels through which such contributions can be made since State and local committees are exempted from the application of the act. (6 Fed. Bar Journal 13 (1944).)"

Question 1(b): Would it be legal for Republican town committee in State A to give to the Jones-for-Senate committee in State B?

Answer: Yes. Section 608(a) does "not apply to contributions made to or by a State or local committee." (18 U.S.C., sec. 608(a).)

Question 1(c): Would it be legal for the Jones-for-Senate committee in State B to use the money thus received?

Answer. Yes. Section 608(a) only applies to contributions and not to expenditures or use of funds. There is no restrictions under either the Corrupt Practices Act or the pertinent sections of the Hatch Act on a State or local committee unless the State or local committee is acting as an agent (bona fide) of the candidate. The phrase "indirectly" or "on one's behalf" in a criminal statute must be strictly construed. The Supreme Court of Wisconsin has held that the phrase "on his behalf" as employed in a statute limiting the amount which may be spent by or on behalf of a candidate for public office, and requiring an account of expenditures to be filed, means "by someone who acts for him [the candidate] in the sense that an agent acts for and on behalf of his principal" and if no authority, express or implied, exists the disbursement is not made on behalf of the person sought to be charged. (State ex rel. *La Follette* v. *Kohler* (1930) 200 Wis. 518, 228 N.W. 895), reported and annotated at 69 A.L.R. 348. The same view was taken by Senator Nye's Select Committee on Senatorial Campaign Expenditures, 1930–31 (72d Cong., S. Rept. No. 20; CONGRESSIONAL RECORD, vol. 75, pp. 977–984).

Question 1(d): Would it be legal for the Jones-for-Senate committee in State B to give the $10,000 received from the Republican town committee in State A directly to Mr. Jones?

Answer. Yes. Under a strict interpretation of the law there would be no violation since State and local committees are exempt from the provisions of section 608(a) limiting contributions. However, since the courts have not construed this section, in order to be safe, most committees, including the political action committees of labor unions, have kept within the $5,000 limitation when making direct contributions to individual candidates for Congress.

Question 2: Would it be legal for an individual to (a) contribute to several different Jones-for-Senate committees and (b) give more than $5,000 to any one or to a combined number of such committees?

Answer. Again it should be pointed out section 608(a) is a criminal statute carrying a penalty of $5,000 or not more than 5 years imprisonment, or both, for a violation. The section by its very terms does not apply to contributions made to or by "a State or local committee or local organization or to similar committees or organizations in the District of Columbia or in any Territory or possession of the United States." Although no lawyer would advise a client to trifle with a criminal statute, yet it is generally believed by most authorities that the prohibitions of section 608(a) are generally directed at personal contributions made directly to candidates or made to the national committees or their adjuncts such as the congressional and senatorial campaign committees and to committees operating in two or more States and do not apply to contributions made to local or State committees. (See hearngs on H.R. 1167 and H.R. 433, Subcommittee on Elections, Committee on House Administration, July 19 and August 1, 1957, 85th Cong., p. 112.)

Question 3: Can an adjunct of a national party committee such as the senatorial campaign committee or House congressional campaign committee contribute more than $5,000 to a candidate for the House or Senate?

Answer: Conceivably yes. Section 608(a) is designed to limit to $5,000 individual contributions to such campaign committees but it fails to limit contributions or expenditures made by such committees. The only limitation placed on these committees are $3 million limitations placed on their total contributions received or total expenditures made by section 20 of the Hatch Act, now codified as section 609 of title 18, United States Code.

Question 3(a): Can such an adjunct of a national party contribute more than $5,000 to a Jones-for-Senate committee or Smith-for-House committee rather than to the candidate himself?

Answer: There is no limitation on the congressional campaign committees except the $3 million calendar year overall limitation on contributions to or expenditures by such committees appearing in section 20 of the Hatch Act, codified as section 609 of title 18, United States Code. Furthermore, section 608(a) specifically exempts contributions to such committees as Jones for Senate committee.

Mr. President, I hope the questions I have just raised and answered will give you a clearer picture of the weaknesses and limitations of existing law.

I turn now to another series of prepared questions and answers which I think will bring sharply to focus the objectives of my amendment.

I read further:

Question. Under existing law, what can an individual do if he wants to influence a senatorial or congressional election outside his own State?

Answer. He can give unlimited amounts of money to further a Jones-for-Senator campaign as long as he makes his contributions to various Jones-for-Senator committees.

Question. Under the Prouty amendment, what can an individual do if he wants to influence the outcome of a congressional or senatorial election in a State other than the one in which he has a legal residence?

Answer. He cannot make contributions directly to Jones or to any Jones-for-Senator committees. He could, however, make con-

tributions to recognized Republican or Democratic Party organizations. This would mean strengthening of major political parties and a channeling of campaign funds through regular committee channels.

Question. What effect does this proposal have on the rights of national, State, or local committees of the Republican and Democratic Parties?

Answer. The amendment takes no rights away from these regular party committees. For example, the Republican National Committee can still make a contribution to the Jones-for-Senator campaign. In fact, the position of these regular party committees from a financial standpoint would be substantially improved because if an individual in State A wanted to promote the candidacy of an individual in State B he would have to make his contribution to a regular party organization and hope that it would go to help the candidate of his choice. Thus, the obligation, if any, of the successful candidate would be to a party and not to an individual or special interest group.

Question. Suppose an organization were formed called The National Group for a More Progressive Congress. Could this national group send money to its local branches which would be used to influence the outcome of a senatorial or congressional election?

Answer. No. Because the national group would be making a contribution to a candidate for an office within a State in which the national group does not reside.

Question. How about the local branch of this "National Group for a More Progressive Congress?"

Answer. It could make contributions to the senatorial campaign being conducted within its State, but not out of funds which came from the national headquarters.

Question. Does this proposal in any way limit the amount of money an individual can give?

Answer. No. It adds no limitation on the amount of money an individual can give. It places restrictions on the individual with respect to whom and where his political contributions are made.

Question. Since the Prouty proposal would allow out-of-State groups or individuals to contribute to senatorial or congressional campaigns only through official party channels, wouldn't this mean that any contributions made to a candidate during a primary election would have to come from the candidate's own State?

Answer. Yes. In the case of primaries, all money used in the primary would have to be contributed to the candidate or his committees from sources within that State. If, for example, Smith, from State A, contributes to the Jones-for-Senator campaign in State B, there would be a violation of the law, punishable by fine or imprisonment, or both.

Question. Could an individual in State A contribute to a presidential campaign under way in State B?

Answer. Yes. Since the office for the President is "an office with respect to which elections are conducted" within every State, a person could make contributions to presidential campaigns.

Question. In existing law is there any specific prohibition which would prevent A donating to a senatorial candidate without revealing at the time of the donation the fact that B provided the funds for the donation?

Answer. No.

Question. What change would the Prouty amendment make in this situation?

Answer. Under the Prouty proposal, if A did not reveal at the time he gave the money to the senatorial candidate the name of the person who made the funds available to him, he could be fined not more than $5,000 or imprisoned not more than 5 years, or both.

Mr. HOLLAND. Mr. President, will the Senator from Vermont yield for a question?

Mr. PROUTY. I yield.

Mr. HOLLAND. I call to the attention of the distinguished Senator the fact that in my State there are hundreds—perhaps thousands—of fine people who have their residence in Vermont or other States and live there in the summer, or live there more than half the year, but also have their winter homes in Florida. Is it the intention of the distinguished Senator, by his amendment, to prevent persons in such a situation from showing an interest in Florida by making contributions in the regular, legal way, which must be shown in the way now required by State law as contributions, to the campaign funds of candidates for the U.S. Senate or House of Representatives?

Mr. PROUTY. In my judgment, that is a prerogative and right which belongs exclusively to the citizens of the Senator's great State. I do not believe that anyone outside the State of Florida or the State of Vermont has a right to go into a State not his own to try to influence the citizens or legal voters of that State in their choice of the candidates to represent them in Congress.

Mr. HOLLAND. I appreciate the candor of the Senator, but I simply cannot agree with him, because I think a citizen in the situation I have described has a proper and understandable interest in the type of representation which Florida—my State—should have.

One more question: As the Senator from Vermont knows, I have relatives in Virginia and West Virginia. Some of them, for family reasons, have from time to time contributed to my campaign funds, always modestly, and the amounts have always been shown in my campaign contribution reports. Do I understand that such contribtuions would be precluded under the amendment of the distinguished Senator?

Mr. PROUTY. Such contributions could be made only if they were made through, for example, the Democratic State Committee in the State of Florida. They could not be made directly.

Mr. HOLLAND. These contributions are made for primary races. Of course, party contributions are not made in primary races, because in those races I will be a candidate, as I have always been in the past, against other members of my party. It seems to me that the distinguished Senator by his amendment would preclude the natural expression of interest, concern, and support by the relatives of a candidate in the primary for the Senate or House of Representatives. I do not believe such a provision should be engrafted into Federal law.

Mr. PROUTY. That is not the problem to which my amendment is directed; it is directed toward outside interests, who have no personal concern with what goes on within a State. Such interests may be trying to influence the election within that State of someone who may be susceptible to their wishes and interests after his election.

Mr. HOLLAND. I appreciate the frankness of the distinguished Senator. I am grateful for his allowing me to interrupt him. However, it seems to me that his amendment, cutting squarely across the lines of natural interest of relatives and the natural interest of people who have part-time homes in their adoptive State, such as is so often the case in my State, and in other States which I see represented in the Chamber, would be entirely unrealistic, so I shall regretfully have to oppose the amendment.

Mr. PROUTY. Mr. President, I may say to the Senator from Florida that a great many summer visitors come to Vermont, throughout the State; and we like to have them there. But unless they are permanent residents and legal voters, I do not believe it is their right to try to determine the choice of the people of Vermont with respect to their representatives in the House of Representatives or in the Senate.

Mr. GOLDWATER. Mr. President, will the Senator from Vermont yield to me?

The PRESIDING OFFICER (Mr. Cotton in the chair). Does the Senator from Vermont yield to the Senator from Arizona?

Mr. PROUTY. I yield.

Mr. GOLDWATER. I wish to have the Senator from Vermont make clear for me, if he can—because it is not clear now—whether his amendment applies only to primaries, or whether it also applies to the general elections.

Mr. PROUTY. Under the provisions of the amendment, money can be sent to a State to be used in a general election; but the money must be contributed to an adjunct, State or local, of a national political organization.

Mr. GOLDWATER. So the amendment would apply to a general election, as well as to a primary, would it?

Mr. PROUTY. Yes. Under the provisions of the amendment, a person outside of a particular State could not contribute directly to the campaign of a candidate in that State; but such a person could contribute to a State committee or to a local committee; and, in turn, that committee could turn over the money to the candidate, if that were wished.

Mr. GOLDWATER. I wish to ask a practical question in regard to a matter about which I happen to know something, inasmuch as I am the chairman of a campaign committee: Suppose a prospective contributor did not wish to contribute money to a committee but wished to give the money directly to a person who was running for office, and suppose the prospective contributor refused, in fact, to contribute the money to a committee. In that event, what would be the situation, under this amendment?

Mr. PROUTY. I believe such a person could give the money to the committee, and could request that the money be turned over to the candidate of his choice.

Mr. GOLDWATER. Does the amendment of the Senator from Vermont make clear that that could be done?

Mr. PROUTY. I think it does make that clear.

Mr. GOLDWATER. Mr. President, will the Senator from Vermont yield further to me?

The PRESIDING OFFICER. (Mr. Hruska in in the chair). Does the Senator from Vermont yield to the Senator from Arizona?

Mr. PROUTY. I yield.

Mr. GOLDWATER. I also wish to ask a question which goes to the constitutionality of this amendment; and I wonder whether the Senator from Vermont has considered this point: It has long been my understanding that a Senator does not represent a particular State, but, instead, represents the interests of the United States as a whole. If that be true—and according to my reading of the intent of the writers of the Constitution, and according to all I have been taught on that subject, it is true—it is perfectly natural for a resident of Vermont to have an interest in the election of a Senator from the State of Arizona, or vice versa, or to have an interest in the election of a Senator from any other State. I believe that candidates for election to the House of Representatives also would be made subject to the provisions of this measure, because they, too, under the constitutional intent, as I understand it, represent the entire Nation, as well as the people of their particular districts. But I am fearful that if we were to use the approach the Senator from Vermont proposes, we would be treading very dangerously upon the constitutional intent. Will the Senator from Vermont comment on that point?

Mr. PROUTY. Of course, as the Senator from Arizona well knows, I am not a lawyer. However, I anticipated that this question

might be raised; so, if the Senator from Arizona will bear with me, I should like to quote the Constitution and a leading authority on this and related points.

First, Mr. President, I wish to call attention to article I, section 4, of the U.S. Constitution, reading as follows:

"The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof"

But there is also the following qualification:

"but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."

Those words in the Constitution make it perfectly clear that the manner in which elections are conducted is of concern to Congress and may be regulated by Congress.

A comprehensive Federal statute, enacted shortly after the Civil War, outlawed a number of types of fraudulent and corrupt practices. That statute was held invalid in part, as it applied to municipal elections; but it was otherwise considered to be a constitutional exercise of the authority conferred by the Constitution.

Edward Corwin, the constitutional expert, points out that the National Government, has a right to regulate primary elections conducted under State law for nomination of Members of Congress, where such primary is made by State law "an integral part of the procedure of choice, or where, in fact, the primary effectively controls the choice."

His viewpoint relies, in part, on the Supreme Court decision in the case of *United States* v. *Classic* (313 U.S. 299, 318), to which reference has been made previously during the debate on this bill.

Edward S. Corwin, a noted constitutional authority, who edited for the Library of Congress the annotated version of the Constitution, to which all lawyers refer, indicates in that volume that a State may not add to the qualifications prescribed by the Constitution for Members of the Senate and the House of Representatives. He points out that both the House and the Senate have seated Members who were elected during their terms of office as State judges, despite the provision of State constitutions which purport to bar the election of judges to any office under the State or the United States during such term.

The right to vote for Representatives and U.S. Senators is derived from the Federal Constitution.

Furthermore, it can be said that a Representative or a Senator takes an oath of allegiance, not to his State, but to the United States.

As the Senator from Arizona knows, the opinion I have just read is not my personal opinion; it is the opinion of some noted constitutional authorities.

Mr. GOLDWATER. But I believe my question has not been completely answered. I still cling to what I have long believed to be the intent of the framers of the Constitution—namely, that interest in the U.S. Senate is nationwide, and is not to be confined within the boundaries of any one State.

Because of that long-held belief on my part in regard to the intent of the framers of the Constitution, I have always felt, and I still do, that it is perfectly proper for me—if I wish to do so—to contribute money to the efforts of a candidate for election to the U.S. Senate from any State in the Union.

This point relates to one which previously was raised by my friend, the Senator from New Hampshire, when he asked the Senator from Vermont whether, under this amendment, the efforts made for the reelection of the late Senator Bob Taft, in connection with which efforts funds were solicited throughout the Nation, would be permissible.

Mr. PROUTY. Only if the funds were contributed through recognized adjuncts of a national political party.

Mr. GOLDWATER. In that event, the "Bob Taft for Senator" campaign, which certainly had national interest which extended across all State lines, would be prohibited, under the terms of the amendment of the Senator from Vermont, would it?

Mr. PROUTY. That is correct.

Mr. GOLDWATER. Once again I might remind the Senator from Vermont that—particularly in these days, when many people, in both parties, question whether they owe allegiance to any particular party, but, instead, look upon themselves as independents—we might, as actually is the case, and we find this situation existing in both parties, that find individuals would object to contributing to any party; instead, they would wish to contribute to an individual candidate. Does the Senator from Vermont not feel that is a constitutional right of the people of the country?

Mr. PROUTY. I do not feel that I am the most qualified person to argue what is provided under the Constitution.

However, in reference to the reelection of the late Senator Taft, of Ohio, I may point out that, in that connection, anyone outside of the State of Ohio could, under the provisions of this amendment, have contributed to a State committee or to a local committee, which could have used in behalf of the reelection of Senator Taft the money thus contributed.

In that case, money poured in from many groups all over the country, including labor organizations.

I believe it is the right of the people of Ohio, or any other State, to determine particularly in the primary elections, whom they want to represent them in the Congress of the United States.

Mr. GOLDWATER. At this time I should like to refer to a point the Senator from Vermont raised a little while ago: For instance, if I wished to contribute to the Senator's campaign in Vermont, when the time for his reelection campaign came, could I do so by sending my check to the Vermont Republican organization, but with the specific provision that the money was to be used for the reelection of the Senator from Vermont?

Mr. PROUTY. I believe so, provided the Senator from Arizona specified that he wanted the money spent in that manner.

Mr. GOLDWATER. Mr. President, I believe the amendment of the Senator from Vermont is a very dangerous one, although I do not wish to labor the point.

I completely understand the intentions of the Senator from Vermont, and I believe they are very honorable.

But I believe the amendment impinges on the Constitution; and, if I correctly understand the last remarks the Senator from Vermont made, I think that in many cases the amendment could result in depriving a candidate of funds which justly would be his.

Both of us know that State committees are not always completely friendly to candidates. Therefore, if we deprive a candidate of his normal means of obtaining funds with which to run for election we shall cause great danger, and in speaking on that point I speak from the practical point of view.

Mr. PROUTY. However, I feel certain that the Senator from Arizona will agree that in a general election a Republican State organization always will support the nominee of the Republican Party or the candidate of the Republican Party, regardless of whether the organization supported that candidate in the primary.

Mr. GOLDWATER. Well, I cannot agree 100 percent with that, but I can assure the Senator that this business of raising money for candidates is not the easy thing it is portrayed to be. I have been in this activity for some time, and I must report it is difficult, particularly when we have to go through party channels to get money and both parties have trouble raising money. When certain candidates whose philosophies agree with those of the people, and who are able, are running, persons or groups should be able to give money in any amount to that particular candidate. I think the Senator will find in his own State there is as much money raised by a candidate as is raised by the party itself. I repeat, I think this is a dangerous step to take, although I do not by that statement condemn the Senator from Vermont, because I know his intentions are completely honorable. I wish I could agree with him, but in this case I must disagree.

Mr. PROUTY. I do not feel that if I wished to, and certainly I do not have that desire, I would have or should have the right to go into the State of Arizona, if the Senator from Arizona were engaged in a bitter primary fight, and contribute to his campaign or his opponent's campaign. I think that is a matter to be handled purely within the State, and the voters of Arizona should make that choice, without outside influence. We know that matter has been one of the great difficulties of the past. Outside interests have gone into a State and have tried to nominate candidates of either party not because they were interested in the least with respect to the State in question, but because they were or thought they were going to gain something if those particular candidates were elected. It has happened in the past only too frequently. I am sure no one approves of it.

Mr. GOLDWATER. One more question comes to my mind, because the Senator from South Carolina (Mr. Thurmond), is presently sitting behind me. The Senator from Vermont will recall that the Senator from South Carolina was elected by a write-in vote. He had no party backing at all. Under the amendment of the Senator from Vermont, the Senator from South Carolina could not have received contributions from either party, because neither party was backing him. What would the Senator say about a case of that kind?

Mr. PROUTY. That is an intrastate affair. Money could be raised from the local committees.

Mr. GOLDWATER. From citizens in the State.

Mr. PROUTY. From citizens in the State or from local committees.

Mr. GOLDWATER. Certainly, the Senator from South Carolina in this case was not running as a Republican, although I wish he were a Republican. He did not believe in the Democratic Party. He did not believe in the principles of the Democratic Party. He ran in his own right as a candidate. He could then not get money from normal sources. I had a great interest in the Senator's election. I supplied a little bit of money for his campaign. I do not think he ever knew it. I felt it to be in the best interests of the country to have in the Senate a man like the Senator from South Carolina, and I felt it within my constitutional rights to send a very nominal check for his campaign.

I would not want to feel, in any coming election, that as an American citizen, I would be precluded from helping candidates run for office from either party, or from outside of either party, with whose philosophy I agreed. I am afraid this amendment will destroy that right which I feel is mine under the Constitution.

Mr. PROUTY. It would not alter the right insofar as a general election is concerned. It would alter it, for all practical purposes, in a primary campaign.

Mr. GOLDWATER. Now, in a primary campaign, I can see some argument for the amendment, but the Senator from Vermont earlier said that this amendment would ap-

ply to general elections, also. I have been trying to get that point clear. Let us assume that a primary is over and Candidate Smith is the nominee of the party; he is in the general election. Does the Senator's amendment apply to the general election?

Mr. PROUTY. It would be possible for the Senator to contribute funds to a candidate in a State other than his own by contributing the funds through the Republican or Democratic political parties or committees. The Senator could not make a direct contribution to the candidate.

Mr. GOLDWATER. But I would have to indicate when I made that contribution that my check was for Candidate Smith?

Mr. PROUTY. Yes, if the Senator wanted it used for that specific purpose.

Mr. GOLDWATER. We have to recognize the fact that a party may not want to do that. Would the party be bound to use the check for that purpose?

Mr. PROUTY. No, I do not think the party or committee would have to accept that check for that purpose if it did not want to. I assume that in a general election the Democratic or Republican committees or parties would go all out to elect their candidates.

Mr. GOLDWATER. I wish I could agree that the Democratic or Republican Party wholeheartedly back candidates of their party. Unfortunately, they do not always do so.

Mr. PROUTY. They may not be happy with the selection, but, generally speaking, I think the parties are going to support their candidates, when the chips are down, in a general election.

Mr. HENNINGS. Mr. President, will the Senator from Vermont yield for a statement and perhaps questions?

Mr. PROUTY. Yes.

Mr. HENNINGS. I want to say that I appreciate very much the Senator's interest in bringing the Corrupt Practices Act of 1925 up to date by making the ceiling as well as the publicity and reporting provisions more realistic. In the light of the Senator's conscientious desire to contribute to the bill, I have undertaken to analyze his proposal. If I make any misstatements in connection with my understanding of it, I would appreciate my friend from Vermont correcting me.

I would at the outset like to say that I regret the Senator's amendment was not presented a little earlier, so that we might have given it some more study; but may I ask him this question: Suppose in the bill, the Elections Act of 1959—State committees, by which I mean legally constituted committees within the States, within the respective or several political parties, are not required to report—what would the Senator's answer be to the suggestion that, there being no reporting requirements as relating to official State committees for parties, it would open the door to the funneling off of funds not otherwise subject to reporting under amendments previously adopted and under other terms of the bill?

Mr. PROUTY. I will state to the Senator my understanding.

Mr. HENNINGS. I do not want to misunderstand the Senator. I want to do everything I can to try to clarify by own understanding of the amendment the Senator has offered.

Mr. PROUTY. I assume that under the Senator's amendment which was agreed to this afternoon such committees would be required to report, generally speaking.

Mr. HENNINGS. The Senator would say, then, that there would be no real or present danger, under that interpretation, as to any money being channeled in other directions for the benefit of specific candidates, without it being reported?

Mr. PROUTY. I would think not.

Mr. HENNINGS. As I understand the able Senator from Vermont, the amendment would change 18 United States Code 603 as reported in the bill before us, in that it would modify subsection (a) and enact new subsections (b) and (c).

Mr. PROUTY. That is correct.

Mr. HENNINGS. It would change subsections (b) and (c) to subsections (d) and (e), respectively. Am I correct in that understanding?

Mr. PROUTY. The Senator is correct.

Mr. HENNINGS. Therefore, subsection (a) would reenact the existing provision contained in the present Corrupt Practices Act, on the $5,000 limitation to individual candidates or political committees; is that true?

Mr. PROUTY. Yes, that is correct, so far as intrastate contributions are made.

Mr. HENNINGS. The Senator is aware that we will undertake to raise the limit to $10,000, but the Senator's amendment would contemplate that insofar as these contributions are concerned the amount would be $5,000 and not $10,000; am I correct in that undertanding?

Mr. PROUTY. In case the Senator's amendment is adopted, I would have no objection to changing the figure in my amendment to $10,000, so that it would be in accord with his amendment.

Mr. HENNINGS. I thank the Senator for his clarification.

Now, in my attempt to understand the Senator's amendment and to analyze it, I believe the modification removes all limitations on out-of-State contributions. However, it must be read in conjunction with subsection (b), which makes it a criminal offense to make any direct or indirect contribution in the campaign for nomination or election outside the State of the contributor's residence.

Mr. PROUTY. That is correct.

Mr. HENNINGS. That is the intent of the Senator's amendment, as he contemplates it.

The able Senator from Vermont would also provide that only committees which are committees of the regularly organized national political parties are exempt?

Mr. PROUTY. That is correct, so far as subsections (a) and (b) are concerned.

Mr. HENNINGS. If I may detain the Senator a moment or two longer, I should like to understand a bit more about the amendment.

Mr. PROUTY. I wish to correct my last answer. That is correct insofar as subsection (b) is concerned.

Mr. HENNINGS. Insofar as subsection (b) is concerned?

Mr. PROUTY. Yes.

Mr. HENNINGS. The Senator from Vermont has made a very able presentation of his case. The Senator is, of course, well aware of the fact that the language makes it a criminal offense to make contributions in any campaign for nomination or election without disclosing the name of the principal, if the contributor acts as an agent, but party committees are exempt from this requirement.

Mr. PROUTY. Are they, under the Senator's amendment which was agreed to earlier?

Mr. HENNINGS. Does the Senator agree on that point, that they are?

Mr. PROUTY. I will say to the Senator that contributions to national committees, for example, would have to be disclosed, but not the sources of contributions made by them.

Mr. HENNINGS. I thank the Senator.

I will say that the Senator's amendment, in principle, has been the subject of much concern not only to me but also to others who are very much interested in the process in which we are now engaged, in the improving of the election machinery to provide fuller participation and greater publicity and to inhibit certain other excesses in the elective process.

I will say to the Senator from Vermont, as has been set forth, there is a prohibition against contributing across State lines. What would the Senator say as to that being possibly violative of the guarantees of the first amendment? I was absent from the floor for about 5 minutes, because I had to make a telephone call, and I do not know whether the Senator adverted to that or not.

Mr. PROUTY. Well, I think that all centers around the right of the Congress to regulate the election proceedings. I am not qualified to argue a constitutional point of law with the distinguished Senator, because I am not a lawyer.

Mr. HENNINGS. I believe the Senator is very modest in his statement. I do not know exactly what is required to fulfill the capacity of a so-called constitutional lawyer, except that one may so proclaim himself and hope that some may believe he is, after he so advertises.

There is one thing which bothers me about this matter, which has been expressed to me by other Senators, and I think stated on the floor. That is the question of constitutionality, as the proposal relates to the first amendment, since national elections are a matter of principal interest to the citizens of every State, wherever the citizens may be domiciled or, indeed, wherever their places of residence may be. I am sure the Senator is competent enough as a lawyer to be well aware of the distinction between "residence" and "domicile."

Although a person resides in one State he may have exclusive business interests in another State or in several States. Even where there may be no direct economic interest, some relatives or close associates may have their residence in or carry their businesses in other States. As has been suggested, citizens may have residence in one State but also maintain permanent voting residence in another State.

Such citizens might wish to support candidates of their choice by making contributions to the candidates or to the political parties of that State. How would the Senator's amendment relate to that, in the Senator's belief?

Mr. PROUTY. Such persons would have to contribute to a regularly organized adjunct of one of the two national political parties.

Mr. HENNINGS. But they would not be allowed to contribute in any other State? I think that has been firmly and clearly established by the Senator from Vermont. Am I correct in that understanding?

Mr. PROUTY. Well, they can contribute in any State, but only through the regular party channels.

Mr. HENNINGS. Only within the State of residence?

Mr. PROUTY. Oh, no.

Mr. HENNINGS. No?

Mr. PROUTY. No. They can contribute to a Republican or to a Democratic committee in another State. That money would be turned over to the candidate.

Mr. HENNINGS. I am sure there is no question about that, and I spoke of it earlier. They may not contribute to an individual candidate?

Mr. PROUTY. That is correct.

Mr. HENNINGS. In any State except the State where they hold residence?

Mr. PROUTY. That is correct.

Mr. HENNINGS. I assume the Senator defines "residence" as we generally understand it to be, which is the place to which a person intends to return?

Mr. PROUTY. I would be willing to say "domicile," if that is a more appropriate legal term.

Mr. HENNINGS. "Domicile" and "residence" are distinct.

Mr. PROUTY. Wherever the person lives, or wherever he votes.

Mr. HENNINGS. They are distinct, as the Senator knows.

Mr. PROUTY. I believe that the place where he votes would be the controlling factor.

Mr. HENNINGS. We may reside in Washington as Senators, but our domiciles are in the States whence we come. I am not attempting to draw too fine a distinction.

Mr. PROUTY. I think perhaps the criterion is the place where the person is a legal voter.

Mr. HENNINGS. Wherever the person has a legal residence.

Mr. PROUTY. Yes.

Mr. HENNINGS. At the present time the practice of interstate contributions and expenditures is one of the most important ways of financing our elections. I do not know to what extent the Senator has studied the question, but I do him the credit of assuming that he has given it a great deal of serious consideration and thought, because he is of that character and nature.

Mr. PROUTY. I thank the Senator.

Mr. HENNINGS. It seems to me that it is doubtful, so far as the design is concerned, whether we should exempt from the prohibition only national parties. Such a provision might tend to freeze the existing party organizations and make it difficult for other parties or other party groups or factions to arise within a State. Would that be within the Senator's contemplation?

Mr. PROUTY. In subsection (b) all elements of the party are exempt.

Mr. HENNINGS. Mr. President, will the Senator further yield briefly?

Mr. PROUTY. I am glad to yield.

Mr. HENNINGS. I appreciate the Senator's indulgence and patience.

Without subsection (b), the modification of subsection (a) so as to limit to $5,000 contributions to individual candidates or political committees would seem to be without substance.

One thing that disturbs me is that it also runs contrary to a proposed amendment to the bill, which provides for a $10,000 overall limitation. The Senator has already indicated that he would be willing to raise his limitation from $5,000 to $10,000. Is that correct?

Mr. PROUTY. The Senator is correct.

Mr. HENNINGS. I believe that at first glance the spirit of the Senator's amendment is to bring into the open the real contributor of political funds. But the thing that bothers me is the handling of the situation by way of a simple amendment, without a thorough study of the problem and its scope, and the effect such a statute might have on the election process.

Unfortunately for all of us, this question was never discussed in the committee. It was never debated; and I fear that grave constitutional questions may be involved. I believe that the right of one to contribute to a campaign in any State of the Union, provided the contribution is reported and is within legal limitations, is a basic right. However, I would not say that I could be wrong on that point. That is one question that disturbs me very deeply.

I thank the Senator very much for his enlightening statements.

Mr. KEATING. Mr. President, will the disguished Senator yield to me?

Mr. PROUTY. I yield.

Mr. KEATING. I know the extremely high motives behind the offering of this amendment. I know the character of the Senator from Vermont, and that he offers this amendment in good faith and with a desire to make our election process clean all the way. I have watched with admiration his attitude with reference to the other amendments which we have considered.

I am a little concerned that the amendment the Senator now proposes goes too far. I have a sister in Pennsylvania. If I were in a primary contest or in an election in New York, I understand that under the terms of this amendment if she sent me a check for $10 she would be violating a penal provision. Is that correct?

Mr. PROUTY. I think the Senator is correct.

Mr. KEATING. Does the Senator from Vermont feel that we should exclude all contributions from anyone outside the State or the congressional district where the candidate is running?

Mr. PROUTY. Generally speaking, yes. However, I would be willing to exempt members of one's family, if that is an important consideration.

Mr. KEATING. It might be that some of us might have a friend with $10, who might live in another State and be desirous of contributing to our campaign. Is it the feeling of the Senator from Vermont that there is something inherently wrong in a resident of one State contributing to a campaign in another State?

Mr. PROUTY. I think the definition of a friend could be extended ad infinitum. The expression is more or less meaningless. The Senator knows exactly what I am trying to prevent. Perhaps this amendment goes too far. Frankly, my chief purpose in offering the amendment was to get it on the record, primarily for future study and consideration. I believe we have a real problem when some interest—labor, business, or other interest or group—comes into a State and tries to dominate a primary election or a general election in that State. I think it is not their right, and I am very much opposed to it. Perhaps this amendment goes too far.

Mr. KEATING. I could not agree with the Senator from Vermont more completely about the abuse or possible abuse to which he is directing his amendment. Knowing the character and motives of the Senator from Vermont, it is just the type of thing I would expect from him.

Mr. PROUTY. I appreciate the Senator's statement.

Mr. KEATING. I am concerned about the fact that, as this amendment is worded, it goes too far. I think, with great reluctance, I would have to oppose the Senator's amendment because of that feature, even though I think perhaps we should try to frame some amendment which will effectuate—as the bill does not—the objectives which the Senator from Vermont is so commendably seeking to achieve.

Mr. PROUTY. I thank the Senator very much for expressing that sentiment, and I reiterate that that was my chief purpose in offering the amendment at this time—not in anticipation that it would be approved.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. CASE of South Dakota. I believe the Senator from New York [Mr. KEATING] has expressed a fear which some of us have, that in some of the applications of this amendment it would make impossible contributions which in themselves would be perfectly innocent. For example, one Senator pointed out that he had a cousin in another State who might want to send him a little contribution in a primary campaign. It seems to me that that in itself would not be objectionable. I believe that the main objective of the Senator, to make it possible for a State to preserve its own voice and select its own candidates, is commendable.

There were some questions directed to the Senator which I thought really were questions with respect to the existing law. Is it not true that a large part of the Senator's amendment is merely reenactment of provisions of the existing law?

Mr. PROUTY. The Senator is absolutely correct.

Mr. CASE of South Dakota. Many of the questions directed to the Senator earlier in the colloquy had to do actually with the application of present law, rather than with anything new which the Senator from Vermont was proposing.

Mr. PROUTY. That is absolutely true.

Mr. CASE of South Dakota. I believe that before the Senator concludes his remarks, it would be desirable if he were to summarize the particular changes which his amendment makes and to point out the parts of the amendment which are existing law.

Mr. PROUTY. I may say that the first subsection is almost all identical with existing law. It applies to intrastate contributions.

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

Mr. PROUTY. I yield.

Mr. COTTON. I thank the Senator for yielding to me. I recall that during the delivery of his very excellent explanation I addressed a few questions to him. He asked me to wait until the end of his prepared remarks. I am glad that he now has very kindly yielded to me, so that I may continue my interrogation very briefly.

I should like to say to the distinguished Senator, my good friend from Vermont, that I endorse 100 percent every kind word and everything that has been said about the motives behind his amendment. We who know him know that when he offers an amendment it is, first, an amendment designed for high purposes and, second, that it is carefully prepared and carefully presented.

However, I cannot refrain from pursuing this matter, particularly in view of the fact that I started my inquiry of the Senator earlier and had to desist. I wish to be perfectly clear in my mind that as an individual, back in the days when Robert Taft was running for the U.S. Senate, and when the eyes of the country were concentrated on the campaign in Ohio, if I had wanted to send $5 to Taft's campaign, the Senator's amendment, if in the law, would have forced me to send my contribution to the Republican State Committee of the State of Ohio.

Mr. PROUTY. Or to a local committee in the State of Ohio if it is an adjunct of a national political party.

Mr. COTTON. Even though I have not the slightest interest who might be running for Governor or who might be running for Representative from a district or who might be running for a county office, or for mayor of a city—and I might be a Democrat interested in a great Republican, because of his superb citizenship, or a Republican interested in a great Democrat—under the Senator's amendment I would still have to send my money to the Republican or Democratic committee in any other State. Is that correct?

Mr. PROUTY. That is correct.

Mr. COTTON. However, if I happen to be a member of an organization which has a local chapter or a local group within the State of Ohio, for instance, all I would have to do to get my money to them and have them in turn relay it to Senator Taft's campaign committee. Is that correct? Is that what could happen if the Senator's amendment were adopted?

Mr. PROUTY. No.

Mr. COTTON. Why not?

Mr. PROUTY. The Senator, I assume, is referring to a national group.

Mr. COTTON. What I am referring to—and let us be plain about it——

Mr. PROUTY. Assume a national group that does not have a headquarters in Ohio, for instance. If that is the question, under those circumstances the answer is "No."

Mr. COTTON. Does the Senator mean that Local No. 567, AFL–CIO, in Akron, Ohio, could not make a contribution to Senator Taft's campaign if by a stretch of the imagination we could conceive of their wanting to do so?

Mr. PROUTY. Certainly; it being an intrastate group.

Mr. COTTON. They are within the State.

Mr. PROUTY. Yes.

Mr. COTTON. Under the Senator's amendment no one would go in to find out where they got that money.

Mr. PROUTY. Well, that is perhaps a problem which ought to be met on another basis. However, a local organization, if it is a branch of a national organization, can contribute. On the other hand, the national organization could not sent money into Ohio in this instance and give it to a local organization to distribute.

Mr. COTTON. In theory, no. But as a matter of fact, the adoption of the Senator's amendment—and I know what the purpose of the amendment is, and I am thoroughly in ac-

cord with its purpose, and I admire the Senator from Vermont greatly for his presentation of it—would mean—and his amendment could well be entitled "An amendment to stifle the American individual"—that John Q. Jones, as an individual, could not openly and frankly give money to help elect a Senator in another State.

Surely the Senator from Vermont is a very practical man and knows that any great national organization which is a composite of local organizations—and I am not trying to identify any particular group, because it could be a labor group, a group of farmers, or a group of manufacturers, or it could be individuals—could channel their contributions into the local chapter within a State and thus into the pockets of those who are waging a campaign for a Senator or other public official in that State. However, a bar would be raised which would make it impossible for an ordinary American individual, because he admires a great Senator in another State and admires his conduct on the floor of the Senate and his stand on certain principles, to write a check and send it to that individual's campaign committee.

If I wanted to help elect my distinguished friend, the Senator from Missouri [Mr. HENNINGS], whom I admire so greatly, I would have to contribute to the Democratic State Committee of Missouri. I am not in favor of the Democratic State Committee in Missouri.

Mr. HENNINGS. The Senator from Missouri could not imagine anything better than the Senator's doing that.

Mr. COTTON. Is my assumption not correct?

Mr. PROUTY. That is correct. I feel, perhaps because I am a States Righter that it is a prerogative which belongs to the people where the Senator is seeking nomination.

Mr. COTTON. The Senator believes that these elections are local elections. Is that correct?

Mr. PROUTY. They are statewide elections. Much as I love and respect the distinguished Senator from New Hampshire, I do not feel that I would have a right to contribute to his primary campaign.

Mr. COTTON. The Senator could not engage in a more worthy activity than to contribute to the campaign of the Senator from New Hampshire. It seems to me to be a tragedy that such a serious bar should preclude his doing so. If it is purely a local election, why should we try to regulate it from Washington? If it is a Federal election, what consistency or constitutionality is there in trying to raise these State lines and trying to set up a barrier, so that simply because I live across the Connecticut River a few miles away from my dear friend from Vermont, whom I admire, I cannot send him a $5 contribution, or, more than that, anything of value?

I know what the Senator is going to say in explanation. I made a speech at the Republican State convention in Vermont during the last campaign, and as a result the Republicans nearly lost Vermont for the first time in history.

Mr. PROUTY. Perhaps if the Senator had not been there we would have lost.

Mr. COTTON. If the speech happened to be of any value, and if it helped—I do not expect the Senator to agree that it was of any help, and I do not know whether it was of any value—I do not know whether I could go into another State to make a speech.

Mr. PROUTY. I am sure we all recognize that that is a little far fetched. The amendment relates solely to financial contributions.

Mr. COTTON. I am not so sure. If I paid my own expenses, which I did, because no Vermonter ever pays a visitor's expenses—or if the Republican National Committee paid my expenses, or if the Republican Senatorial Campaign Committee paid my expenses, I am not sure that it would not be a thing of value, even though it were a poor speech. What I have said is not entirely facetious either, even though the last part may be.

Mr. PROUTY. "Anything of value" is included in many statutes, and it has always been held to be something concrete.

Mr. COTTON. I have just one more question. We all know what the Senator is getting at, and we all know that this deals with a matter of handing money under the table, and sending it into States to affect elections. However, is that not a matter of reporting? Most States have on their statute books corrupt practices acts which take care of such situations.

The unfortunate example, which the Senator cited when he began his speech, of the man who was going around the country attempting to hand Senators $2,500 for their campaigns, was an example of a person who was already probably in violation of the Corrupt Practices Act and of the laws of two-thirds of the States in the Union.

But rather than to raise a barrier between States, so that an American citizen cannot even help someone across a State line, would it not be the proper approach—and I am sure Senators would support this view very fully—to be certain that there must be reporting? Should not the Federal act about which we are speaking—the so-called clean elections law, which has been bruited about so much—be a reporting act?

Mr. PROUTY. I think I may suggest to the Senator that reporting requirements have been in the law for years, and there have been very few convictions, as I recall, for improper activities.

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

Mr. PROUTY. I yield.

Mr. DIRKSEN. I also address these remarks to the distinguished junior Senator from New Hampshire [Mr. COTTON]. I think one of our difficulties is that we forget that a citizen who can well afford to contribute substantial sums of money will be interested in the cause rather than in the candidate. McKinley said, in 1896, before the students in Michigan, that it is not the party which makes the issue; it is the issue which makes the party. A person becomes interested in an issue. Then he sees in the press the names of persons who are candidates for Federal office, who become symbols or examplars of the issue and the cause. That is the thing for which a contribution is made.

Shall we draw arbitrary lines and say that because a person lives in Ohio, he cannot contribute in Indiana, when actually he might have a brother running in Indiana, or a candidate is someone who is very much to his liking, and one who supports with vigor the cause of the free system of this country? I think the proposal is extremely arbitrary. We do not make this sort of provision to apply to any other situation.

I think the whole idea of cleanliness, as the Senator from Nebraska has said, is being carried to a point where it is actually damaging and does not go to the heart of the reason for which contributions are made.

Mr. COTTON. That was the point I was bringing up. I think the Senator from Vermont was very courteous in his response.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. CASE of South Dakota. First, if the Senator will indulge me before I ask him a question at the first part of my interruption—and I hope he will not be taken off the floor because of my comment—I should like to say to the Senator from New Hampshire [Mr. COTTON] that I am certain that whatever the outcome of the election was when he went to the neighboring State and made a speech, the adverse result in the election was not due to his speech. I assure him that we will take a chance on his coming to South Dakota at any time he feels able and free to come out there, and will be confident in our minds that any contribution he might make in the way of a speech will be helpful to the cause.

Mr. COTTON. I thank the Senator from South Dakota. I may say that the junior Senator from Vermont [Mr. PROUTY] was most kind to me on that visit. What I said about Vermonters paying our expenses over there was facetious, because I had to drive only a few miles across the line. I had a delightful time. The Senator from Vermont has never once reproached me for the apparent results of my visit.

I thank the Senator from South Dakota for his expression of confidence.

Mr. CASE of South Dakota. With respect to the amendment and one of the points which has arisen, it is my personal opinion that the Senator from Vermont has performed a most useful service in directing attention to the matter of interstate contributions.

There are certainly at least two classes of contributions: One class would be the contributions described by the Senator from Illinois as coming from someone who has a perfectly good motivation in wanting to support someone who has identified himself with a great cause, and wants to see him nominated and elected.

But there is, of course, the other type of contribution, the kind which is made, or is sought to be made, for the purpose of affecting the result in an election, only as a means to an end of affecting selfishly legislation which might be developed in Congress. The latter type certainly would be condemned by every Member of the Senate.

I am of the opinion that something of the objective which the Senator has sought to accomplish will be accomplished by a provision now written into the bill, making the bill applicable to the primary contests and nominating conventions, as well as to general elections.

Mr. PROUTY. I may say to the Senator from South Dakota that that is very true.

Mr. CASE of South Dakota. One thing which the bill does is to make those things which come within its purview subject to reporting. It also requires that the reports be made available, so far as possible, in advance of the election. That is the 10-day provision. It seems to me that the class of contributions which are objectionable, and which would be covered by the Senator's amendment, will to a certain extent be caught by the reporting of contributions, now that such reporting is applicable to the primaries.

As the Senator has said, that contribution could be made in a general election, and be made through the device of giving it to a committee affiliated with the national organization, and earmarked, so to speak, for the particular candidate or candidacy which the contributor wishes to espouse. There, of course, it would be subject to reporting under the provisions of the bill.

But also now, under the provisions of the bill, if it should become law, with the amendment relating to the primaries, the sinister type of contribution would also be subject to reporting in primaries and conventions. To that extent, the objective which the Senator from Vermont seeks will, I think, be accomplished by the amendments already adopted in the bill.

Mr. PROUTY. I think real progress has been made in this direction yesterday and today as a result of the amendments which were added to the bill as it was reported. I think the bill is a reasonably strong one at present. It represents a step forward in our desire for really clean elections.

Mr. CASE of South Dakota. Contributions to a campaign per se are not objectionable. Everybody recognizes that if a person runs

for public office—particularly for Federal office—some funds are required to do so. If we are not to put a bar against a person of limited means running, it must be possible for him to receive contributions. But if the public knows the source and the amount of the contributions, then the public is in a position to judge as to the validity of the motives behind the contributions, and can vote accordingly. That will help in their appraisal of the candidacy.

So I feel that the reporting features of the bill, as they apply to both the primaries or the nominating conventions and the general elections will be very salutary when the bill is enacted. I certainly hope it will be passed by the Senate and approved by the other body and by the President.

Mr. PROUTY. I fully agree with the comments made by the Senator from South Dakota.

Mr. President, my purpose having been achieved, I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Vermont is withdrawn.

Mr. KEATING. Mr. President, before the Senator from Vermont yields the floor, will he yield to me?

Mr. PROUTY. I yield.

Mr. KEATING. I feel that our colleague, the distinguished Senator from Vermont, has performed a very useful service in focusing our attention on the abuses which he had in mind in drafting the amendment. I admire and agree with his attitude in withdrawing the amendment, but I think he is entitled to widespread commendation from us for the fine presentation he has made and for the very important and salutary points which he has brought out concerning some of the abuses.

Mr. PROUTY. I sincerely appreciate the remarks of the Senator from New York.

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

Mr. PROUTY. I yield.

Mr. HENNINGS. I express my appreciation and commendation to the Senator from Vermont for the spirit he has shown in uniting some of us in our common purpose to get a bill. I have the greatest respect for the Senator's philosophy on this subject. I think that at this stage of the proceedings the Senator from Vermont has shown that he can rise to reality, in terms of making possible the enactment of a bill on this subject, and that he can join us in working toward that goal.

I assure him that it will be my wish and my hope to collaborate with him in the future in undertaking to work out a provision similar to his amendment, or at least containing some of the provisions of his amendment, so we may have the benefit of his thought, advice, counsel, industry, and activity.

Mr. PROUTY. Mr. President, I appreciate very much those remarks of the Senator from Missouri. I particularly appreciate also his untiring work on the measure to deal with this problem. Certainly he deserves the thanks of all Members of the Senate and of the people of the country as a whole.

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

Mr. PROUTY. I yield.

Mr. PASTORE. The Senator, I think, rationalized that he had an amendment in 1960, and that he withdrew that amendment on the assumption, promise, and pledge that there would be an overall reform. Is that correct?

Mr. PROUTY. That is correct.

Mr. PASTORE. No reform took place, and now 11 years have passed.

Mr. PROUTY. That is true.

Mr. PASTORE. Now the Senator is arguing today, that we forego this measure in favor of overall reform. If we do, does he not think we might have to wait another 11 years?

Mr. PROUTY. No; I am afraid, if the President's veto is not sustained, that we might have to wait a long time before meaningful reform legislation will be proposed and passed.

Mr. PASTORE. I realize that is the argument the Senator made. But my argument is this: If the Senator wants to insure this overall reform, should we not pass this measure, so that this could be an incentive to do something about overall reform? This is the first time that the Senate and the House of Representatives have even arrived at a compromise on this proposal. Now it is not a question of whether it would be the will of the majority; it is a question of whether we can corral two-thirds of the votes.

Mr. PROUTY. I very much feel, I say to my friend from Rhode Island, that if we approve this measure, it is as far as we would go, and it is not nearly far enough, in my judgment.

Mr. COOK. Mr. President, in the history of our country few reform movements have come as close to stirring the emotions of those who must legislate them than election and campaign reforms.

In 1926 Congress enacted the Federal Corrupt Practices Act. Since the passage of the Hatch Act 14 years later, only two reform measures became law, and each of these for only a short period of time. Section 315(a) of the Communications Act of 1934 was temporarily suspended for the 1960 presidential elections. In 1966 Senator RUSSELL LONG's tax subsidy bill—an idea supported by President Theodore Roosevelt in 1907—became law but for a few months.

For the few which became law, hundreds of others have been proposed. S. 3637, the Political Broadcasting Act of 1970, is the latest, but possibly the least distinguished of all.

As with every other Senator, I would enthusiastically support the passage of fair and effective campaign reform legislation.

I, too, am not a rich man.

I, too, believe we must curb excessive political spending.

However, S. 3637 will not only not alleviate this problem; it will create new ones. In its present form, the bill deserves much study and attention, but no support. Although the arguments against it have been discussed previously, I would once again like to restate what I believe are its major deficiencies.

In August of this year, Mr. Russell D. Hemmenway, director of the National Committee for an Effective Congress, was quoted as saying:

> If we continue to sit and watch politics price itself out of the market the ultimate result is obvious—a rich government open only to rich men and to those less scrupulous about source of funds.

I very much share Mr. Hemmenway's concern. But, to be sure, this bill will neither eliminate nor discourage the rich or the less scrupulous from entering any political race, anywhere, anytime. They, like all other candidates, will merely redistribute whatever monetary sources that they have at their command. If elections are bought without this particularly narrow legislation, then they will just as surely be bought after its enactment. As a recent editorial on WTOP—Washington—so aptly put it:

> There is a sickness in politics, but T.V. and radio haven't caused it.

I might add that a limitation on those media will also not cure it.

But, of course, this bill makes no mention whatever of the other equally important campaign devices. To use the words of Mr. Hemmenway.

The rich and the less scrupulous will merely increase their outlay for newspaper, billboard, and other print advertising.

The rich and the less scrupulous will use their resources to create larger and more efficient campaign organizations.

The rich and the less scrupulous will buy more and better professional services.

The rich and the less scrupulous will spend more on more professional public opinion surveys and computerizer direct mailings.

The rich and the less scrupulous will travel more swiftly and more often across a State or Nation to attend more functions and see more people.

While some have spoken in jest of the bumpersticker blitz, none of the above items can be taken lightly in a campaign. Only an overall spending limitation and a tough disclosure law can effectively solve this problem. Piecemeal legislation is not the answer.

In another instance, what is ostensibly a laudable provision in this measure is in reality ill-considered and discriminatory. Briefly, let us examine the across-the-board 7 cents per voter rule. First, it completely overlooks the complex problem of multistate media costs. Because New Jersey has not one commercial television station of its own, a statewide candidate for public office must purchase time from New York and Philadelphia stations, the richest in the United States. Only approximately 35 percent of the viewers of New York television programs are New Jersey citizens. Therefore, a New Jersey political advertiser immediately loses 65 percent of his 7 cents per vote before the commercial is even aired the first time.

Obviously this arbitrary limitation is not based on what it should cost to achieve effective communication with the voters of New Jersey. But, rather, it is calculated on the 100 percent market potential of Greater New York. Buyers of detergents are not deterred by State boundary lines—but voters are.

In effect, we are saying to the senior Senator from New Jersey that when he stands for reelection in 1972, he will not be permitted to spend more than 2 or 3 cents per vote. Yet we will permit the senior Senator from Oregon, and others, to utilize the full amount authorized.

This is blatant discrimination, and after its discovery it should not be tolerated.

In varying degrees, this inequity exists in Delaware, Virginia, Connecticut,

Maryland, New Hampshire, Vermont, Kansas, and other States as well. In my own State of Kentucky, one seeking a statewide office must not only advertise on Kentucky radio and TV stations, but also on those in Cincinnati, Ohio; Evansville, Ind.; Huntington and Charleston, W. Va.; Knoxville and Nashville, Tenn.; and Cape Girardeau, Mo.

This inequality is further accentuated in congressional races, the Fourth Congressional District of the State of Kentucky stretches along the Ohio River from the suburbs of Louisville to northern Kentucky and the suburbs of Cincinnati, Ohio. A candidate for that office must purchase time from the Louisville stations whose market includes well over half a million people in Indiana and Kentucky who are ineligible to vote in that congressional district. At the opposite end of the district the TV buying power is diffused because almost 70 percent of the TV audience are citizens of the State of Ohio. However, the Members of Congress from Alaska and Hawaii will not campaign under these circumstances. I am sure that my colleagues could enlighten us as to similar hardships in their respective States. The point is that these and other inequities were never fully explored or discussed when this legislation was drafted.

As is the case with any hastily considered legislation passed in the heat of an election year, Congress has drawn up arbitrary and unrealistic standards.

Again, S. 3637 very definitely does not respect the great differences in the costs of the various electronic media markets. The lowest unit charge will obviously not correct this inequity since all of these stations will reduce their charges by more or less the same percentage. Seven cents will purchase considerably more time in Jacksonville, Miss.; Boise, Idaho; Knoxville, Tenn.; Topeka, Kans.; Helena, Mont.; Huntsville, Ala.; and Albuquerque, N. Mex., than it will in Boston, Mass.; Chicago, Ill.; New York City, Detroit, Mich.; Washington, D.C., or even Minneapolis, Minn. In essence, we are prohibiting the senior Senator from Illinois and the junior Senator from Massachusetts from utilizing the electronic media in a manner equal to the senior Senators from Mississippi, Oklahoma, North Carolina, and the junior Senator from Montana in the 1972 elections.

For example, in the State of Illinois there are 24 TV markets and a projected spending limitation of $257,809. Using the standard rate, the aggregate cost of one 30-second spot on each station amounts to $13,810. This bill will permit approximately 18 of these advertisements throughout the campaign—9 minutes of television on each station. On the other hand, using similar figures in Mississippi, 10 more, or a total of 28 advertisements per station would be permitted. The figures for other States with 1972 senatorial elections are South Dakota, 41 30-second spots per station; Montana, 55; Alaska, 91; and Wyoming, 125.

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

Mr. COOK. I should like to finish.

Mr. PASTORE. For a short question.

Mr. COOK. I yield.

Mr. PASTORE. Does that take into account the lowest unit cost?

Mr. COOK. That takes into account the lowest unit cost.

From these high figures we drop sharply down to five 30-second spots in New Jersey, four in New Hampshire, and four in Delaware. Connecticut, which has no senatorial race in 1972, is nonetheless under this bill permitted only two such paid political advertisements per station.

Mr. President, it is not only unconscionable that the citizens of Wyoming, Alaska and Montana would be permitted to see and hear their candidates 100 times more than those of New Jersey, Connecticut, or Delaware, but it also raises a potential 14th amendment "equal protection under the law" problem.

As written, this measure also favors incumbents and other well known public figures. A senatorial incumbent has worked for 6, 12, or 18 years to insure that his constituents know him. A House incumbent has, at the very least, 2 years to make his name a household word among his constituency. He has established through newsletters, press releases, and weekly television and radio tapes a name and personality identification with the voters.

The 3½ cents per vote rule in a primary is even more disturbing. I assume that the rationale behind this 50-percent reduction for primary elections is that candidates have to reach far fewer voters than in a general election. While that fact is undeniably true, the radio and television costs remain constant in those safe congressional districts where the primary is the real election, this limitation is even more damaging to a relatively little known challenger. I might remind the Senate that 58 Members of Congress were elected in primaries and faced no opposition whatever in November. Yet, S. 3637 does not even attempt to cover this gross injustice.

Again, the solution is an overall spending limitation which will permit challengers, and incumbents to decide for themselves how to best utilize their resources within an overall limitation. They are the best judges of their strengths, weaknesses and needs. Many of these may well decide to spend less than the limitation imposed under S. 3637.

In the Sunday edition of the Washington Post there was an estimate of broadcast spending in a number of the 1970 elections. In California, for example, the incumbent spent an estimated half million dollars as opposed to the proposed limit of $497,172. In New York the winning candidate spent only $40,000 more than the proposed ceiling. The incumbent in Illinois spent approximately $5,000 less than required under this bill. His opponent exceeded the limitation by a mere $3,000. The Florida Senator-elect spent a total of $30,000 out of $141,689 permitted under the proposed law.

Mr. MURPHY. Mr. President, will the Senator from Kentucky yield right there?

The PRESIDING OFFICER (Mr. DOLE). Does the Senator from Kentucky yield to the Senator from California?

Mr. COOK. I yield.

Mr. MURPHY. Those figures on California, if the Senator will look carefully, they are projected figures, not actual figures. Being the incumbent, I assure my distinguished colleague from Kentucky that I did not spend that amount. I am also pleased to say that all my campaign bills are paid. I know exactly what we spent for everything and where the money came from. The report will be complete and on time.

Mr. COOK. Mr. President, in the final analysis, however, its greatest defect is its underestimation of the American people. This in part stems from an overreaction on the part of the Congress to three highly publicized Democratic primary races. It should be noted that two of these three did not survive the general election. It should also be noted that the November elections certainly did not enhance the reputations of the five best known political "image makers" who relied extensively on television advertising. Their candidates won only 12 out of 26 statewide contests.

The distinguished minority leader has indicated that he will offer legislation in the next Congress to curb the growing excesses of campaign spending. It is my understanding that he has the full cooperation of the White House.

Mr. President, we now have a letter from the President sent to the distinguished minority leader, and I ask unanimous consent to have it printed in the RECORD.

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

THE WHITE HOUSE,
*Washington, November 20, 1970.*

HON. HUGH SCOTT,
*U.S. Senate,*
*Washington, D.C.*

DEAR HUGH: Your proposal to offer a comprehensive campaign reform bill in the 92nd Congress is commendable. The Administration will, of course, work closely with you, other members of the Congress and the Governors in an effort to arrive at a bill which will deal with all problems of political campaigns, including spending limitations, in a direct, effective and enforceable manner. Our aim must be to provide legislation which is consistent with the processes of free elections and the maintenance of an informed electorate.

As I pointed out in my veto message of the Political Broadcast Act, S. 3637, that bill had many shortcomings. These must be corrected. A major deficiency of this legislation is that it singles out only one form of campaign spending. If, indeed, there is merit in limiting campaign expenditures, the problem should be dealt with in its entirety. To merely limit one form of spending could encourage candidates to spend even more in other areas. The result might well be more expensive, rather than less expensive, political campaigns.

Of utmost importance, new legislation must not discriminate against one communication medium. It must also provide a meaningful mechanism for enforcement, as to which S. 3637 is seriously deficient.

Reform is needed in this area. But this issue need not and should not be dealt with in a hurried and contentious fight over a veto. There will be no major elections between now and the time that Congress can consider this legislation in the next session. Your proposal offers an opportunity to do this in a deliberate and cooperative way.

With best personal regards,

Sincerely,

RICHARD NIXON.

Mr. COOK. Mr. President, I urge the Senate to support him in his efforts, but to reject this inequitable and poorly drafted legislation, because, Mr. President, what we are doing in effect, we are regulating an industry, we are not regulating the first word, the first effort, or the first dime of those who should be regulated; namely, the candidates.

Mr. President, I yield the floor.

Mr. PASTORE. Mr. President, I understand that the other Senator from Kentucky (Mr. COOPER) would like to have some time to speak.

The PRESIDING OFFICER. The Senator from Kentucky (Mr. COOPER) is recognized.

Mr. COOPER. Mr. President, let me say, first, that I am glad I was able to hear the informative speech of my colleague (Mr. COOK). It indicates the work he spent on this important subject.

Mr. President, I shall vote to sustain the action of the Congress in agreeing to the conference report on S. 3637. It is a bill which, for the first time in years, establishes a limit on campaign spending. It does not limit total spending by a candidate, but limits the use of television and radio time by candidates for the offices of President, Vice President, Senator, Members of the House of Representatives, Governor, and Lieutenant Governor. The amount which could be spent by such candidates would be 7 cents, multiplied by the number of votes cast for all legally qualified candidates for the office in question in the last preceding election, or $20,000, whichever is greater.

Prior to the President's veto of S. 3637, he had vetoed four bills, two of which were acted upon by the House and two by the Senate. I voted to sustain the President's veto on H.R. 11102 concerning appropriations for medical facilities. I would have voted to sustain his veto on the appropriation bill, H.R. 19616, concerning appropriations for the Office of Education, had not the Republicans been informed in a meeting of the Republican caucus by the minority leader that candidates at the general election in November could vote as they pleased. I cannot say that this was the position of the President, but if candidates were to vote as they pleased, I took the position that all members, candidates or not, should vote as they desired because there was no longer any possibility of sustaining the veto. Further, I am very much interested in the educational program whose support was included in the bill.

I would like very much to vote today to sustain the veto but after another examination of the record, the provisions of S. 3637 finally agreed to by both the House and the Senate, and the debates in the Senate and the House, I can honestly find no substantive reason to do so. I must say that I have tried.

S. 3637 was first approved by the Senate on April 14, 1970, by a vote of 58 to 27. It was approved by the House of Representatives on August 11, 1970, by a vote of 270 to 97. The conference report was approved by the Senate on September 23, 1970, by a vote of 60 to 19. During the Senate debate, there was no effort to change substantially the bill as reported by the Senate Committee on Commerce, except the amendment of the senior Senator from Kansas which raised the sum per vote from 5 to 7 cents. Also, I could find no advice from the administration that the bill was defective or should be amended, or was obnoxious to the administration except for a suggestion by the minority leader, Senator SCOTT, that it might be vetoed.

In these circumstances, I voted for the bill and the conference report as did a cross section of Members of both parties, on the principle that the bill was a start toward campaign expenditure reform and as a first step, dealt with that form of expenditures which had become inflated and expensive beyond all reason, that of the use of television by candidates. In addition to voting twice for the bill upon its merits, I have advised many who have written me about my position in support of the bill.

I agree that the bill is only a start and that comprehensive legislation dealing with the entire subject of campaign expenditures and full disclosure should be enacted.

As a member of the Committee on Rules and Administration, I have voted consistently for 10 or 12 years—for bills which we have approved in the Committee on Rules and Administration, which have been sent to the Senate to amend the Corrupt Practices Act to secure such a bill. In 1967 our Rules Committee reported to the Senate S. 1880. It was approved by the Senate in September 1970. On July 15, 1970, a similar bill, S. 734, was approved by the Rules Committee and reported to the Senate but no action has been taken. The Rules Committee acted, but the Senate and House have shown no inclination to enact a comprehensive election reform bill. I would prefer that section 315(a) had not been repealed as I do not believe that the President of the United States should be under pressure to refuse or agree to debate an opponent, and I hope that this section will be amended in the coming session of the Congress. Also, there will be time in the new Congress to make other amendments dealing with campaign expenditures.

At present, we must vote "yes" or "no" upon a bill which would place limits upon expenditures for the use of television and radio. I need not go into great detail about the fact that spending for this purpose has risen astronomically. I cannot say whether the limit in the bill before us will work in every case for the benefit of an incumbent or a challenger. But I do know from experience, as everyone in this body knows, that the demands for money to pay television costs cannot be met unless a candidate is rich, or unless he accepts large contributions from labor unions or other private interests. The acceptance of such funds means that a candidate is placed in the position of being in the pocket of such contributors, or assumed to be by the contributor and by the public. It seems to me that the amounts allowed by this bill would be ample considering the further fact that it applies only to the cost of time on television and not to the preparatory production work upon the TV program. This would seem to leave open the "image makers." While everyone wants to have the best television program possible to support his candidacy, I believe there are many who do not approve, and I do not approve, of candidates being presented to the voters as a packaged product. I want to continue to support the President in his efforts to reduce expenditures. My record on this issue has been found to be a record of between 75 and 80 percent in support of reductions of spending. But because I have been unable to find any reason to vote against limiting television spending by candidates—spending which is now running, in some cases, in the hundreds of thousands of dollars, I shall follow the position I have taken in two previous votes and I shall vote for S. 3637.

Mr. COOK. Mr. President, I yield 15 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 15 minutes.

Mr. BAKER. Mr. President, my colleagues have heard me speak in opposition to S. 3637 several times before. I spoke against it in the Commerce Committee. I voted against the bill when it was considered in the Senate. And I voted against the adoption of the conference report on the bill. I did not sign the conference report which, I suppose, probably puts me as solidly in opposition to the bill as any Member of the Senate save perhaps the distinguished minority leader who did not sign the conference report on the bill either.

This has not been the case with the distinguished chairman of the committee, who is now sitting in the seat of the majority leader. He argued just as forcefully in favor of the bill.

Mr. President, the President's veto ought to be sustained. I urge my colleagues to do so at this time.

Mr. President, it seems to me that if we are going to enact a law to limit campaign spending, and I think we should, we ought not to proceed by enacting a measure which admittedly only goes part way toward that goal and which has so many flaws that even that partial achievement will be limited.

There are two basic reasons why I object to this bill. First, I feel that any legislation designed to limit either broadcast spending or campaign spending in general should treat all candidates equally—no candidate should be put at a disadvantage because of the law. It is my feeling that S. 3637 discriminates against certain types of candidates in a number of ways. First of all, it discriminates against the candidate who is challenging an incumbent. The incumbent receives a good deal of attention through the news media in the conduct of his office. This coverage is not considered campaign advertising, although it serves to attract public attention to the incumbent and to his policies and programs. It automatically gives him an advantage over an unknown challenger, and the spending limitations proposed in this bill will only act to maintain that advantage.

Second, by basing the spending limitation on the number of votes cast in the last election, the bill can discrimi-

nate against candidates running for different offices within a State and act to limit their ability to set their views before the public. For example, in my own State of Tennessee, the Governor's race in 1966 attracted only about half as many votes as the Senate race that year because the candidate for Governor ran virtually unopposed. This means that in the next race for the governorship, which turned out to be closely contested, the candidates for Governor would only have been able to spend about half as much as the candidates for the Senate. This sort of situation can happen in almost any State, and it is a situation which penalizes the general electorate as much as the candidates.

As the President pointed out in his veto message, the 7-cent per vote or $20,000 limit was arrived at by legislative compromise and not by analysis of the broadcast market. It discriminates against candidates campaigning in different areas by failing to take into account the differing cost of broadcast time. In urban areas, for instance, a candidate may be able to purchase only a few minutes with his allotment, but in a rural area he may be able to virtually blanket the area with radio and TV advertising spots for the same amount.

S. 3637 imposes no limitation on spending for campaign advertising in media other than radio and television. Mr. President, I do not think that there is any doubt that this limitation will have the effect of encouraging candidates to greatly increase the amount they spend on other types of advertising, in newspapers, magazines, billboards, mailings, and so forth. There will be no net reduction in the high costs of conducting a campaign and lesser known and less wealthy candidates will continue to be at a disadvantage.

My second basic reason for opposing this legislation is that it creates, by indirection, a political subsidy for politicians, the cost of which is borne by FCC licensees who operate radio and television stations throughout the country. The bill requires that each licensee grant to political candidates the lowest applicable unit rate available to any advertiser. What this amounts to, in my opinion, is ratesetting by statute—something which the Congress has always in the past tried to avoid. Broadcast stations grant lower rates to advertisers because they advertise in volume and thus earn the discount as constant patrons. To require by law that a station must grant these same rates to candidates who do not advertise in volume and who are not constant users and buyers of advertising time is to create a public subsidy in favor of the political advertiser. This, in my judgment, is a step in the wrong direction.

By limiting only spending on broadcasting, the bill discriminates against radio and television stations, who should certainly not be expected or required to bear the brunt of public and congressional reaction against the increasingly high cost of campaigning.

Mr. President, I feel very strongly that we need to limit excessive expenditure of funds for political campaigns. I think we are all in agreement that any highly qualified citizen should be able to seek and attain public office without having to have millions of dollars at his disposal. The fact that public office is open to any and all qualified seekers has been one of our strongest political traditions, and I will be the first to admit that the trend has been toward spending greater and greater sums. I do not think, however, that this bill will solve that problem or that it is the right approach to solving the problem. By limiting only one phase of campaign spending, the bill discriminates against one media, favors the incumbent officeholder, and gives an advantage to a candidate who is well financed and/or well known to the general public. The cost of campaigning would continue to raise and those lesser known and less wealthy candidates would continue to be at a disadvantage.

I feel that the Congress has a responsibility to develop legislation that will limit all campaign spending in a manner that will be fair to candidates, the communications media, and the general public. I think that this can be done if we put our minds to it, and I do not think that enacting a measure which does not meet these criteria will fulfill our responsibility. I urge my colleagues to vote to sustain President Nixon's veto.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, what is the situation on time?

The PRESIDING OFFICER. The Senator from Rhode Island has 25 minutes remaining. The Senator from Kentucky has 15 minutes remaining.

Who yields time?

Mr. PASTORE. Mr. President, I yield 10 minutes to the Senator from Massachusetts.

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

Mr. KENNEDY. Mr. President, I urge the Senate to vote today to override the President's veto of the campaign spending bill.

Unlike so many of the other great issues on which we have been voting in this Congress, the question we face now is an easy one on the merits. Its only complication is the partisan cloud that hangs over it.

On the merits, a vote to override the veto is a vote for election reform—not yet the comprehensive reform we need, but nevertheless a significant first step in the long journey to such reform.

Twice before this year, by overwhelming bipartisan majorities of more than 2 to 1 on each occasion, the Senate has voted enthusiastically to enact the bill now before us. The vote was 58 to 27 last April, when the bill first came to the Senate floor, and the margin was even greater, 60 to 19, when the Senate approved the conference report in September and cleared the bill for action by the President. Today, the Senate has the chance to approve this measure for the third time, and I am confident that the same two-thirds margin will prevail.

At bottom, the real question is whether we are to be the masters or servants of our political institutions and machinery. No one denies that the growth of television has transformed politics in America. Like a colossus of the ancient world, television stands astride our political system, demanding tribute from every candidate for major public office, incumbent or challenger. Its appetite is insatiable. We know that in recent years, hundreds of millions of dollars have been fed into TV political commercials, and the costs continue to soar. Each time around, the spending ceiling on the last campaign becomes the floor for the next campaign. Without reform, the only end in sight is that the senseless tower we are building will topple of its own weight.

Worst of all, the fact of television spending is breeding a new cynicism in American politics. The most insidious problem in Federal, State, and local politics in 1970 is campaign financing, and TV spending is the core of the problem. The skyrocketing cost of running for public office has produced a situation in which the candidate of modest means is being driven from the field. Without a source of independent wealth, he faces the Hobson's choice of either a shoestring campaign or reliance on a few large contributors.

Either way, the public loses. If the candidate takes the shoestring route, he faces the likelihood of swift defeat. If he goes the route of the large contributor he finds himself spending more time raising funds than raising issues. Inevitably, he creates the sort of ambiguous relationships in which he is obligated, or feels obligated, or at least appears to be obligated to the men who hold his purse strings. As a result, politics is turned into a cruel Darwinian struggle, in which survival is not of the fittest, but of the wealthiest.

No one argues that the modest reforms proposed in the pending bill are the whole answer. What we do argue is that we are taking a step in the right direction, in the classical method by which Congress has always approached the question of reform in complex areas.

No one denies the intellectual complexity and the political sensitivity of the questions involved in the broad area of election reform. Taken as a whole, our election laws have been accurately described as more loophole than law. Every incumbent and every candidate knows the problem. Each of us has his own shopping list of reforms.

But all of us, I think, would agree that the question of broadcast spending lies at the center of the overall problem. Of course, as the President said in his veto message, other reforms are needed, but until we deal with the problem of broadcast spending, we are only nibbling at the edge of election reform, instead of confronting the real problem.

Equally significant, although the most important provisions in the vetoed bill are those limiting campaign spending on radio and television, they are not the only significant reforms worth salvaging in the bill.

The repeal of the equal-time provision for presidential elections is a major legislative achievement, a reform that is long overdue. For too long, we have allowed the theory of the provision to ob-

scure its practice. Intended as a rule to improve the access of candidates to radio and television, its effect has been precisely the opposite—it has substantially curtailed the access of candidates to the broadcast media, to the point where legitimate discussion and debate have been frustrated and the system as a whole has suffered. Rarely has a provision so well intentioned in theory fared so badly in practice.

Similarly, the requirement that political candidates must be charged no more than the lowest going rate for broadcast time is a useful reform. It will eliminate the unfair cost discrimination to which candidates have been subjected in the past. It will give them access to the most favorable terms a broadcaster allows to other purchasers. President Nixon has dismissed this reform with the pejorative phrase "ratesetting," but the label is hardly true. The bill sets no rates for any broadcaster. All it does is insist that candidates share the same low rates available to anyone else. Surely, the predatory profits that broadcasters have traditionally exacted from candidates should yield to the public interest.

These three reforms—the broadcast spending limit, the equal-time repeal, and the lowest unit cost provision—are important reforms, and they deserve to be enacted into law.

To their great credit, Senator JOHN PASTORE, Congressman TORBERT MACDONALD, and the others who worked so hard to push this bill through Congress have come up with a manageable package of basic reforms that have the priceless virtues of simplicity and effectiveness. To me, this bill is a model of the way in which Congress can proceed to tackle a complex problem, define an issue, and propose and implement a solution.

It makes no sense, therefore, to reject this reform out of hand, as President Nixon has done, arguing that it does not go far enough. The President criticizes the bill because it plugs "only one hole in a sieve," but the metaphor is false, because broadcast spending is both the largest and the newest hole in the sieve. On the logic of the veto, the President might as well abandon his welfare reform plan if he cannot get it all. Or, he might reject the auto pollution restraints on Detroit now pending in the Senate-House conference, on the ground that we are failing to cover all polluters.

Nor is it valid to reject the bill, as the President would do, because it applies only to spending for radio and television, not to other forms of campaign spending. According to this argument, the soaring cost of campaigns will continue unabated by the bill, because money that would have been used for radio and television will now be used for other aspects of political campaigns.

The argument is false, and every candidate knows it is false. It assumes an interchangeability among the media that simply does not exist in American politics. The impact of television is unique. No amount of newspaper advertisements or billboards, no amount of direct mailings or printed handouts or bumper stickers, can possibly offset the impact of television and the impression it makes on the voter.

It is fair to say that campaign spending did not become a searing national issue until television made it one in the 1960's. Now, television has established itself as the dominant campaign medium, and the need for reform is clear. I fully anticipate that enactment of this bill will be a very real blessing to the budgets of future candidates, and will help to halt the continuing spiral of campaign costs. But the savings of the bill are secondary to the guarantee the bill provides that no candidate of modest means will be blitzed to defeat by the unlimited TV assault of his opponent. This is the most important single contribution of this bill. It means that television in politics will be a medium to enlighten the public, not a weapon to club an opponent.

The bill's limits are generous enough to insure that no candidate will be denied the opportunity to present an effective television campaign in a primary or a general election. To the extent that inequities may exist for candidates in certain parts of the country, they are extremely minor compared to the enormous beneficial effect of the bill as a whole, and they can easily be corrected in the future.

Major reforms are almost never enacted full blown, and election reform is no exception. Often, as in the present case, the first step is the hardest. Only by taking that step can we gain the confidence to last the route. Often, as in the case of President Johnson's Election Reform Act of 1966, the President has tried to lead the way for Congress, only to see wise reforms buried by inaction and partisan maneuvers in the Senate or the House.

Thus, the present situation is not without irony. It is Congress which has managed to get a runner to first base, and it is the President who wants to stop the game.

If, as Senator SCOTT has said, the administration intends to propose comprehensive election reform in the next Congress, all of us will welcome such support by the President. But none of us who has been through the recent debates on election reform—especially the debate on Senator LONG'S Presidential Election Campaign Fund Act in 1966 and 1967—can be very optimistic about the prospects for success.

In fact, anyone who wants comprehensive election reform need look no further than item No. 1035—S. 734—on today's Senate calendar. This is Senator HOWARD CANNON'S Election Reform Act, which would place strict limits on the size of campaign contributions and require full disclosure of all contributions and expenditures. The Senate passed this bill unanimously by the rollcall vote of 87 to 0 in 1967, but it died in the House and the prospects for its enactment today are no better. Similarly, last December, during the debate on the Tax Reform Act, I offered an amendment to provide a tax credit of up to $25 for half the contributions a taxpayer makes to candidates for political office. The amendment was defeated by the narrow margin of 50 to 45, and I intend to try again as soon as the opportunity arises, because a tax credit for political contributions is one of the most important single election reforms we can enact to broaden the base of our political process. By encouraging campaign contributions from small donors, we can enhance participatory democracy in our society and move away from our present excessive reliance on wealthy contributions.

In sum, however, as these recent legislative defeats make clear, we are fortunate to have the pending bill and the chance for partial reform. Congress should take the reform it can get today, and not be deluded by the President's 11th-hour promise of whole reform next year.

If we enact this bill, moreover, it will be more than just a step in the right direction. To many, it will be a symbol that our political system is still alive, and that our institutions can respond to the demand for reform. Today, in all parts of the country, tens of millions of Americans are challenging the system and all its institutions. Many say the system is moribund, inert, incapable of change.

As one who heard and tried to answer these repeated complaints and criticisms in the election campaign this fall, I know how persistent they are and how sincerely they are felt, not only by the young but by every thoughtful citizen in the Nation. I also know how sharply the issue has been brought into focus by the President's veto of the campaign spending bill. With the possible exception of the question of seniority in Congress, no other single issue has drawn the battle lines so sharply as this veto has between those who stand for change and those who stand for the status quo. Wherever I traveled in Massachusetts in the closing weeks of the campaign. I found Republicans and Democrats alike incredulous that so right and deserving a reform should be so cavalierly rejected by the President.

Although it does not excuse the veto, it helps to explain it to note that it was cast in mid-October, in the heat of the 1970 election campaign. In large part, the veto is most easily seen as the product of the partisan passions unleashed in the President's divisive campaign strategy and travels this fall.

Fortunately, the vote to override the veto comes at a calmer moment. The bitterness is receding, and the wounds are beginning to heal. There can be no more welcome sign of reconciliation than for the members of both parties to join together in this first step toward election reform; 1970 is too fresh in our minds, and 1972 is too far off for any of us, Democrat or Republican, to weigh his vote today on the basis of mean or partisan advantage. This vote is a vote we owe the system, a vote from which all of us will benefit. It is up to us to vindicate the faith of millions of citizens who found the system wanting in 1970, but who believe it can be changed.

One thing more should be said. If we fail to override this veto, we cannot give up the fight in this Congress. I believe that we in the Senate should offer this vital reform as a rider to the first appro-

priate legislation to reach the Senate floor before Congress adjourns in December. The limitation of campaign spending is far too important a reform to be so flagrantly denied by a veto.

Mr. President, yesterday's Washington Post contained a number of informative analyses of the problem of campaign spending in the 1970 congressional elections. I ask unanimous consent that these articles may be printed in the RECORD at this point.

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

[From the Washington Post, Nov. 22, 1970]

RISING TV SPENDING ADDS TO THE HIGH COST OF CAMPAIGNING

(NOTE.—This article was written by Haynes Johnson on the basis of reports from Washington Post staff writers Leroy F. Aarons, Philip D. Carter, Richard M. Cohen, Johnson, Nick Kotz, George Lardner, Jr., Morton Mintz, Bernard D. Nossiter and Don Oberdorfer.)

Inside the Capitol, not far from the Senate floor, a row of wooden filing cabinets stands near a marble fireplace. As required by law, these cases contain the formal campaign spending reports from every man who ran for the United States Senate this year.

Across America today, campaigning costs are rising sharply, winners and losers alike are expressing bitterness. Although the problem of money in politics is age-old, new forms of political expenses, particularly television, are compelling candidates to raise vast sums to meet their competitors. These conditions have created what politicians of every viewpoint say is a crisis affecting the American system of government.

But the formal campaign reports at the Capitol offer no evidence of that crisis. They give no indication of the actual cost of running for major office in America. Nor do they show fully who spent what, or where he got his money, or to whom he might become beholden.

The reality of money and politics is brutally simple. To run for office you need money. At today's prices, the cost of attempting to become a United States Senator can come to millions of dollars. The giver who contributes $5,000 or $10,000 wants something in return, for himself, for his cause, for his business.

There is another brutal reality about money and politics. Most of the big money comes from anonymous contributors, concealing the extent to which a public servant might be obligated to private interests.

Such conditions raise questions that go to the heart of the effectiveness and honesty of the political system.

These are questions that transcend ideological differences. They are not restricted to party or region. It is fair to say they touch nearly all American politicians.

Television costs are the most expensive single factor in present-day campaigns and are increasing at a tremendous rate. In the off-year congressional elections of 1966, broadcasting spending rose 60 percent over 1962. The 1968 presidential elections broadcasting costs shot up 70 percent over 1964. Costs are still rising.

This week that issue will be joined inside the Capitol when senators prepare to vote on whether to override the President's veto of a bill setting limits on television and radio spending.

For the past two weeks a team of Washington Post reporters traveled to nine states examining the question of campaign costs. They attempted to determine—as far as is possible—how much money was spent, how it was raised, who raised it, and what obligations the contributions might entail.

They found that while candidates still spend extensively for billboards, newspaper and magazine advertising, for travel, staff and campaign literature, and highly expensive computerized operations, they are all faced with the problem of attempting to raise vast sums for the electronic medium.

As the individual dispatches from The Post reporters appearing elsewhere here today make clear, television spending this year dominated the political campaigns.

Almost every candidate or political operative questioned, from whatever party or region, voiced alarm at a situation that is altering the political process. The words "national scandal" were not uncommon.

Here are some of those voices:

From Sen. Charles Goodell of New York, a Republican who lost: "It's one of the tortures of hell trying to raise money for campaigns today."

From Steve Berger, campaign manager for Richard Ottinger, Goodell's Democratic opponent who spent a fortune (nearly $2 million on television alone) in his unsuccessful effort: "Campaign spending is out of hand. We better do something fast. There's a long list of things that need doing and No. 1 on the list is the media."

From William Brock, the Tennessee Republican who defeated the veteran Democratic Sen. Albert Gore: "We desperately need a revision of law about campaign fund reporting."

From Judd Ringer, campaign chairman for Clark MacGregor unsuccessful Republican candidate for the Senate from Minnesota: "I've gotten disillusioned with the process. . . . The increment of money is the ultimate determinant—building image and so forth—is the opposite of everything we believe is a democracy."

From Quentin Burdick, who won re-election as a Democratic senator from North Dakota: "These campaigns are just too expensive . . . I could sell my campaign on TV and radio for $20,000 in North Dakota if I knew my opponent wasn't going to do any more."

From his Republic opponent, Tom Kleppe: "This whole thing is getting completely out of hand. A good man can't afford to even get an identity much less get elected."

From Manning Post, finance chairman for Jess Unruh, California's Democratic gubernatorial candidate: "It's a monster. Really, the guy with the biggest pocketbook can do the best job. No question that television is the key."

In some places there were dramatic comparisons with the past. In North Dakota the same opponents in the Senate race had campaigned against each other in 1964.

The winner in both, Democrat Quentin Burdick, spent about twice what he did six years ago; the loser, Tom Kleppe, five times more.

In Tennessee, Albert Gore had run for the Senate in 1958 and 1964. This year he spent over $500,000, at least five times more than in each previous race, more than half of it for television. His opponent spent between $1 and $1.25 million, which is three or four times more than any Republican candidate had ever spent in Tennessee history.

The same kind of ratios can be found across America.

What is harder—indeed, impossible—to determine are the real sums spent on politics this year. Money flows in a subterranean channels; it is hidden in a multitude of accounts, some public, many others private. And, as in the past, not all of the money can be traced by check or account. Undeclared cash is as viable in politics today as it was when Thomas Nast was drawing his political caricatures of the Tammany tiger sprawling on money bags.

And much of the big money goes practically unrecorded.

Nothing illustrates the disparity between how politics is practiced in reality and how the public is told it operates than the formal spending reports on file in the Capitol. They are, everyone agrees, a hoax. Candidates are required under the Corrupt Practices Act to file a statement of their total campaign contributions and expenditures. For the general, but not primary elections.

Glance through those wooden filing cases today and you come up with sworn statements like these made at least five days before the election.

From John V. Tunney, who won a Senate seat in California: "I have not personally received any funds for my candidacy. All funds have been received and expended by campaign committees working for my election."

In fact, Tunney's campaign cost more than a million dollars, about $600,000 of that for television.

From George Bush, who lost a Republican bid for the Senate in Texas: "No contributions were received by the candidate or by any person for him."

In fact, Bush, too, waged a campaign that cost more than a million.

Hubert Humphrey reported receiving no contributions; his only reported expenses were $150 for his filing fee in Minnesota.

In fact, Humphrey's campaign cost at least $550,000 and two days before he announced his candidacy his campaign aides laid down $150,000 to buy his TV time and to reserve billboards.

William Brock of Tennessee reported receiving no contributions and expenditures of only $2,118.84.

When asked about his sworn statement of his contributions and expenses, Brock said: "I was advised by the Senate people to show zero. They said most senators do that. Candidates are not required to know about or supervise or report their finances."

That last statement seems at variance with the actual law, but Brock was, as he says, merely doing what everyone does. The key phrase in that law is that the candidate swears his report is an accurate account of the amount spent "by me or by any person for me . . . with little knowledge and no consent."

They all ostensibly operate with little knowledge and no consent.

That is not to suggest any of them is a venal politician. The law is woefully unrealistic—it sets a spending limit of only $25,000 for the Senate and candidates must raise and spend millions. It forces them to look the other way.

The question of special interests and the big contributor controlling a candidate raises nothing new in any political discussion. But because of the rising costs it is more complicated than ever.

One key California political operative gave a private appraisal of the reality of big spending.

"Look," he said, "if somebody gives a candidate $25,000, he got a hold on that candidate. There are two kinds of people in politics. The guy who is in it for the love of it, and the guy who wants something. When a business gives $10,000 plus, those are not gratuitous gifts."

Only rarely does a politician, in office or out, speak publicly about the delicate area of where his money comes from, or what kind of obligation might be attached to it.

Three years ago, Albert Gore stood on the Senate floor to speak about that question.

"A vote in the U.S. Senate is of such great effect and influence that any person who is willing to sell his soul can have handsome financing for his campaign," Gore said.

As the Post's articles show, money is flowing into political campaigns from across the country. In some areas, the huge amounts needed can be raised only by going to money

men outside the state. While some of the large contributors and the interests they represent are known, the rest are not. There are simply no clear answers to exactly who gave the money. All that can be said is it was a lot.

Two years ago, the entire reported amount spent on all congressional races in the 1968 campaign came to less than $9 million. Conservative estimates indicate at least $50 million actually was spent. And the costs keep going up.

Without exception, those interviewed for this study believe something must be done about political spending. No one offers any panacea.

A number of points were made. Spending should be limited in all areas—not just television. Full disclosure laws must be enacted—and enforced. Realistic spending limits, not the ludicrously low ceiling figures now in the statutes, should be imposed. The present election system itself drastically needs reform. The length of the campaigns alone dictates heavy spending. Some have suggested adopting a system similar to the British, where elections take place three weeks after a government falls. Others are urging the adoption of public financing for campaigns—a point made down through the years.

Of all the problems, two are paramount—the lack of adequate reporting regulations requiring full disclosure of who gave the money and who got it, and a basic across-the-board limitation on spending.

One law already on the books is instructive. In Florida, a new spending law is commanding attention. No candidate for governor or senator can spend—or have spent on his behalf—more than $350,000 in the primaries and the same amount in the general election. No one may give a candidate more than $3000 in either campaign. And all receipts and payments must be handled by a single campaign treasury.

An interesting effect of the Florida law is that it appears to have de-emphasized a strictly media-money campaign. Lawton Chiles, for example, won a Senate seat with only $30,000 in TV expenses. He demonstrated that a candidate can command the media by the not-so-startling device of making news. And for free too.

The Florida law, though, does have notable loopholes. It does not effectively cover contributions from out-of-state committees, a classic device to conceal the actual spending.

But at least it provides a model that seems to be working.

If all the proposed remedies differ, there is general consensus that the heart of the question today centers around the enormous television costs.

The bill that President Nixon vetoed would limit television and radio spending by presidential and congressional candidates to 7 cents per vote in the previous election. It also would suspend permanently the "equal time" provisions for presidential elections and lower the maximum amount broadcasters can charge political candidates for advertising.

TV and radio stations have objected that the act is discriminatory. It restricts their medium, but permits other forms of campaign spending—such as newspaper and direct mailings—to go unregulated.

There are no claims the bill is perfect, nor that it will solve the larger question. The main point made by the proponents is that the electronic media spending is so overriding a problem that it must be dealt with first.

It was after he himself had investigated the question of money in politics that Albert Gore remarked: "The great failure of our democratic process remains in the manner in which campaigns are financed."

Last week, Gore defeated, returned to the Capitol to wind up his own political career. Sitting in his office surrounded by the mementoes of 38 years in Washington he reflected on the present American political scene.

"The public is badly served," he said, "by the present financial situation. It's a critical problem, very critical. But Congress won't do anything about it. They simply won't face up to it."

Then Gore said:

"I know."

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NORTH DAKOTA EXPOSED TO A HEAVY BARRAGE

(By Nick Kotz)

FARGO, N.D.—"The President asked me 'what do you need?' " explains Rep. Thomas Kleppe of the crucial first step of the most expensive political campaign in North Dakota history. "I told him I needed a professional campaign manager, a professional media man, and substantial financing from outside the state. These things were deliverable and they were delivered."

Kleppe's entire campaign was, in fact, planned, financed and directed from Washington, D.C., by a team of professionals assembled by the White House.

His opponent, Democratic Sen. Quentin Burdick, received most of his campaign financing from liberal antiwar groups and labor unions, also from outside North Dakota.

Of the funds spent in the North Dakota Senate campaign, won by Burdick, 85 to 90 per cent originated from outside the state. This phenomenon characterized campaigns in other small-population, unwealthy states:

"If you're labor or business, all you need do is scatter $300,000 through Utah or Nevada or Wyoming or New Mexico and you've got a pretty good campaign going," Rep. Laurence Burton (R–Utah), an unsuccessful Senate candidate, told the Wall Street Journal, "In New York, that's just openers."

The Council for a Liveable World made the same point in a letter soliciting funds for liberal, antiwar senators: "Since a vote cast for a senator from Alaska or Vermont counts as much as a vote for senator from New York or California, the Council favors contests in small states."

Kleppe and Burdick both stressed their dependence on "outside" help to finance the modern media campaign both felt they must pursue. In this sparsely settled plains state (population 614,000) of poor farmers and no major industry. Kleppe said he could raise only $50,000 and Burdick only $15,000. Yet records indicate Kleppe spent $300,000 and Burdick nearly $150,000. Kleppe spent five times as much as he did in a 1964 race against Burdick and Burdick's spending probably doubled. The two men spent three to five times as much on television and radio advertising as did the North Dakota Senate candidates in 1968.

The $450,000 spent in the 1970 North Dakota campaign may seem paltry by New York standards, but it permitted the two men to wage a television-radio-newspaper-billboard blitz in which they spend $2.37 worth of attention on each of 190,000 North Dakotans who went to the polls. Most of their major contributors realized that the $3,500 that will buy one prime time television spot in New York will buy 100 to 200 similar advertisements on North Dakota television stations.

North Dakotans couldn't miss the barrage directed their way. Many openly resented it. But federal and state reporting laws don't offer them a clue as to how much was spent or where the money came from. North Dakota law requires no reporting of campaign expenditures or contributions, and loopholes in the federal law permitted both men to report that they hadn't received a cent. According to their reports to the Secretary of the U.S. Senate, Kleppe spent only $1,350 and Burdick $1,150 in the entire campaign.

Burdick declined to discuss in detail the source of his campaign funds, but the records of various liberal campaign committees indicate he received at least $27,000 from labor unions, $40,000 from the "antiwar" 1970 campaign fund, $19,700 from the Democratic Senate Campaign Committee, and $15,000 from the liberal National Committee for an Effective Congress.

Kleppe and his finance chairman Harold Anderson described the contributions he received in fulfillment of President Nixon's pledge to help with money if Kleppe would challenge Burdick.

Throughout the campaign the postman walked into Anderson's Bismarck law office with letters containing checks from wealthy individuals all over the country. Thirteen of the letters contained $5,000 campaign gifts and another 50 letters brought gifts from $1,000 to $4,000. When money ran short, Anderson said he would talk to Republican officials in Washington and more checks would soon arrive. In addition, Kleppe received $30,000 from the Republican National Committee's campaign fund and $35,000 from various organized business and medical groups.

"I got the money because of White House help," said Kleppe of about $200,000 he received from individuals outside North Dakota.

Burdick and Kleppe agree they could run an effective campaign in North Dakota for $50,000 if each was not forced to match richer opposition. But they say costs will continue to soar unless effective limitations are imposed. If limits are not set, Kleppe said he believes his expensive effort this year will represent "the campaign of the future."

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NEWSPAPER SPENDING RISES

Television advertising is the largest and fastest-rising media cost in American politics today, but other types of advertising—including newspaper and radio ads—are also large and growing.

National data collected for three recent presidential campaign years by the Citizens Research Foundation of Princeton, N.J., shows this trend (in millions):

| | |
|---|---|
| TV time: | |
| 1956 | $6.6 |
| 1964 | 17.5 |
| 1968 | 27.1 |
| Radio time: | |
| 1956 | 3.2 |
| 1964 | 7.1 |
| 1968 | 13.3 |
| Newspaper ads: | |
| 1956 | 4.3 |
| 1964 | 7.7 |
| 1968 | 11.6 |

(The broadcast figures, from Federal Communications Commission records, cover general election spending only. The newspaper figures, from Media Records, Inc., include all political spending from July 1 to election day in daily papers in most major cities.)

Comparable national figures are not yet available for 1970 races, and the figures are incomplete for many earlier off-year elections.

In the Washington area, WTOP-Television (owned by The Washington Post Company) sold a total of $186,000 in political time to area candidates in all races during the 1970 general election campaign. WTOP-Television gave free time valued at $26,000 on an equal basis to candidates in major races for use in beaming messages to the public. The paid advertising would have brought in $93,000 more except for a station discount applied to area political candidates.

WTOP Radio sold $54,000 in political time during the recent general election campaign.

The station gave $10,000 of free time to area candidates, and applied political discounts worth $27,000.

The Washington Post published $55,250 in newspaper advertising for all candidates during the 1970 general election campaign.

Spending on other television and radio stations and newspapers throughout the country was also high during the 1970 general election campaign. In most places, including the Washington area, much smaller sums were spent by candidates during the primary campaigns.

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RIVAL IMAGE MAKERS CLASH IN TENNESSEE

(By Don Oberdorfer)

NASHVILLE, TENN.—In April, 1969, a young man from Oshkosh, Wis., who never before had set foot in this state, arrived to plan the election of a United States Senator from Tennessee.

Acting as a paid campaign consultant, Kenneth C. Rietz, 27, traveled the state for two weeks and drew up a 64-page election plan for his client, Rep. William E. Brock of Chattanooga. The plan included details of campaign strategy and organization, and a schedule of events from June, 1969, to the final television-radio-newspaper media blitz in the last 12 days before the November, 1970, election.

Brock approved the plan and hired Rietz for a fee "close to" $40,000. During the next 19 months, the candidate took the advice and advertising spots and layouts he was given by Rietz and his senior partner, image-maker Harry Treleaven. Their campaign succeeded. Brock won.

The senatorial race this year was between incumbent Democrat Albert Gore and Republican William Brock. But it was also a race between rival image-makers, media coordinators and advertising agencies, all working for big money in by far the costliest senatorial race in the state's history.

Gore forces collected and spent over $500,000 in this year's primary and general elections—more than five times as much as in either of Gore's 1958 or 1964 campaigns for re-election. Of this year's spending, about $235,000 went for television and radio time, including advertising agency and image-maker's commissions, and $85,000 more went as a fee to Charles Guggenheim of Washington, D.C., who created the Gore electronic commercials.

According to data collected by The Washington Post from major TV stations, Gore slightly outspent Brock, $53,089 to $50,260, on Nashville television in the general election. However, Gore spent less than Brock, $31,010 to $42,943, in general election television in Memphis, the state's other big market. Brock was the top spender in East Tennessee, his home area.

Gore declined to be interviewed about details of his 1970 campaign. Aides said, however, that more than $100,000 in campaign contributions came from labor unions. According to union political reports, the United Auto Workers paid $5,252 for Gore bumper stickers and the AFL–CIO's Committee on Political Education spent $3,014 for Gore leaflets. Major money contributions came from political funds associated with 19 national unions ranging from carpenters to retail clerks.

Gore also received $70,000 from the anti-war "1970 Campaign Fund," $25,000 from the National Committee for an Effective Congress and $20,625 from the Senate Democratic Campaign Committee.

Gore campaign workers say they were strapped for funds throughout.

Brock's spending of $1 million to $1.25 million is at least three to four times the largest sum previously spent by a Republican candidate in the history of the state.

Brock aides admit to $250,000 for television time and agency fees, $75,000 on radio, $50,000 to Treleaven for TV-radio production, $150,000 for billboards, $75,000 for newspaper ads, $50,000 for leaflets, bumper stickers and such, $100,000 to $150,000 in paid workers and headquarters overhead, and $200,000 in other expenses.

Senatorial candidates are not required by Tennessee law to report the sources of their campaign funds.

Brock, the heir to a candy company fortune, said he did not spend any of his personal money on the race. "I have no idea where the money came from and I don't want to know," he said. Nashville insurance executive David K. Wilson, the Brock finance chairman, said, "There was very little in the way of records, and I imagine most of them have already been flushed."

Capitol Hill filings by money-giving committees provide only a few details of Brock's finances. Contributions which show up there include $10,000 from "Committee for Action—South," a group of general contractors; $10,000 from "Volunteers for Better Government," executives and officials of the big Eastman Kodak chemical works at Kingsport, Tenn.; $50,000 from Trust for Special Political Agricultural Community Education of Louisville, Ky. (milk producers); $35,000 from the Republican Booster Fund and $12,770 from the Senate Republican Campaign Committee.

Brock said in an interview that the quantum jump in campaign spending poses "a danger" to the political system and declared that "we desperately need a revision of laws about campaign fund reporting." However, he described the attempt to limit campaign broadcast spending as "garbage" and said that "a guy who is inordinately wealthy or who is getting contributions from unfortunate source might simply shift to other types of spending" if a TV-radio limit is enacted.

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FLORIDA: REPORTING LAW HELPS

(By Philip D. Carter)

TALLAHASSEE, FLA.—When he opened his campaign for the U.S. Senate last spring, Florida State Senator Lawton Chiles faced a forbidding obstacle: only five per cent of the state's voters had ever heard of him.

By the conventional wisdom, his only recourse was a professionally packaged newspaper, billboard, radio and television advertising campaign which—for a half-million dollars or so—would at least introduce him to the electorate.

As it happened, that was the path followed by his opponent, Rep. William C. Cramer, who won the Republican nomination. But Democrat Chiles literally took a walk instead, a 1,000-mile trek down the length of Florida.

Today, after 40,000 handshakes, two Democratic primaries and a general election, Lawton Chiles is Florida's U.S. senator-elect. His television bill was only $30,000.

Of course, there was more to "Walkin' Lawton's" remarkable campaign than his two blistered feet. He was a fresh face in a year which seemed to favor fresh faces. His "progressive conservatism" set few voters on edge. He was a Democrat running in a normally Democratic state.

And to some cynics, Chiles' campaign merely proved that an ingenious and attractive candidate with a novel gimmick can win extensive free play in the media. Chiles, goes the argument, didn't buy television time—he captured it free of charge.

Yet his success would have been difficult to reproduce in most other states. For the fact is that "The Walking Senator" set out on his march through Florida armed with the knowledge that his state's new campaign financing statutes—which he helped pass—would make it difficult for his opponents to swamp him with paid commercials.

Despite some remaining loopholes, Florida's campaign law—with the exception of Oregon's model statutes—is the most stringent in the nation. And, by the evidence of this year's elections, it has greatly reduced campaign costs.

Under the new state provisions, which took effect July 1, candidates for governor and the U.S. Senate can spend no more than $700,000 on their campaigns, half in the primaries, half in the general election.

Candidates are required to make weekly reports of all contributions and expenditures listing the names and addresses of all persons or groups giving or receiving money.

No one may give a candidate more than $3,000 during the primary campaigns and no more than another $3,000 before the general election. All receipts and payments must be handled by a single campaign treasury, and meticulous records must be kept. No contributions are allowed within five days of the general election. All debts must be paid as they are incurred.

The intent of the law is to make it difficult for a candidate to "buy" an office. To a high degree, the law seems to have worked.

According to all-but-complete figures filed with the office of Florida's Secretary of State, Chiles' general election opponent, Cramer, expended $547,000 on his entire campaign. Chiles spent about $340,000.

In the state's 1968 Senate race, by contrast, Republican Edward Gurney declared expenses of $757,000, with about 77 per cent of the total going for media costs.

The effect of the new law is even more vividly demonstrated in the comparison of announced costs in Florida's recent gubernatorial campaigns.

In 1960, Farris Bryant won the governorship at a cost of $768,000.

In 1964, Haydon Burns' election expenses were $1.1 million. Two years later, he spent another $1.4 million trying to win reelection. Robert King High, his successful opponent in the bitter Democratic primaries, spent nearly a million dollars.

Republican Claude Kirk, who won that year's general election, reported expenses of only $550,000—but Democratic disbelief in the accuracy of his announced outlays led to passage of the state's present law.

Nearly complete figures filed for Kirk this year show expenses in his behalf of $573,000. His victorious Democratic opponent, a once little-known state legislator named Reubin Askew, has reported expenses of $663,000.

The big spender in this year's Florida races was a Republican drugstore chain owner, Jack Eckerd, who spent $1.1 million while losing to Kirk in the GOP primaries. Eckerd managed not to violate the $350,000 ceiling on primary expenditures by doing the bulk of his spending before the new law took effect on July 1. Were it not for the new statutes, local politicians feel, other candidates would have been forced to try to match him.

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ILLINOIS: MONEY IS NOT EVERYTHING

(By Bernard D. Nossiter)

CHICAGO.—The 1970 campaigns in Illinois defy much of the new tribal folklore that has grown up around political spending. The state's most highly charged race, for U.S. senator, probably cost about the same as the $2 million spent in 1966 by Charles Percy (R) and Paul Douglas (D).

Large sums were poured this fall into television advertising. But the most impressive statewide victory was recorded by a comparative unknown, Michael Bakalis, a young educator who purchased no spots. He easily unseated a Republican incumbent for Superintendent of Public Instruction.

The single biggest outlay for TV air time on Chicago's three network stations, $201,000 was recorded by Joseph Woods, a Republican running for a Cook County post. His J. Walter Thomson ads featured shots of rats.

Woods, brother of President Nixon's personal secretary, Rose Mary Woods, was swamped at the polls.

Adlai Stevenson III, the winning Democrat for the Senate seat, was credited by his opponents with a remarkably "shrewd strategy" of staging a TV blitz in the last three weeks. But the reason was that trade unions declined to supply much of their money until the last half of October.

In only one way, perhaps, can the traditional wisdom be said to have been upheld. Losing Republican Senate candidate Ralph Smith told a reporter: "I got from industry; Stevenson got from labor."

In Illinois, which requires candidates to report nothing about their finances, even a model reporting law would fail to cover big and significant contributions. Stevenson, backed by Mayor Richard Daley's machine, could count on the help of 5,000 precinct workers in Cook County alone, services paid for by taxpayers supporting workers in public posts.

In addition, Stevenson could draw on the skills of union staff members.

For his part, Smith could lean on Illinois' business elite for goods and services—computers, billboards, executive assistance and other items.

If the candidates' aides are to be believed, Smith spent about $1.1 million in cash, of which $305,000 shows up on the books of television and radio stations. Stevenson is said to have laid out $950,000, with $314,000 going into air time.

Ironically, Stevenson campaigned hard on the theme that Smith was trying to buy the election with television. Indeed, the Republicans face was on the little screen earlier and longer—ten weeks—but he had simply bought cheaper time.

There is considerable agreement in both camps that Smith's television campaign, linking Stevenson to violence, cost the Republican votes and money. Smith himself says, "I would have been better off with more positive rather than negative-Stevenson advertising."

For their more bland campaign waged by the New York image maker, David Garth, Stevenson aides figure the total electronics bill at $425,000. They indicate that Garth got nearly $110,000 in fees and production costs plus $47,000 in commissions for the air time.

Both sides suggest that it would be unfair to reveal the names of unsuspecting donors and that it would hurt future fund-raising efforts. However, Smith asknowledges that a Chicago insurance mogul, W. Clement Stone, was his biggest backer.

The biggest lump sum realized by Smith, perhaps $300,000, came from his share of a $250-a-plate dinner addressed by Vice President Agnew. Several members of the dinner committee probably bought one or more tables at $2,500 each.

The committee included Laurance Armour, chairman of the La Salle National Bank's executive committee; Philip D. Block, chairman of Inland Steel; Mrs. Brooks McCormick, wife of the International Harvester president; James S. Kemper, president of the Kemper insurance group; John M. Olin, honorary chairman of Olin-Mathieson Chemicals; John G. Searle, chairman of the G. D. Searle drug company; and John E. Swearingen, chairman of Standard Oil of Indiana.

Stevenson's aides estimate that unions gave him in "voluntary" contributions, $150,000 or about 16 per cent of his budget. The Steel and Auto Workers each contributed more than $20,000. Teamsters, Bakers, Clothing Workers, Retail Clerks, Communications Workers, Machinists and Railway Clerks also helped substantially.

Stevenson men say that an Illinois Democratic organization supplied $25,000; the National Committee for an Effective Congress, $25,000 and the 1970 Campaign Fund, $30,000. The last two are liberal fund-raising bodies.



### Frantic Scramble Ensues for New York TV Time

(By Haynes Johnson)

New York.—On Aug. 13, the phone rang in Stan Levy's WNBC–TV office in Rockefeller Center. Bob Turner, an advertising man, was on the line. He wanted to place a blanket order to purchase $104,000 worth of commercial television time for Nelson Rockefeller between then and the election.

The next day, another phone rang in another WNBC–TV business office. Betty Whalen, from a different ad agency, was calling. She wanted to place a blanket order buying $61,530 worth of TV time for Sen. Harrison A. (Pete) Williams, the New Jersey Democrat.

Phones were ringing in other television offices that week. By the time the frantic attempt to spend large sums had ended, Stan Levy summed up what he thought had happened.

"In my opinion," Levy said in a memo to his NBC–TV business colleagues, "behind this bizarre scramble to commit dollars lies the fear that Congress will pass the Political Expenditure Limitation bill effective with this campaign."

Such a bill was passed, but President Nixon vetoed it. As a result, the politicians followed their natural instincts. They raised as much money as they could, and they spent lavishly. In New York, in the biggest market, the money flowed as never before in a political campaign.

No one will ever know exactly how much was spent. One politician involved in raising money thinks as much as $35 million may have been spent for just the gubernatorial and senate races. No one can be sure because the records are incomplete and the reporting laws full of loopholes.

While television spending can account for as low as 25 per cent of total expenditures, it's the easiest to determine. Just on New York City's six major TV stations, candidates for governor and senator (plus the two New Jersey senatorial opponents who bought time on the New York City stations) spent a grand total of $2,744,423.44 for air time.

Republican Gov. Nelson Rockefeller spent $730,589.34 while his Democratic opponent, Arthur Goldberg, spent $262,481.11.

In the Senate races, for the same six New York City TV stations the figures were:

Richard Ottinger, the Democrat, $544,740.10.

Charles Goodell, the Republican incumbent, $463,853.64.

James Buckley, the Conservative, $310,557.43.

The two New Jersey contenders, Harrison Williams and Nelson Gross, spent $166,592.30 and $265,609.52, respectively, for New York time.

None of those figures involves what it cost to produce the television commercials.

And those TV spending figures don't begin to take into account the other political expenses: for the other TV stations throughout New York State . . . for radio time . . . for newspaper and magazine ads . . . for salaries . . . for rentals of offices . . . for transportation . . . for campaign literature and other promotional material . . . for telephones, computers, direct mailings.

The political spending in New York was of such magnitude that it has left a residue of bitterness among candidates, campaign managers and workers alike.

Charles Goodell, a loser, says he was outspent from all sides and is now some $400,000 in debt.

"We were always on the verge of a black-out because of lack of money," Goodell says.

As it was, Goodell says he spent about $1.3 million. It broke down this way: for television, $700,000; for staff salaries, $200,000; for office rentals, $60,000; for phones, $100,000 and the rest for miscellaneous.

Goodell candidly describes how he raised his money. An executive finance committee of 15 wealthy, influential men was able to call other wealthy men able to give anywhere from $1,000 to $10,000 apiece.

Because of the intervention of the White House and Vice President Agnew on behalf of James Buckley, Goodell says, much of the normal "Wall Street Republican money" dried up for him. He did receive a quarter-of-a-million dollars from the Republican state organization, about the normal for other past campaigns.

What the candidates report—and what they actually raised and spent—are moot points. In his last gubernatorial campaign, Nelson Rockefeller reported spending more than $5 million, the most expensive outside of a presidential effort. This time, he has said he spent about $6 million.

But other estimates of Rockefeller spending range from $10 million up to $20 million. Richard Ottinger, another candidate able to draw on a personal fortune, spent about $4 million in a losing effort.

What is most striking about the New York political aftermath is that virtually everyone interviewed, from candidates to strategists to media men, think something must be done about the cost of running for office. Few, however, think the system will be changed.

Already, the managers are gearing up for future efforts.

Stan Levy of WNBC–TV, who earlier questioned the "bizarre scramble" for campaign dollars, dictated letters to his political customers shortly after the campaign. To the agency man who handled loser Richard Ottinger he wrote that "political advertising by its very nature presents complex problems for both the buyer and the seller . . ." To the agency that handled winner Rockefeller, he wrote, ". . . the success of your candidate must be attributed, in part, to the effectiveness of your TV buying. Congratulations!"

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### Blair's Maryland Drive Hurt by Lack of Funds

(By Richard M. Cohen)

Baltimore.—Back in July, when C. Stanley Blair had great expectations, he nonchalantly accepted the proposition that it would cost $419,000 in air time and newspaper space to make him the governor of Maryland.

It was to be part of a $700,000 to $800,000 campaign.

But on Sept. 2 Blair's media buyers in Chicago teletyped the news to Maryland television and radio stations that Blair had grossly miscalculated.

"This confirms the entire cancellation before start due to no money in advance—9/8 to 11/2," Campaign Group, Inc. wired Washington's WTOP–TV. "Total cancellation $23,389. Thanks so much for your help.

Republican candidate C. Stanley Blair, appointed Maryland secretary of state by then Gov. Spiro T. Agnew in 1966 and the vice president's chief of staff in Washington for two years, was unaccountably broke. By election day, according to informed sources, his campaign was more than $150,000 in debt. The various committees had spent about $375,000.

In the end, Blair spent about $47,000 for radio, television and newspaper advertising. At WTOP–TV, where Blair originally planned to spend $30,000, he spent $4,400 and an additional $8,818 at WRC–TV and WMAL–TV. (All three stations offered candidates time at discounts from the standard rate.)

By comparison, Gov. Marvin Mandel, a landslide winner over Blair, spent about $1 million, $400,000 of that on media. The three Washington stations accounted for $36,899 with WRC the leader and WTOP trailing not far behind.

Significantly, the difference of approximately $600,000 between what Mandel and Blair spent can be accounted for in a single evening. On Oct. 2, 1969, more than a year before the election and even before Mandel

was declared a candidate, he raised $622,420 at a Baltimore testimonial dinner that tapped the big contributors.

Real estate interests in Maryland's Washington suburbs bought $17,000 worth of tickets. Race tracks and their executives contributed $9,500. Unions gave; Potomac Edison Power Co. executives another $1,000.

Blair, deprived of these sources of money, turned to a Republican National Committee list of 28,000 major contributors. Taking 14,000 of these names, he mailed invitations to a $500-a-person Sept. 18 fund-raiser featuring Agnew as the guest of honor.

The response was limp, so on Aug. 28, he called in about 50 volunteers who, in 14 to 16 hours a day, called about 85 per cent of those on the guest list.

Meanwhile, Blair himself was on the phone, calling persons he knew had been major Agnew backers. A prime target was the shipping industry.

From the GOP list came $1,000 from Reynold DuPont, $1,000 from Bernard Lasker, $100 from George Champion and $1,000 from Gov. Winthrop Rockefeller.

In shipping, Penmar Steamship gave $1,000, Noank Navigation $500, Argonaut Trading, $250 and shipping executives gave additional sums.

From the Greek-American community, Blair raised about $15,000 up to Oct. 15, the date of the last Annapolis filing.

When Blair attempted to turn to the same real estate and development interests Mandel had found so generous, he was rebuffed.

By the time Blair hung up the phone he knew it was all over. The ball netted $117,000 and Blair, deprived of his media money, canceled his air time and braced himself for election day.

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DEMOCRATS IN INDIANA FOCUS ON "SWAYABLE"

(By George Lardner, Jr.)

INDIANAPOLIS, IND.—The executives of WISH-TV had done their best for Corinthian Broadcasting, but a hurried memo to the home office in New York still seemed advisable.

The television station had deemed it a public service to carry Vice President Agnew's Sept. 23 campaign speech here live and spokesmen for Sen. Vance Hartke (D-Ind.) had been demanding similarly free time to respond to Agnew's characterizations—among them—"weak-kneed" and "short-sighted."

The showdown came at a luncheon Sept. 30 with Jacques LeRoy, Hartke's top aide and campaign manager. WISH commercial manager Howard R. Bunnell wired his account of the session to headquarters that evening.

"It got to the point that LeRoy was saying the senator was going to win and be more powerful than ever at the FCC, etc., etc. At this point, I decided desecration (sic) was the better part of valor and we offered him prime time," Bunnell reported.

But time on the tube was rarely free of charge. The order forms for political broadcasting here are full of notations reading "CIA," but at WISH-TV, that simply means "cash in advance."

Hartke's campaign cost some $286,000—more than half of the $550,000 reportedly spent for his reelection—on broadcast time and production work. Parallel radio-TV spending for his GOP opponent, Rep. Richard L. Roudebush, cost Indiana's Republican State Committee close to $550,000, perhaps more.

The Roudebush campaign secured its biggest contribution at the $100 dinner for Agnew where state GOP officials said they came away with $260,000. But in politics, emphasizes Republican State Chairman Buena Chaney, "it's important when you have your money. You need it in August and we didn't have it in August."

A TV saturation of Indiana's voters on behalf of Roudebush began on cue. Indianapolis adman Robert J. McQuade had it all plotted out: $338,000 worth of TV spots, $58,000 in five-minute shows (later cut back), $130,000 for radio commercials (also subsequently cut back), $46,000 for media production work.

But the Republicans were having money problems. GOP Chairman Chaney got collections from state patronage employees stepped up. Last-minute fund-raisers were held with the help, one party official says, of speakers "that we literally raided out of Washington." Still, the Indiana GOP is now about $150,000 in debt.

The TV campaign was resumed in mid-October, more heavily than ever, but Hartke and his organization had not been dormant. Democratic fund-raising moved into high gear with a $100 dinner in Indianapolis and cocktail parties in New York, Chicago and Washington, starting Sept. 25.

All were held under the aegis of a prestigious National Tribute to Senator Hartke Committee with members ranging from retired Indanapolis industrialist Miklos Sperling and former Gov. Matt Welsh to Washington lawyers Thomas G. Corcoran and Lloyd Cutler, Chicago builder Philip Klutznick (former president of B'nai B'rith and once head of the United Jewish Appeal) and Harold Willens of Los Angeles, head of a businessman's group devoted to keeping anti-war spokesmen in the Senate. The get-togethers netted more than $100,000.

More than $76,000 had already been donated to the campaign by organizations around the country, primarily from labor. A nationwide "peace mailing" produced between $20,000 and $30,000.

Most of the Hartke spending went for broadcasting. "We bought a lot of soap opera time," says Hartke's press secretary, Johnny Allen. "We went after the blue collar audience the old folks and women—the groups that our research showed were the most swayable."

On Oct. 13 came a televised debate. For Roudebush, his admen said, it was a disaster, the first and last full impression most TV viewers got of the previously little-known candidate who played a minor role in his own commercials. Many thought him unctuous.

In any case, Hartke clearly got more for his money, winning with a smaller budget and winding up with a deficit of no more than $20,000.

Dozens of checks, totaling between $12,000 and $15,000 and all dated in October, somehow failed to arrive at Hartke headquarters until the voting was over. "I'm sure most of those check were written," Hartke backer Albert Deluse says, "after it looked like Hartke was a winner."

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EVERYONE EAGER TO HELP IN THE TEXAS CAMPAIGN

(By Morton Mintz)

AUSTIN, TEX.—Deep in the heart of Texas politics is money.

Oil money. Banking and investment securities money. Business and industry money. Real estate money. Contractors' and doctors' money. Money from lawyers whose clients are oil and gas companies, banks, corporations, insurance firms, mutual funds.

And as much concentrated wealth as there is in Texas, political money flows in from other states.

W. Clement Stone, the Chicago insurance magnate and advocate of "Success Through a Positive Mental Attitude," sent $2,500 to help Republican Rep. George Bush becomes a Senator from Texas, and another $2,500 to help former U.S. Treasury counsel Paul W. Eggers, a Republican, in his unsuccessful bid to oust the incumbent Democratic governor.

Boston industrialist Thomas A. Pappas sent $3,000 each for Bush and Eggers. Pappas is one of the leading American supporters of the Greek military regime, with interests in oil, petrochemicals, steel and the Greek Coca-Cola concession.

Sen.-elect Lloyd M. Bentsen Jr., who built a multimillion-dollar fortune in banking, insurance and investment enterprises, and Gov. Preston Smith also had out-of-state help, although less of it.

Bentsen listed three $1,000 contributions, for example, from C. R. Smith of Washington. Smith, former Secretary of Commerce and head of American Airlines, is now a partner in Lazard Freres & Co., the international investment banking firm. Fred H. Vahsling Jr. of Boston, chairman of Maine Sugar Industries, Inc., was listed for $2,000.

But the recorded out-of-state donations were mere droplets in the flow of cash.

Bentsen reported 1970 campaign gifts of $841,746 plus loans of $140,000 for a total of $981,746 in available cash.

Bush reported $968,841 in gifts plus loans of $35,000 for a total of $1,003,841.

The office of U.S. senator, for which these two million-dollar campaigns were waged, pays $42,500 a year.

In 1966, the last time Texas voters elected a U.S. senator, the Democratic and Republican candidates reported total spending less than half the amount Bentsen and Bush laid out this year.

A Washington Post survey of station records showed that Bush spent $184,000 on television advertising in just five stations in Houston and Dallas. These large stations represent roughly half of the Texas television market.

The survey showed that Bentsen spent $115,450 on advertising on the same five Houston and Dallas stations.

In theory, reports required by Texas law should give voters the details of all receipts and expenditures. The fact is different, because of such loopholes as these:

Candidates are not required to report spending said to have been undertaken in their behalf without their knowledge and consent.

Some organizations listed by the candidates were not identified even by their managers. One such was "TEXPAC," which Bentsen listed for gifts of $13,000 (and Bush for $3,500). Investigation showed that "TEXPAC" was the political arm of the Texas Medical Association, which, in turn, has received in 1970 at least $20,000 from AMPAC, the political arm of the American Medical Association.

Efforts made with Bentsen's managers and others to identify "NAPACT," listed for $5,000, and "CITIGO," listed for $1,000 (plus $2,500 to Eggers) failed.

Undetermined numbers of donors are hidden behind dinner committees and other almost impenetrable facades. Thus Bentsen's reports gave no clues to the identity of the buyers of more than 2,000 tickets to a single mid-September "victory" dinner in Houston that produced $210,632.

The useful information yielded by individual reports varies widely. While Bush, for example listed the full name, street address and even zip code of most donors, other candidates, including Bentsen, often preferred to record a last name and only a first initial of the given name, along with the city of residence.

Oddly, Gov. Smith reported gifts from numerous corporations, including $500 from "Union Oil Co.," despite a flat legal ban on corporate donations.

Smith aides blamed recording errors. In

the Union Oil case, they produced a check for $500 drawn on the "Union Oil Employees Bipartisan Political Fund."

On the advice of counsel, the Union Oil group—and uncounted others like it—have not filed a report with Congress. The Corrupt Practices Act requires filings by organizations that raise and donate money to try to influence federal elections.

Despite the limitations on the reports candidates filed, some impressive figures emerge.

The GOP's Bush, Eggers and Archer, for example, were given $52,755 by six Houston citizens, at least five of them connected with the oil business. Democrats Bentsen and Smith were given $59,800 by seven other persons in Houston, at least five of them connected with the oil or gas business.

Bentsen also recorded gifts totaling $26,380 from seven attorneys in four Houston law firms with oil, financial and corporate clients, including Bentsen interests. The donors included Leon Jaworski, a close friend of President Johnson.

Reflecting on the campaign and its costs in his office at Lincoln Consolidated, a holding company situated on a high floor in a Houston skyscraper, the future lawmaker, Lloyd Bentsen, had no regrets.

Campaign television is "a good investment," he said. He added, however, "I had a very difficult time raising funds."

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CALIFORNIA FUNDRAISING PINCHED BY SLUMP

(By Leroy F. Aarons)

LOS ANGELES.—The telegram read: "President Nixon is sending a special envoy from the White House to afford a small group in L.A. an off the record background briefing on his recent European trip and the Middle East crisis.

"We urgently request you attend this very important luncheon . . ."

The "special envoy," it turned out, was Henry Kissinger, the President's top foreign policy adviser. The pitch was to a list of well-to do businessmen in west Los Angeles. About 100 showed up at the Oct. 20 luncheon. Kissinger gave his briefing and left. Then the organizers of the luncheon proceeded to the real business of the day: raising money for the United States Senate campaign of George Murphy. Before they were through, roughly $50,000 was pledged.

The technique was not a new one.

But it was unusual for a White House policy maker supposedly removed from politics to lend his presence, even indirectly, to a campaign fund raiser. It was, perhaps, a measure of the trouble George Murphy was in.

But, more than that, it was typical of the length to which California candidates had to go this year to meet the gargantuan costs of running for office. More than in any political year in recent history, the economic slump in California had a devastating effect on the amount of money available, the amount being contributed and the amount spent.

As a result, estimated total expenditures for major candidates in California in the primary and general election this year were surprisingly low: John Tunney, successful candidate for the U.S. Senate—$1.6 million. Murphy—$1.5 million. Jesse Unruh, Democratic candidate for governor—$1 million.

The figures are dependent on the reliability of campaign officials' estimates, which often turn out to be on the modest side. But they are consistent with the records of television spending, which under federal law stations are required to keep and make public and which are astoundingly low.

Even with room for underestimation, the major 1970 California campaigns don't come near equalling the money spent in the recent past. Allan Cranston, for example, spent at least $2 million to get elected senator in 1968; his opponent, Max Rafferty, spent about $2 million.

Ronald Reagan, who spent about $2.8 million this year, was able to get by with a little help from well-heeled friends. But other candidates, campaign chairmen and finance chairmen alike plead poverty at the drop of an invoice.

Item: John Tunney was almost continuously on the precipice of financial disaster, according to his money men. Eugene Wyman, a veteran fund raiser and Democratic Party power, said the fund raising job for Tunney was "the toughest ever. Basically, the campaign was a hand-to-mouth operation. We'd get money and spend it not knowing what tomorrow would bring."

In order to raise money for TV ads, Tunney's people made 16 mm. prints of his spots, threw house parties for a few influential guests, showed the film, and made a money pitch. "This way," said a strategist, "they knew what they were paying for."

Enough people gave for Tunney to win the election. But he now has to figure a way to pay a $350,000 to $400,000 deficit—most of it in loans from southern California people who were not prepared to give their money away this year.

Item: The telephone company, burned in the past by delinquent political debtors, would not put in telephone lines for the Jess Unruh campaign this money without a signed personal guarantee from treasurer Manning Post and others.

Item: In the midst of his successful campaign for California Secretary of State, Edmund G. Brown Jr., son of the former governor, sent letters to 31 television stations asking that they grant free five-minute prime-time segments for the various candidates, saying, "I am concerned that our democracy is rapidly becoming a plutocracy where only the wealthy can afford the ticket to public service—money for TV spots." Brown got lots of answers, but no free prime time. His TV budget was $100,000, two-thirds of all the money he spent.

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THE GALLUP POLL: EIGHT IN 10 FAVOR CAMPAIGN SPENDING LIMIT

PRINCETON, N.J.—The public is fed up with the conduct of political campaigns and one gripe is soaring campaign spending.

"If you don't have a million bucks, you might as well forget about running for political office these days," said a Norfolk, Va., barber when interviewed in a nationwide Gallup Poll now being completed.

"Think of what all the money being spent on campaigns could do toward solving some of the problems of the cities," complained the 41-year-old wife of an Oil City, Pa., truckdriver.

Based on early returns for the survey, a record 8 in 10 Americans now favor a law that would limit the total amount of money that can be spent for or by a candidate in his campaign for public office.

The Senate is expected to vote Monday on President Nixon's veto of a bill to limit television and radio spending in political campaigns. The vetoed measure, which could not become effective until the 1972 presidential campaign, would limit each party to about $5.1 million for television and radio time.

The gripes of Americans cover a wide range. In addition to favoring a reduction in campaign spending, many would like to see campaigns "cleaned up"—less name calling and distortion of issues.

"I don't believe in all this 'mud-slinging'," said a retired Indiana farmer, "candidates should come out with plain honest talk."

"I'd like to see less emotionalism in the campaigns and fewer appeals to territorial and racial concerns," said a 36-year-old doctor from Valdese, N.C.

The change called for next most often is to shorten the campaigning period, which now normally runs from Labor Day to early November.

"It all sounds like a broken record to me," said a retired real estate man from Holly Hill, Fla., "politicians could say all they need to say in a few days and be done with it."

The third criticism on the public's list is that political candidates fail to discuss issues in a well-defined and meaningful manner.

"They're so busy making promises and outshouting each other, you never know where they stand," said an irate middle-aged New Jersey homeowner.

All persons in the survey were asked this question:

*Would you like to see any changes in the way political campaigns are conducted?*

A record 7 in 10 Americans, or a projected 84 million adults, proposed changes. This is a higher proportion than recorded following any previous presidential and congressional campaign when similar questions were asked.

Only one person in seven (14 per cent) does not favor any change in the way campaigns are presently conducted.

The results reported today are based on personal interviews with 1,481 adults out of a total of more than 1,550 who were reached in the survey. The sample is designed according to modern sampling principles. Interviewing was begun on Nov. 13 with the bulk of the interviewing completed by Nov. 15.

The question dealing with a limit to campaign spending is as follows:

*Would you favor or oppose a law which would put a limit on the total amount of money which can be spent for or by a candidate in his campaign for public office?*

The national results:

| | Percent |
|---|---|
| Favor | 78 |
| Oppose | 15 |
| No opinion | 7 |

BROADCAST SPENDING

| State and candidate | Estimate of amount spent in 1970 [1] for general election | Amount permissible under proposed law for the general election |
|---|---|---|
| California: | | |
| John Tunney (D) | [2] $800,000 | $497,172.55 |
| George Murphy (R) | 500,000 | 497,172.55 |
| Florida: | | |
| Lawton M. Chiles, Jr. (D) | 30,000 | 141,689.52 |
| William C. Cramer (R) | ([3]) | 141,689.52 |
| Illinois: | | |
| Adlai Stevenson III (D) | 314,000 | 311,481.17 |
| Ralph T. Smith (R) | 305,000 | 311,481.17 |
| Indiana: | | |
| Vance Hartke (D) | 246,000 | 143,718.26 |
| Richard L. Roudebush (R) | 441,000 | 143,718.26 |
| Maryland: | | |
| Joseph D. Tydings (D) | [4] 55,111 | 79,360.89 |
| J. Glenn Beall, Jr. (R) | [4] 92,533 | 79,360.89 |
| Minnesota: | | |
| Hubert H. Humphrey (D) | 223,000 | 111,195.70 |
| Clark MacGregor (R) | 220,000 | 111,195.70 |
| New York: | | |
| Richard Ottinger (D) | 1,000,000 | 460,711.09 |
| James Buckley (C) | 500,000 | 460,711.09 |
| Charles Goodell (R) | 700,000 | 460,711.09 |
| North Dakota: | | |
| Quentin N. Burdick (D) | 49,949 | 20,000.00 |
| Thomas S. Kleppe (R) | 69,343 | 20,000.00 |
| Tennessee: | | |
| Albert Gore (D) | 150,000 | 87,403.05 |
| William E. Brock III (R) | 250,000 | 87,403.05 |
| Texas: | | |
| Lloyd M. Bentsen, Jr. (D) | ([5]) | 204,144.64 |
| George Bush (R) | ([5]) | 204,144.64 |

[1] Includes 15-percent advertising agency fee.
[2] Includes the primary election.
[3] Not filed.
[4] Does not include radio spending.
[5] Not available.

CAMPAIGN SPENDING

| State | Candidate | Estimate of campaign spending | Expenditures reported to Secretary of Senate as of Oct. 24 |
|---|---|---|---|
| California | John Tunney (Democrat) | $1,600,000 | 0 |
| | George Murphy (Republican) | 1,500,000 | $757,353.61 |
| Florida | Lawton M. Chiles, Jr. (Democrat) | 350,000 | 11,660.90 |
| | William C. Cramer (Republican) | 547,000 | 0 |
| Illinois | Adlai Stevenson III (Democrat) | 950,000 | 25,120.00 |
| | Ralph T. Smith (Republican) | 1,100,000 | 0 |
| Indiana | Vance Hartke (Democrat) | 550,000 | 0 |
| | Richard L. Roudebush (Republican) | 1,000,000 | 0 |
| Maryland | Joseph D. Tydings (Democrat) | 500,000 | 0 |
| | J. Glenn Beall, Jr. (Republican) | 425,000 | 10,200.00 |
| Minnesota | Hubert H. Humphrey (Democrat) | 550,000-600,000 | 300.00 |
| | Clark MacGregor (Republican) | 550,000-600,000 | 1,625.95 |
| New York | Richard Ottinger (Democrat) | 2,000,000 | 24,325.55 |
| | James Buckley (Conservative) | 2,000,000 | 1,141,377.92 |
| | Charles Goodell (Republican) | 1,300,000 | 232,983.25 |
| North Dakota | Quentin N. Burdick (Democrat) | 100,000-150,000 | 300.00 |
| | Thomas S. Kleppe (Republican) | 280,000-300,000 | 1,300.00 |
| Tennessee | Albert Gore (Democrat) | 500,000 | 2,418.84 |
| | William E. Brock III (Republican) | 1,000,000 | 26,110.06 |
| Texas | Lloyd M. Bentsen, Jr. (Democrat) | 1,031,912 | 0 |
| | George Bush (Republican) | 991,292 | 8,193.33 |

Note: Candidates are only required to report their expenditures for the general election, though some reports contain primary spending as well.

Mr. COOK. I yield 3 minutes to the Senator from Nebraska.

Mr. CURTIS. I thank the distinguished Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. CURTIS. Mr. President, I think it is well that we call attention to the fact that this proposal has never been referred to the Committee on Rules and Administration for consideration by the newly constituted Subcommittee on Privileges and Elections. That is the subcommittee that repeatedly held lengthy hearings on the whole subject of election reforms. That is the committee that reported the Cannon bill to which the Senator from Massachusetts just referred. We should keep in mind that any election control bill should be fair and uniform in its application.

I am sure that had the committee, which has been hearing this testimony year after year for a long time, considered this bill, that particular aspect would have received more attention. I do not see how we can place a limit on one type of campaign, one media, and not on another. I do not see how, in all fairness, we can assert the power of Congress to fix prices for one type of advertising, and not another.

In my opinion—and I do not anticipate that everyone will agree with it—the proposal before us tends to fix the price of what a broadcaster can charge a candidate for use of the facility. No such rule is applied to any other advertising medium. There is no limitation on what can be spent for paid workers. There is no limitation on how volunteer help can be utilized, even though those who lend manpower to a campaign may be paid.

The bill is defective in that its application to individual candidates will lack uniformity.

It is defective in that its application to various types of campaign expenditures provided by different contributors will lack uniformity.

I agree with those who tell us that there should be reform, but I do not believe the bill the President vetoed will help the situation. It will make it more confused and more unworkable.

Mr. PASTORE. Mr. President, I yield 5 minutes to the Senator from Alaska (Mr. GRAVEL).

Mr. GRAVEL. Mr. President, I think the President of the United States has rendered an invaluable service to this country because, if there is one area of our society that cries out for reform, it is how we elect people to public office. His veto has brought this issue to probably the highest peak of visibility that it has ever had. It has been brought to that level because he has vetoed the bill. Conflict and this visibility will bring about a proliferation of legislation, whether or not the veto is sustained today, and will eventually result in a solution.

But before this happens let us just analyze the President's veto message and some of the points he makes, because I think that is very relevant to the entire issue, and also some of the points that he does not make in his message. I think it speaks a world of volumes in information and points of view.

In this veto message the President said not one word about the repeal of section 315(a) and its consequences.

I do not have the legislative experience of JOHN O. PASTORE, but I am sure he would agree with me that, as a legislative vehicle, probably the best way to defeat a proposal is by the requirement of more study. More legislative proposals have gone down to their tombs under the argument of needing more study than probably under any other argument in history.

Mr. President, a second method would be through the argument—the one employed in this particular case—that the legislation simply does not go far enough.

We could liken the situation to that of a person who is hemorrhaging, and we could say that applying a tourniquet is only a half measure when what the patient needs is full surgery. Obviously, that method would cause the patient to bleed to death before we had an opportunity to perform the operation.

I find that John Gardner made a very wise comment at the end of an editorial in which he stated that no major reform in the history of this Nation has come about through a single act of major reform. Reform comes about through piecemeal methods. What we are really addressing ourselves to is the first piece in the entire meal that must be consumed by this Nation if we are to have a government that is truly responsive to the needs of the people.

In analyzing the President's message, I wish to cite his first statement, and that is that this bill endangers freedom of discussion. In analyzing the amount of money that has been spent around the country, one can choose any figure he wants. One can use figures in any way he wishes in this regard.

Let me say that spot advertisements of 30 seconds do not add to a discussion or dialog. Advertising that "Dan is the candidate. Dan is the man with the plan," does not add to the dialog or discussion in a democracy.

The amount of money involved here obviously could cover any intelligent dialog that one could engage in, in any State, regardless of the overlapping of stations or the fact that some States do not have TV stations.

We can criticize in detail the fact that the bill does not solve problems in some particular area——

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

Mr. PASTORE. Mr. President, I yield 2 additional minutes to the Senator from Alaska.

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

Mr. GRAVEL. Let me move to the second point, and that is that the bill discriminates against broadcasters. I think the most apt comparison to be made here is what took place in ancient Athens, where the Athenian forum was used by merchants, but when it was time to discuss the business of Athens, the merchants were moved off the forum.

The airwaves of the United States belong to the people of this country. When it comes to discussing the business of this country, when a candidate seeking office challenges another, the airwaves should be made available to the candidate free, but this bill provides only at the lowest unit cost.

I have experienced the situation in Alaska when commercial rates were jacked up during the course of a campaign, for the commercial users, but also for the campaigners, and then were lowered after the campaign.

Let me conclude by saying, briefly, that many future reforms will come about and efforts in that direction will be made. Unfortunately, the argument made here that this is not enough, begs the question of the rightness of an effort to accept one part of reform. If we talk in terms of total spending, we will never find a formula to control total spending; but we can in this case develop a formula that will solve the area of the largest expenditure—television broadcasting.

Mr. COOK. Mr. President, I yield 4 minutes to the Senator from Mississippi (Mr. STENNIS).

Mr. STENNIS. Mr. President, I shall confine my remarks largely to actual figures, and how they will operate under the terms of this bill.

In this year's election, if this bill had been in operation and I had had an opponent in the primary election—and very frequently, in my State and in some other States, the primary election is the major fight, and is, for all practical purposes, the election—I would have been limited in defending, by this medium, which is the most effective one, my record of more than 20 years in the Senate, to an expenditure of $15,000. To me, that is just unthinkable, it is so far out of line.

I caught the implications of this bill when it was first up for consideration. Even though I completely favored the idea, I was compelled to vote against it. Later, when the bill in its present form was ready for passage, with my great faith in the Senator from Rhode Island, and in appreciation for his efforts on the subject, I did vote for it, with the hope and expectation that adjustments would be made.

I think this is the proof of the pudding: In the preceding race in my State, in 1967, the limitations in the bill would have allowed $31,000 in the general election, and, as I have said, $15.7 thousand in the primary.

We need not fool ourselves: This medium is the most effective way that candidates themselves can get to the people.

I do not accept the idea that if you do not take one step, you will never take the big step. I think this proposal has served the purpose of focusing attention on the problem to the Nation, to the people, and to all of us, and that we will have and should have, and I shall vigorously support, an overall program, after hearings are held and the facts are determined.

No committee would recommend that any candidate be limited to $15,000 in the most meaningful race for an office as important as this. So, after the facts are developed, the comparisons made, and the equities adjusted, and a reasonable rule evolved across the board for all media, with regulations and penalties spelled out, I am sure we can, and I feel that we shall, pass such a law, that will go a long way toward meeting the problems we are confronted with on this subject matter now.

But I not only say that I cannot support this bill; I am compelled to say, on behalf of all candidates in my States and all future candidates: Do not impose upon us such an unrealistic, unintentional finding as these figures would mean in the way of a penalty on the most effective medium we have for the candidate himself to reach the people.

I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. COOK. I reserve the remainder of my time.

Mr. PASTORE. Wait a minute; what is the time situation here?

The PRESIDING OFFICER. The Senator from Rhode Island has 8 minutes. The Senator from Kentucky has 9 minutes. Who yields time?

Mr. COOK. I yield 1 minute to the Senator from Alaska.

Mr. STEVENS. Mr. President, I am the only Member of this body who has just come through an election and must stand for election again in 1972. I, in fact, did not spend the amount that would have been approved by this bill; but I think this bill is a very bad bill, because it imposes upon the small radio and television stations of my State the burden of selling time to any political candidate at the lowest stated rate that they charge for that unit of time to any commercial user. It is patently unfair to discriminate in this manner against the broadcast media of my State. There is no justification for requiring the television and radio stations to subsidize our campaigns; and that is precisely what we are doing when we force stations to sell us time at a rate reserved for users who have earned a lower rate through continued purchases of large amounts of time.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. COOK. I yield the Senator from Alaska 1 additional minute.

Mr. STEVENS. Mr. President, I ask unanimous consent to have printed in the RECORD at this point telegrams I have received from the presidents of the two major networks of the State of Alaska.

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

MIDNIGHT SUN
BROADCASTERS, INC.,
ANCHORAGE, ALASKA,
*November 22, 1970.*

Hon. TED STEVENS,
*Senate Office Building,*
*Washington, D.C.:*

In reference to the Senate's action regarding the President's veto of the bill imposing limitations of political spending via radio and television media, your vote is important to sustain that veto in view of the unfair spending limitations that would be imposed on the electronic media in Alaska, as well as deny or limit the opportunity of many candidates to become known in areas of the State which are isolated and have no other means of becoming acquainted with the voter and vice versa. Your support of the President's veto is essential to the ideals of equality that are the basis of the electoral system and the Democratic process of government. Your support will also allow the voters in both remote areas and more urban centers to have the opportunity to be fully aware of their candidates positions on vital issues, without limitations being placed upon that right of knowledge. Your vote against this discriminatiory bill would, I believe, be in the best interest of Alaska and Alaskans.

Yours respectfully,
ALVIN O. BRAMSTEDT,
*President.*

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ALASKA BROADCASTING SYSTEM,
ANCHORAGE, ALASKA,
*November 23, 1970.*

Hon. TED STEVENS,
*Senate Office Building,*
*Washington, D.C.:*

Reference the upcoming Senate vote to overcome the President's veto of the Senate bill imposing a limitation on political spending on radio and television media, all eleven radio and TV stations of our Alaska broadcasting system network strongly oppose this limitation and support the President's veto. We feel it is discriminatory and unfair that spending limitations should be imposed on our media only. Further by limiting exposure on radio and television, it would restrain the opportunity for politicians to be seen and heard to the fullest extent by Alaskan television and radio audiences who in many instances are isolated and have no other means of becoming acquainted with and thereby intelligently voting for candidates they feel are best qualified for political office. Supporting the Presidents veto would preserve the democratic process of allowing all advertising media to remain equal would sustain fairness to broadcasters as well as provide a great service to the people of Alaska I respectfully request that you consider all aspects of this discriminatory Senate broadcasting bill and vote in favor of equality and fair play.

A. G. HIEBERT,
*President.*

Mr. STEVENS. I urge my colleagues to vote to sustain this veto.

Mr. PASTORE. Mr. President, I yield 3 minutes to the Senator from Texas.

Mr. YARBOROUGH. Mr. President, are we again nearing the point where seeking political office may become the province of combinations of big money? William Allen White described the U.S. Senate in the era of the Harrison administration as follows:

> A United States Senator . . . represented something more than a State, more even than a region. He represented principalities and powers in business. One Senator, for instance, represented the Union Pacific Railway System, another the New York Central, still another the insurance interests of New York and New Jersey . . . Coal and iron owned a coterie from the Middle and Eastern seaport States. Cotton had half a dozen senators. And so it went.

The U.S. Senate was derided in those days as the "Millionaires Club" and its prestige and moral leadership was in serious jeopardy. Eventually, as fortunately happens in our democracy, we found a way to impose restraints on corrupting influences and Congress passed the Tillman Act of 1907, prohibiting corporations from contributing money for Federal election campaigns.

Mr. President, we will very shortly be considering the vote to override the Presidential veto of S. 3637, a bill which would protect us from a repetition of those unhappy times by curtailing broadcast spending in political campaigns; spending which has sent campaign costs soaring by 300 percent over the past 12 years. It is my hope that the Members of this great deliberative body will set aside partisan considerations, and support all efforts to gain enactment of this vital piece of legislation. It would be unwise and regrettable to delay reform any longer in the area of campaign expenditures. If we sustain the President's veto, we delay reform.

This legislation would impose a ceiling on broadcast spending of 7 cents per vote cast in the last election for the office, or $20,000; whichever is greater. For instance, during the 1970 general election, a candidate for the Senate in my home State of Texas would have been allowed to spend a maximum of approximately $204,145 on his media campaign. It is likely that each candidate for the Senate in Texas in the general election, or their friends, spent at least several times that amount for radio and television time during their recent campaigns.

There are other provisions in the bill which would (a) suspend equal time requirements during presidential campaigns which would allow debates between the major candidates in 1972; (b) require stations to charge the lowest unit cost for time purchases by candidates; and (c) limit what is spent in primary campaigns to half what is allowed during the general elections.

This legislation reflects the fear that we are on the brink of another crisis in political finance. The costs of political campaigning have risen in a spectacular fashion over the past decade. The introduction of sophisticated advertising techniques into political campaigns has doubled, and perhaps tripled the average expenditure for political campaigns. Million-dollar campaigns are becoming commonplace in many statewide races, and in larger States we are approaching the day when a $10 million outlay will not be uncommon. While there are still a few exceptionally fortunate men elected without vast outlays for television, it is now a political reality that saturation of radio and television with political advertising has become a virtual necessity in most cases if the candidate is to win. Reasoned debate has been replaced by the slick 60-second spot announcement—flashing images before the voters which are often wholly irrelevant to the issues at stake. The TV commercial is also a handy vehicle for the insidious development of the "big lie" technique. We saw that this year at its worst in Indiana, Utah, California, Tennessee, and in my own State of Texas—where I was on the receiving end of a diabolical television blitz designed solely to stimulate fears and hate and obscure issues.

It is not just the quality of the debate which suffers in this situation. The integrity of our representative democracy is threatened; for when we are faced with campaigns requiring vast expenditures, we must find a way to finance those expenditures, and men of modest means must turn somewhere for the money to pay the bills. Financing campaigns under our present system is fraught with potential for influence peddling, and is in serious need of reform. This is a sore which has long festered in our political system. There are legitimate fears that campaign costs will reach the point where running for elective office might soon become a contest between vast combinations of wealth.

Through his October 12 veto of the bill before us, President Nixon put his stamp of endorsement on unlimited campaign spending and impeded the first major campaign financing reform in 45 years. The sad effect of this veto is to place governmental seats up for sale, for he who can spend millions to control the people's airways and blanket out his opponent's campaign has a greater chance to be elected. If unlimited expenditures on campaigns continue we can eventually end up with a "bought government" and such a government will not be on the side of the people of this Nation, nor on the side of the best national interests. It will instead be representative of the people who can spend the most.

The President alleges that this legislation "plugs only one hole in a sieve," but any informed observer must admit that S. 3637 would plug what is by far the largest hole in the sieve, for TV advertisement accounts for 70 percent of campaign media costs. No one believes that this measure will serve as an immediate panacea for all the complicated problems of financing campaigns for elective office. It is true that big money candidates certainly don't limit their abusive campaign practices to television. In some areas the heavy use of radio, newspaper ads, or mass mailing to selected special interest groups is used with even more devastating effect than television. For instance, a libelous ad placed in a rural newspaper during the final days of a campaign is almost impossible to answer since these papers are usually published weekly. Nevertheless, limitation of spending on electronic advertising is a step in the right direction. Is a partial solution to the problem worse than no solution as the President seems to indicate by virtue of his veto of the bill?

We cannot wait longer, Mr. President, for we are to the point where most candidates for major elective office must be men of vast means or turn to the giant special interests for the funds needed to finance their campaigns. As they do so, we must recognize that most large contributors seek to make their beneficiary beholden to them. When this happens, representative democracy is distorted and the integrity of our political system is challenged.

We here in the Senate know this and the American people know it also. I believe they want this veto overridden. According to the Committee for an Effective Congress, over 80 percent of the American people recently surveyed believe that only a rich man can run for office. A recent Gallup poll showed that a like number believe we must place limits on spending for political campaigns. Fundraising scandals have been with us for almost all our history, but never has the potential for malfeasance been so great as it is today. Our failure to respond to this problem even in a limited fashion will not only perpetuate this grave risk, but create more distrust, more bitterness, more alienation among a people already grievously concerned about the Nation's basic institutions. It will further alienate a growing body of young people who doubt the ability of their seniors to manage the affairs of government with skill and integrity.

We must return to intelligent debate, to honest presentation of the issues, to fair portrayals of the man who seeks public office or soon we shall find our elective process cynically manipulated by imagemakers with one hand on the computerized poll results, another hand on the strings of puppetlike candidates, and an ever-present eye on the financial hordes which have been amassed to bankroll our politics.

This bill does not get at the problem of limiting campaign contributions, or liberate the candidate from multimillion-dollar campaigns, it does diminish the risk that politics will fall completely into the hands of special interest groups. We must approach this matter like a doctor who approaches a sick patient with a grave illness which is being further aggravated. We must control the source of aggravation lest the patient die before we can treat the illness. The runaway cost of political campaigns is in that situation today—the costs have soared near a point where only those with vast financial resources can participate, and the means whereby we finance election campaigns have taken us to the brink of national scandal. If we continue to wait, continue to search for a perfect bill, we may find that the political system has lost the confidence of the people and the moneychangers have taken control of our process.

President Nixon would have us wait—wait for a new initiative which he says he plans to put before the Senate in the next session. I say, let him do so, and I hope his recommendations can improve on this partial solution. But I firmly believe that we would be remiss in our duties and untrue to the notion of a division of powers if we simply sat back and did nothing because the executive branch might have a better idea in the future. If they expect to have a better idea, let it come forward when it is mature. Meanwhile, Mr. President, let us get on with our business and assert the leadership expected of us by the Founding Fathers and demanded by the grave problem we address. Let us override the Presidential veto imposed on Senate bill S. 3637.

Mr. COOK. I yield 3 minutes to the Senator from Arizona.

Mr. FANNIN. Mr. President, we have just emerged from the sound and fury of another election campaign. The democratic process has again survived everything that we in the political arena could subject it to. It will be another 2 years before we again do battle.

Why, then, can we not take just a little time to analyze what must be done to make our election process more fair?

Why should we rush to try to override the President's veto of S. 3637, the bill to limit television campaign advertising?

It is obvious that any attempt to override at this time is aimed solely at spiting the President, no candidate in this past election was more concerned than I about being the victim of a television blitz.

My opponent hired the most powerful of media experts, he poured more money into a media campaign—a marvelous television blitz—than anyone ever has in the history of Arizona. And to top it all off my opponent was a former television announcer.

I certainly would like to have cut him off at the television pass.

So I know a little about the problems of trying to run a rational, well-balanced campaign in the face of a massive television onslaught.

Some critics are saying that by passing the television limitation we will correct the most glaring inequity in campaigning.

This may or may not be true.

If we do pass this bill over the President's veto, then many Members of Congress will argue that they have done their job, and there will be no further efforts at improving the election process.

One thing that bothers me about limiting the amount of spending on television commercials is the fact that this could result in a deterioration in the substance of political commercials.

Obviously most of us are not very happy about the substance—or lack of substance—in television campaign commercials. This is especially true of the commercials run by or on behalf of our opponents.

But I am suggesting that a campaign spending limit for television could result in an even further deterioration.

It would encourage candidates to chop up their television expenditures, concentrating on brief spots with catchy slogans that tell the voter absolutely nothing. We all know what kind of spots I am talking about—the ones that show a candidate romping with his family, or sailing, or at the beach, or horseback riding. They blend in some pleasant music. And then comes the penetrating message—in five words or less—to vote for the candidate.

Such shallow ads are great to sell products—and to sell candidates who want to aim their appeal at voters who are subject to such simple appeals.

It seems to me that the more meaningful television commercials are the ones that run long enough to give the voter a real message about what the candidate has done or wants to do for the electorate.

I am not advocating it at this time, but maybe we should consider a provision requiring that each political commercial on radio or television would have to run at least 3 minutes.

There are many other facets of the campaign process that we should take a look at.

For instance, we should tighten down on the use of union funds in political campaigns.

We may want to impose an overall spending limit on campaigning. We may want to limit the length of campaigning.

Whatever we do will be meaningless unless there is sufficient enforcement provided for in the law.

Mr. President, I do not think S. 3637 solves our problem as it stands. President Nixon was wise in vetoing it.

Let us just scrap the bill as a well-intentioned but inadequate effort to reform the campaign progress. Let us start all over again and come up with a bill during the coming year that will make the 1972 elections the best possible expression of the people's will.

Mr. PERCY. Mr. President, if the elections 3 weeks ago revealed anything, they revealed the absolute necessity of legislating reforms in the election process itself. Such a mandate is tempting. I doubt if there is a single Senator whose first impulse is not to support whatever reform proposals are presented.

When we hear that the gubernatorial and senatorial campaigns in one State alone cost $35 million; when we learn that one candidate had to spend five times the amount he has spent in any campaign in the past in a political career spanning some 30 years and then, despite his expenditures, lost in his reelection bid; when we discover that in many instances there was an absence of reporting any information not to mention the absence of reporting accurate information; we are compelled to inquire into the real costs the American public is having to pay when its political candidates are pressured into the "big spending" trap. What does it mean in terms of the membership of Congress? What does it mean in terms of the demands placed on the impartial judgment of elected officials?

No one disputes the need for election reform, but the question presented in passing on the President's veto of this bill is whether or not we shall have equitable and meaningful reform which hits at the real abuses in political campaigning. I do not feel that the legislation before us does that job.

When the bill was first being debated on the Senate floor last April, I indicated my reservations. I have no quarrel with the provision permitting broadcasters to present debates and appearances by major candidates without having to give equal time to fringe or splinter party candidates. Similarly, I support the limitations on broadcasting stations whereby legally qualified candidates for any office would be charged the lowest unit charge of the station for the same amount of time and the same period charged a commercial buyer.

However, in my judgment, the bill is materially deficient in the loopholes it opens and in the things it does not say. As I indicated, I support billing limitations on time used by political candidates. But the provision is so written as to limit only the time personally used by the candidate. It does not speak to the use of time by committees or other individuals sponsoring a particular candidate. Are they to be charged higher rates, lower rates, or no rates at all? Is there to be uniformity in charges levied among all candidates or will some be favored?

The 7-cent-per-vote restriction is most problematic. It unquestionably favors incumbents; it fails to take into consideration the special circumstances in individual States and/or campaigns where established cost limitations fail to fit their unique circumstances; it ignores the problem of multistate media costs altogether; and it omits any controls on use of the mails, newspapers, public opinion surveys, printed advertisements, campaign organization, or travel. Any one who has run for public office at any level knows that each of these expenses carries the potential of being as great and as burdensome as the costs for radio and TV time.

Our distinguished minority leader has already committed himself to drawing up legislation early next year which promises comprehensive reform and the President has endorsed such an effort. In this same vein, I have directed my own staff to put together legislation incorporating election reforms along the lines I have just described.

Thus, I want to reemphasize the fact that the question which the Senate is deciding today is not one of being for or against reform; it is a question of whether or not we shall have fair, effective, and comprehensive reforms which adequately meet and deal with the magnitude of the problems which confront us.

I would favorably consider an agreement with my opponent along the lines of this bill, should I run for reelection in 1972. As I have sought to indicate, I consider this legislation a step in the right direction. But I would hope that by 1972, elections could be conducted according to a new code where money is not the only object. I look forward to the time when we permit the voters to choose on the basis of issues and not image; on records of achievement, not advertising claims; on sensitivity to constituents, not submission to contributors.

This bill simply fails to bring us to a point where we can begin toward this goal. It was properly vetoed by the President, and I urge my colleagues to vote to sustain that veto.

Mr. THURMOND. Mr. President, I would support any legislation which realistically achieves the goal of limiting big spending in political campaigning. However, I am opposed to S. 3637 for not only does it fall short of this meritorious goal, but in my judgment, will actually make matters worse.

I opposed this bill when it was considered and passed by the Senate. Subsequently, President Nixon vetoed this bill and I shall once again vote against this bill in an effort to sustain the President's veto.

S. 3637 does not in any way limit the overall cost of campaigns, but only limits the amount of money a candidate may spend on radio and television advertising. Since it does not apply to other forms of advertising, a candidate, if he desires to spend large sums of money, may simply shift his campaign spending to newspapers, magazines, billboards, pamphlets and direct mailing. This not only discriminates against the broadcasting industry, but conceivably could encourage more spending in the candidate's effort to reach the voters. In my judgment, all laws should apply equally and no single individual, group of people, region or in this case, one form of media, should be forced to bear the brunt of any act of Congress.

It is a well-known fact that radio and television provide the greatest public exposure for a political candidate. This bill would place a little known but qualified candidate at a severe disadvantage, because the incumbent officeholder or a famous personality is already well known to the voters. An honored past of the American political tradition is that any citizen has the right and opportunity to seek and ultimately win elective office. This tradition will be stifled by passage of this bill. A vote in favor of this legislation is a vote to feather one's own nest and make it more difficult for a challenger to defeat an officeholder.

S. 3637 would also establish rules for computing the rates charged by radio and television stations. This would give

more power to the Federal bureaucracy to further regulate private enterprise. Our country needs less Federal intervention not more.

In conclusion, I am opposed to big spending in campaigns as I am opposed to big spending in government. However, before the Congress tampers with our election process, it should be certain that its tampering does not give an unfair advantage to the incumbent officeholder over an unknown. Nor should it discriminate against one form of media and give more power to the Federal Government to further regulate private enterprise.

Mr. HATFIELD. Mr. President, I share the concern of the entire country about the recent increase in the cost of political campaigning. The 1970 campaign illustrated both the success and the failure of the "media blitz," but the cost figures are equally high in both cases.

The costs of television and radio are but one part of campaign costs, and I fear that passage of this bill will slow action on broader campaign spending reform. This is why I opposed the bill when the Senate considered it earlier this session.

I shall vote to sustain the veto of this bill. I do this based on the assurances of the President in his letter to Senator SCOTT that the administration will support a broader campaign reform proposal in the 1971 session.

Reforms in campaign spending are needed, and I do not want my vote today to be interpreted as a vote against campaign spending reforms. I would hope that aspects of this bill will be included in a broader bill if the veto is sustained.

Mr. NELSON. Mr. President, the experience of political campaigns in the last several years has verified the tremendous financial costs which face any candidate for public office in the United States. As surveys and reports of campaign spending in the recent 1970 elections are made public, it is becoming increasingly clear that the major portion of campaign costs is for television and radio time and the services of consulting experts in the use of the electronic media for political purpose. When 50 to 75 percent of campaign expenditures is spent to set the phosphorous dots of TV screens dancing, there is an issue of immediate and specific national focus.

Pocketbook politics and packaged politicians raise a great number of important and vital questions for the future of representative government in this country. Six- and seven-figure campaigns for public office greatly restrict the accessibility of the political process to most segments of our society. The need to generate this amount of campaign financing greatly enhances the probability of special interest appeals and questionable attachments. Vast loopholes in the requirements to report campaign contributions and expenditures close off any possibility of a moderating influence from close public scrutiny. And a two-dimensional, 18-inch high candidate presented with all the candor of a laundry product or a dancing dog act does little to assure a concerned public of the relevance and responsiveness of the political process in this country.

In short, there is no longer any doubt about the need for comprehensive election reform. It is, therefore, encouraging to see the nonpartisan commitment of leaders in the Executive and Congress for broad election reform legislation in the 92d Congress. The future proposals and actions of the next 2 years in this area should receive a great deal of attention when they arrive.

As stated, these broad comprehensive reforms are still rhetorical concepts which may take legislative shape on a large scale in some presidential and congressional action in a tomorrow of a future Congress. Unfortunately, legislative tomorrows, tomorrows, and tomorrows also have a habit of creeping on and on in a similar petty pace of time.

Today, however, we can do more than grandly speak about our plans for future reform. We can act on one specific area of expanding abuse—political broadcasting. We each have one vote in our hand that can be cast to say "let us begin today to free our political processes from the financial clutches of the electronic middleman." This afternoon we can take an initial step to open up our political system and make political communication more of a kinetic process between a candidate and his constituency.

The political broadcasting bill which is presently before us makes a start at campaign and election reform by removing the equal opportunities provision of section 315 of the Communications Act so as to allow greater opportunity for debates in presidential elections. It also would provide for minimal charges for media time while limiting the total amount of moneys that could be devoted to radio and television in any primary or general election for major office.

There is no reason to delay initiating election reform any longer. The electorate has a right to expect a little more action in this area than a 30-second blurb on the evening news about the critical need for campaign spending limits.

Mr. WILLIAMS of New Jersey. Mr. President, today the Senate will demonstrate whether it is really committed to correcting some of the faults in our electoral system.

When we vote on overriding the President's veto of the campaign spending bill we will be telling the Nation whether we sincerely believe that the system needs reform.

We took the first, tentative step when we first passed this bill. Now, we are called upon to confirm our commitment.

Our vote today will indeed be historic.

If we vote to override we will be demonstrating to all those critics of our system of government that the system is responsive; that it can reform itself when the need arises.

But if we fail to override, we will cast a shadow of doubt over our commitment to the ideals we talk about.

We have just put behind us elections which clearly demonstrated the need for controls on campaign spending.

Across the Nation, from New York to California, millions upon millions of dollars were poured into the purchase of radio and television time so that candidates could air whatever message they felt would win them votes.

In many cases, these political commercials explained what a candidate stood for, what his record was, and what he proposed to do if elected.

But, in far too many instances, candidates used the air waves to try to broadcast innuendo, distortions of fact, and irresponsible charges.

Enactment of a law limiting radio and TV spending will not automatically end this despicable type of campaigning.

But, hopefully, if candidates know their broadcast advertising time is limited they will use it more wisely.

An enactment of this law will certainly put a stop to the disturbing trend toward attempts to buy elections.

Mr. President, I believe the recent elections showed that the American people have no wish to purchase their Government leaders like they purchase toothpaste or laundry soap.

In case after case voters refused to respond to sophisticated sales pitches or base fear tactics which bombarded them every time they turned on a radio or television.

And, in case after case, voters indicated they want to choose their representatives based on intelligent discussion of the real issues facing us.

In the face of this evidence, it would be wrong for us to allow multimillion-dollar political advertising campaigns to continue dominating the air waves every election year.

When he votoed this bill, the President said that placing a limit on radio and TV spending would not absolutely guarantee lower campaign budgets.

That is correct.

But, I think it would be a long, first step toward curbing irresponsible campaigning and excessive campaign spending.

It is not my purpose in these remarks to imply that the broadcast media do not have a vital role to play in our electoral process.

They certainly do have that role, and I think this bill would strengthen, rather than weaken it.

By desaturating the airwaves of political advertising, I would hope this bill would encourage increased presentation of the candidates and the issues via radio and TV news programs.

Broadcasters have shown they are capable of outstanding public service through responsible, balanced, and full coverage of election campaigns. Increases in this type of broadcasting would certainly be a welcome and constructive substitute for surplus political advertising.

In any case, Mr. President, there can be no question that the campaign spending bill before us today ought to be enacted. It provides a vital beginning down the road toward insuring responsible campaigning.

I unreservedly urge my colleagues to cast their votes today in favor of overriding the President's veto of this long overdue legislation.

Mr. MONDALE. Mr. President, I was a strong supporter of the legislation to limit television spending and institute other needed reforms in political use of the airways. As we consider the President's veto of that bill, I am all the more convinced that we must move to curb the dangerous power of money in our democratic process.

In meeting this urgent need, however, the Congress must make sure that the reforms we introduce are absolutely fair and effective. And those of us who support this legislation must recognize that restrictions on broadcasters alone are both discriminatory and piecemeal in dealing with the larger problems of campaign spending.

And so, Mr. President, we should be clear that our essential action now to reform broadcast spending is only the first step in a comprehensive program to control campaign expenditures of every kind. And we must complete these urgently needed reforms at the earliest moment in the next Congress.

I welcome the administration's pledge, therefore, to cooperate with the Congress in bringing about those reforms early next year.

That is the spirit in which I will cast my vote to override the President's veto. I do so looking forward to a truly bipartisan reform effort which will be fair to the broadcast industry as well as serving the public interest.

Mr. PASTORE. Mr. President, what is the time situation?

The PRESIDING OFFICER. Each side has 4 minutes remaining.

Mr. PASTORE. I yield 1 minute to the Senator from Missouri.

Mr. EAGLETON. Mr. President, much has been said, and very well said, with respect to this bill to limit campaign spending on broadcast media. This vote involves more than a particular bill on election reform. More is involved than just whether one medium is affected by this bill more than others. It involves more than whether we should draft broader measures affecting the totality of campaign spending—and I believe we should. And I hope that in due course we do.

What really is involved in this issue—and I hope this bill is but the first in a series of campaign spending reforms—is whether our Nation is to become a Nation governed of the rich, by the rich, and for the rich.

Is public office to be accessible to those of lesser or moderate means, or is it to be the sole prerogative of those of inordinate and excessive personal wealth or those who are friendly with and accessible to those of inordinate means? That really is the basic issue before us in this veto override.

The PRESIDING OFFICER. Who yields time?

Time is being subtracted from each side.

Mr. PASTORE. No. The time is being taken by the other side. I cannot help it if they are not on the floor.

The PRESIDING OFFICER. Who yields time?

Mr. COOK. Mr. President, I yield 4 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. GRIFFIN. Mr. President, the American people—and I am sure a majority in Congress—and meaningful limits on the total amount that can be spent by or for a candidate in a campaign.

The basic, crucial question facing the Senate now is whether this bill represents a step forward or a step backward from that goal. I submit that because the public has been misled by much of the publicity focusing on this bill, a vote to override the President's veto and allow this ineffective bill to become law would be a step backward.

Yesterday's New York Times published a story reporting on a Gallup poll. The story begins:

> The public is fed up with the conduct of political campaigns, and one of its chief complaints is soaring campaign spending, according to the Gallup poll.

Then it says:

> Based on early returns of the survey, 8 of 10 Americans now favor a law that would put a limit on the total amount of money that can be spent for or by a candidate in his campaign for public office. The question asked by the Gallup poll people was this: "Would you favor or oppose a law which would put a limit on the total amount of money which can be spent for or by a candidate in his campaign?"

And 78 percent of the people said, "Yes."

I am not surprised that they said, "Yes."

Then the story goes on to report that today the Senate will be voting on a bill that will only limit—and ineffectively limit—how much could be spent for radio and television advertising.

Mr. President, enactment of this bill would only delude the American people. If the President's veto is overridden and this bill becomes law, many people will believe that reform has been achieved—when actually that would not be the case. This bill would put no limitation whatever on the total amount that can be spent. The sky will still be the limit. A candidate, or those working on his behalf, could still spend all the money he wants in direct mail, newspaper advertising, billboards, and in other ways.

If the President's veto is overridden, the pressure and the support of the public for meaningful and effective reform will be gone. I do not think it takes a great deal of wisdom to predict that if this bill were to become law, that would be the end of the effort to do anything about campaign spending reform.

I know that those who will vote to sustain the President are in a difficult position temporarily. But if we prevail, the pressure and the public support will still be there; indeed, it may increase and we can go forward to achieve meaningful and effective reform which will place a limit on the total that can be spent.

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

Mr. PASTORE. Mr. President, I yield 1 minute to the Senator from Missouri.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SYMINGTON. Mr. President, earlier this year the Senate approved the political broadcasting bill by a vote of 58 to 27; and the House passed said bill 272 to 97.

This legislation, vetoed by the President, seeks to place a limit on television and radio campaign spending by candidates for the offices of President, Senator, Congressman, Governor, and Lieutenant Governor in both general elections and primaries.

It also places a limit on the amount that a radio or television facility can charge a legally qualified candidate for public office at the station's lowest unit rate charged for commercial time.

The third feature of this political broadcasting bill is the provision to repeal the equal time provision of the Communications Act so that broadcasters could make time available for debates of the issues by the major candidates for the office of President and Vice President.

No one claims that this bill is a panacea for all problems that need to be dealt with in overhauling our electoral process. No one piece of legislation is ever likely to be designed to make all needed reforms.

Enacting this bill into law, however, will be an important step toward reducing excessive spending on electronic media. By putting a lid now on television and radio campaign expenditures, we will have at least recognized the importance of taking this and further action that is needed to do our best to assure that men and women will be selected for public office more on the basis of their merits, instead of on their means or ability to obtain extraordinarily large sums of money with which to conduct their campaigns.

It is for these reasons I will vote to override the veto of the bill by the President.

Mr. MUSKIE. Mr. President, on October 12, President Nixon vetoed and returned to the Congress the Campaign Broadcast Reform Act—the first major election reform measure passed by the Congress in 45 years.

This is an act which places a measure of control on the growing excesses in the use of television in political campaigns. It is an act which found overwhelming bipartisan support in the Congress. Sixty Senators and 247 Members of the House, members of both parties, voted for the measure on final passage.

The act attracted support of this kind because it was designed to correct an ill in our political life which threatens both parties—which in fact threatens our basic system of government.

I refer, Mr. President, to the accelerating costs of political campaigning, which doubled between 1952 and 1968, and increased by 50 percent between the 1964 and 1968 presidential elections. The single items in campaign budgets most responsible for this increase has been television. Expenditures for television grew by 70 percent between the 1964 and 1968 elections. The reports from the 1970 election will show that these expenditures climbed even higher.

Why is the steadily increasing cost of seeking political office cause for concern?

Because, unless we do something soon, we will make it increasingly difficult for candidates to seek political office without becoming overly indebted to a small number of large contributors.

Because, unless we act to encourage constructive use of television and radio, it will become increasingly more difficult for the people to choose elected officials on the basis of the positions they take and the programs they support, rather than on the basis of the amount of television time they can buy.

To be sure, the Campaign Broadcast Reform Act does not cure all the abuses in political campaigning. And I agree with the Senate minority leader that comprehensive reform of the campaign laws should be high on the agenda in the next session of Congress. But the promise to do something next year is no excuse for rejecting legislation which promises to bring under control the greatest single cause of rising costs in election campaigning.

Mr. President, it is misleading to state flatly that this act will favor the incumbent. True, the incumbent frequently has the advantage of public exposure over his challenger, and to the extent that the act would prevent a challenger from becoming known, it may aid the incumbent.

However, in many cases, the incumbent has greater resources at his command. In these cases, the limit which the act places on broadcast media expenditures will reduce the burden which the challenger is forced to meet.

In any event, a clear-cut line cannot be drawn.

And it should not be.

Our purpose in enacting this legislation is not to favor one party over another, nor an incumbent over a challenger. Our purpose is to place a limit on the extraordinary amount which is now spent on media advertising. This is what we must do, if we are to provide some degree of equal opportunity for presenting different points of view during political campaigns.

Finally, the legislation before us does not discriminate unfairly against the broadcast media. Expenses for television and radio advertising are by far the greatest costs of political campaigning. We must bring these costs under control if we are serious about stopping the rapid increase in overall campaign spending.

Moreover, Mr. President, the airwaves belong to the public. Broadcasters are licensed to use the airwaves in the interests of the public.

The public interest demands that each candidate have a fair opportunity to present his case to his constituency. But the public interest is abused when financial resources alone determine the relative access of opposing candidates to use the airwaves.

Mr. President, we confront the question whether the Congress will act to preserve political opportunity in America; or whether we will allow the electoral process to be distorted, perhaps even destroyed, by uncontrolled campaign spending.

We can vote to insure the right of every citizen to a balanced presentation of views; or we can deliver up that right to those few with access to vast financial resources who may seek to manipulate decisionmaking to their own ends.

We can vote to insure that honest and capable men continue to be elected to office; or we can make the measure of the elected official that he be either personally wealthy, or willing to surrender his independent judgment to the will of those who paid for his campaign.

We are a nation that votes with ballots, not with dollar bills.

And so I will vote to override the President's veto of this act and I urge my colleagues to do the same.

Mr. INOUYE. Mr. President, I know of no single influence more destructive to that ideal representative government to which we all aspire than the difficulties and problems of financing political campaigns. The problem becomes steadily more critical.

Inflation is rampant everywhere. Anyone involved in this year's election campaign knows, however, that in no area have costs increased faster than the cost of running for public office.

Never before have candidates spent so much—nor have they had to spend so much—to be elected. It is estimated that a $100 million was spent on the campaigns for the U.S. Senate and House of Representatives this year. Many additional tens of millions were spent on Governors' races and on the contests for other State offices.

In New York State some $10 million was spent on the Governor's contest alone, and some $6 million more for the U.S. Senate race.

The cost of seeking public office and the problems created thereby, know no partisan boundaries. It affects the candidates of all parties and all candidates would prefer to limit their need for funds. All candidates would prefer to limit fund raising to voluntary contributions from a large number of small contributors. All find, however, that the vast majority of such heavy campaign needs can be met only through tapping a smaller number of large contributors.

As chairman of the Democratic Senatorial Campaign Committee these past 2 years, I have personally witnessed the difficulty of the underfinanced candidate as well as the problems which are created by the need to raise a large campaign war chest. I believe I speak from experience.

I would certainly not contend that the bill before us is perfect. Much more needs to be done.

But it is a beginning and an important beginning. Almost half of the money spent this year went to purchase broadcast time. Television is the single most expensive item in any campaign budget. It is the most rapidly increasing cost of political campaigning. If we are ever going to make the start, this is the place to do it—and this is the time.

I do not believe that the great majority of the Members of Congress of both parties who supported this bill when it first passed the Senate and who supported it again in the form of a conference report will now turn their backs to their own experience and credit the White House aids who put together a veto message with greater perceptivity than they. Nor should they.

Political office must not become the exclusive preserve of the wealthy. Unless we act now we will be creating in this country an aristocracy—an aristocracy contrary to the concept of—and to our entire history of—elective office as a public trust. If we fail to act on this measure, elective office will be available only to the rich or to those few who have the backing of—and are therefore controlled by—wealthy and powerful interests.

This measure is not the whole answer but I am confident it will significantly reduce the need for funds. It will improve the opportunity for men and women of modest means to run for public office and to win elections.

Frankly, the need for action is urgent. Expenditures in many States ran as high as $7 for every vote cast in this recent election. This bill limits broadcast expenditures to 7 cents for each candidate for national office and each candidate for Governor per vote cast.

The temptation for a political party of means, or for a wealthy candidate, to "buy" an election is undoubtedly great. It is an advantage some may not wish to forego. But I think their sense of public responsibility and their interest in good government will move many to join with us. I hail those who have indicated their willingness to place the public interest and the political health of our Nation ahead of any narrow partisan gain which may be achieved by supporting the veto of this measure. I urge others to do so.

Mr. HART. Mr. President, today the Senate must take a first step toward campaign reform. The President's veto of the campaign broadcast reform should be overridden. Then we may properly proceed to the other reforms which are being proposed.

As one who has long advocated reform of the campaign process, I have learned how hard it is to move reform legislation forward. The reform problem is complex, and delay is an all too tempting alternative to the hard work action requires.

The bill we are considering is the end result of 3 years of work by dozens of Senators, Congressmen, staff assistants, and outside groups. It has been changed many times to meet objections, to clarify language, and to improve enforceability. This hard work should not be put aside.

Experience says that if a reform bill is introduced in the next Congress, it will not become law until after the 1972 elections. We will need 2 years to solve all the problems in a major reform package.

The impending elections would threaten to make the package a political football. There is an equally great danger we would get nothing.

We are told this bill penalizes broadcasters. It does not. They already keep the records which will provide the basis for enforcing this law, and which make this approach effective.

Broadcasting revenue from the bill will not decrease appreciably because the 7 cent limit is very close to present actual spending levels in most campaigns. It will mean a limit to the further growth of the use of television by

candidates. This is reasonable regulation which protects the public.

We must not forget that the public interest comes before the broadcaster's right to unlimited profits from a free license to broadcast on the public's airwaves.

We are told the bill is too narrow. It was reported by the Commerce Committee which has jurisdiction over broadcasting. This bill represents a full and proper exercise of the Commerce Committee's jurisdiction. Broader reform legislation will have to come from the Rules Committee and it is the Rules Committee to which we will turn when this bill is law.

Some have said that limiting purchases of television time limits free speech. It does not. Congress is not telling a candidate what to say. It is telling him that his message must not cost more than a specified sum to deliver over the air. The choice of when and where to deliver the message is the candidate's.

The argument is made that the imposition of a radio-TV limit favors the incumbent over the seeker of a political office. I think this argument is correct, but it is overshadowed by the discrimination that results from unlimited TV and radio expenditures, which give the wealthy overwhelming advantage over the less affluent, whether incumbent or nonincumbent.

This bill does limit the ability of large contributors to buy elections—an ability which must be severely limited and which does not enjoy constitutional protection.

The question of whether the Senate will override the President's veto is a close one. If it does, credit for reform will go to the independent and courageous Republicans who have worked to override the veto. They are putting country above party, public need above narrow personal interest and their own sense of what is right above the demand of the President.

It is the genius of our political system that the Senate is independent and can act independently. I hope that independent judgment will be manifest in the vote to override the President's veto.

Mr. BAYH. Today we decide whether to override the President's veto of S. 3637, the campaign spending bill. I supported that bill when it was first before the Senate. I did so because I thought it was a good bill, a vital piece of legislation designed to keep politics from becoming the exclusive domain of the very rich. I will vote to override the veto.

I believe that the President's veto is based on the narrowest and most shortsighted partisan political arithmetic. It is no secret that the Republican Party has a very substantial surplus, while the Democratic Party has a deficit of over $9 million. It is no secret—indeed it is available from the Clerk of the House of Representatives—that the Republicans in 1970 raised and spent $13 million more than the Democrats. Nor is it a secret that the President might prefer not to debate his opponent in the 1972 election. But it is deplorable that these personal, partisan, and wholly political considerations should shape the course of our Nation's decisionmaking.

Of course, the President has explained his partisan veto. But his explanation is the most flimsy and transparent cover for a selfish, party-oriented decision. He said that he thought the bill's purpose was "highly laudable," but that he vetoed it because it only limits spending on the broadcast media and therefore "falls short" of perfection. No one has ever said that this bill was perfect. It is not. No bill dealing with such a complex problem could be perfect. And the President knows that full well. But to say that the bill "plugs only one hole in a sieve" ignores the realities of politics today. Anyone as active as the President has been in partisan politics knows that TV and radio costs are easily the largest single item of campaign expense. And these costs are steadily absorbing more and more of the average campaign budget: while overall campaign expenditures have doubled in the past 10 years, the cost of political television has increased by 900 percent. They also know that TV and radio also have the greatest potential for abuse by candidates with more money than ability. Given these facts it seems only logical to me that the first reform bill should deal with the area of greatest cost and greatest danger of abuse. I simply cannot accept the President's explanation of the reasons for his veto. The President did not veto the bill because it does not go far enough, but because it goes too far, because it is too effective in focusing campaigns on the issues instead of the artfully unrealistic images created by highly paid television producers.

The President says that the monetary limits are too restrictive. But we know the limits are both fair and workable; they were voluntarily—and successfully—used by candidates in several recent contests. The President says that this bill would give an "unfair advantage" to the incumbents. Passing the bill would not aid incumbents over challengers any more than is presently the case—all candidates would be subject to the same reasonable limitations on broadcast expenditures. But the veto would benefit one prominent incumbent, the President. By vetoing the bill the President is attempting to kill a measure which would, for the first time in a decade, have made possible debate between the incumbent President and his opponent in the next election. If the President does not want to debate, let him say so directly. But he should not be able to avoid debate while claiming that he wants to avoid giving the "officeholder an extra advantage over the challenger."

The President also said he vetoed the bill because the "people deserve to know more, not less, about the candidates and where they stand." Of course the President is right in saying that the people have a right to know about the candidates so they can make an informed choice. But the public does not learn much—if anything—about the candidates or the issues when those with ample financial resources are able to saturate the airwaves with sophisticated soft-sell commercials. Overexposure to such commercials does not educate the public. At best, it only bores the public. At worst, it attempts to dupe the public. It can make the means to buy a high-priced imagemaker—instead of the candidate's stand on the issues—the critical ingredient in an election.

This is a very good bill. It would limit the money each candidate in Presidential, senatorial, congressional, and gubernatorial races could spend on radio and TV. Each candidate would be limited to 7 cents per vote to $20,000, whichever is greater, in the general election, and half that amount in the primary. That alone would have eliminated $30 million of expenses from this year's campaigns. It would have cut each party's expenditures in the last Presidential election to $5.1 million, half of what the Republicans spent in that election. The bill would also lower costs by requiring broadcasters to charge their lowest regular rates for political broadcasts. Finally, the bill would suspend the equal time provisions of the Communications Act, which have served as a bar to debates between the leading Presidential candidates since 1960.

To me these are the features of an effective first attempt to deal with a very real threat to our electoral process. Of course, I welcome any and all constructive suggestion for strengthening this bill, and I will support such proposals when they are made. I would support legislation defining limits on all campaign spending, along with meaningful reporting and enforcement. I would strongly support an effective and comprehensive bill. But the President has failed to offer such an alternative. In the meantime, we cannot afford to let campaign spending remain completely unchecked.

Mr. MATHIAS. Mr. President, the President's veto message which accompanied his rejection of the campaign spending bill was correct and accurate in all respects as well as highly persuasive. I agree with every point he makes. The only question that arises is the conclusion to be drawn from the facts upon which we agree.

We come back, in essence, to the old issue of whether we throw the baby out with the bath water. While everyone agrees that the process of cleansing our electoral system is going to take more than one rinse, I believe we should not abandon everything done and start over, but should work on the basis of the first step already taken.

In addition to the points made by the President himself, I would point out that the vetoed bill is too protective and discourages political discrimination and judgment. In a democratic society the vote should be the greatest deterrent for those who wish to buy their way into office. Let the public make its judgment on what it sees, not on what it is prevented from seeing.

But after all this is said it is still a beginning. For a number of years, and specifically during the 1968 senatorial election, I have advocated campaign reform. Progress has been slow, new starts are difficult and risky.

It is my judgment that placing the vetoed bill on the books will give a greater, and not a lesser, incentive to more meaningful reform. Whatever hap-

pens to this bill, I shall be glad to join President Nixon, Senator SCOTT, and every other interested person in pursuing this goal. With the future uncertain, we had better, however, seize this first small beginning that has come within our grasp after so many years of striving.

Mr. PASTORE. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Rhode Island has 2 minutes remaining.

Mr. PASTORE. Mr. President, the moment of decision has come.

I want it clearly understood that what we are dealing with today was not started by the senior Senator from Rhode Island. On September 10, 1969, a bill was introduced in the Senate, sponsored by 34 Senators, to give a discount to Members who were running for Congress. Among the sponsors was the minority leader, the Senator from Pennsylvania (Mr. SCOTT).

We have heard talk this afternoon that we have not held hearings. We held hearings after hearings. We invited everyone to come before our committee. Everyone was welcome to come. And I never heard in all that time a single word about an all-inclusive law.

I, too, am for an all-inclusive law. But we have been speaking about that for the last 20 years that I have been in the Senate, and I have not seen one yet.

As to the argument that if this law is passed up, if the veto is upheld we will get a good law, we can forget it. If anyone wants a good, all-inclusive law, bring it out in its good time—hold hearings and pass it. Then after that all-inclusive law is passed repeal this law actually before us here and now. But do not refuse to take this giant step today.

The biggest item of election spending is for radio and television, and it has become a scandal. When we read in the newspapers that it takes a half million dollars in a small State to pay for the radio and television bill, we are in on the verge of scandal. If we want to avoid that state of scandal and bring it to an end, then vote to override the President's veto this afternoon.

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

The PRESIDING OFFICER (Mr. CRANSTON). All time has now expired.

The question is: Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

The Constitution requires that this vote shall be determined by yeas and nays, as provided in article I, section 7, part 2.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

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

Mr. GRIFFIN. May I ask, if a Senator wishes to vote to sustain the President's veto, then he would vote "nay"; is that correct?

The PRESIDING OFFICER. A vote of "yea" would override the veto.

Mr. GRIFFIN. I thank the Chair.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McGEE (when his name was called). On this vote I have a live pair with the junior Senator from Colorado (Mr. DOMINICK). The Senator from Alabama (Mr. SPARKMAN) and I have an arrangement to carry forward on this. If I were permitted to vote, I would vote "yea." I withhold my vote.

Mr. MILLER (when his name was called). On this vote I have a pair with the Senator from Ohio (Mr. SAXBE) and the Senator from South Dakota (Mr. MUNDT). If I were permitted to vote, I would vote "yea." I withhold my vote.

Mr. SAXBE (when his name was called). On this vote I have a pair, as stated by the Senator from Iowa (Mr. MILLER), with the Senator from Iowa. If I were permitted to vote, I would vote "yea." I withhold my vote.

Mr. SPARKMAN (when his name was called). On this vote, as stated by the Senator from Wyoming (Mr. McGEE), he and I have a pair with the Senator from Colorado (Mr. DOMINICK). If I were permitted to vote. I would vote "yea." I withhold my vote.

Mr. KENNEDY. I announce that the Senator from Georgia (Mr. RUSSELL) is necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK) is necessarily absent, and his pair has been previously announced by the Senator from Alabama (Mr. SPARKMAN) and the Senator from Wyoming (Mr. McGEE).

The Senator from Hawaii (Mr. FONG) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness, and his pair has been previously announced by the Senator from Iowa (Mr. MILLER) and the Senator from Ohio (Mr. SAXBE).

The yeas and nays resulted—yeas 58, nays 34, as follows:

[No. 394 Leg.]

YEAS—58

| | | |
|---|---|---|
| Anderson | Hartke | Muskie |
| Bayh | Holland | Nelson |
| Bible | Hollings | Packwood |
| Brooke | Hughes | Pastore |
| Burdick | Inouye | Pearson |
| Byrd, Va. | Jackson | Pell |
| Byrd, W. Va. | Javits | Proxmire |
| Cannon | Jordan, N.C. | Randolph |
| Case | Kennedy | Ribicoff |
| Church | Long | Schweiker |
| Cooper | Magnuson | Spong |
| Cranston | Mansfield | Stevenson |
| Eagleton | Mathias | Symington |
| Ervin | McCarthy | Talmadge |
| Fulbright | McGovern | Tydings |
| Goodell | McIntyre | Williams, N.J. |
| Gore | Metcalf | Yarborough |
| Gravel | Mondale | Young, Ohio |
| Harris | Montoya | |
| Hart | Moss | |

NAYS—34

| | | |
|---|---|---|
| Aiken | Eastland | Percy |
| Allen | Ellender | Prouty |
| Allott | Fannin | Scott |
| Baker | Goldwater | Smith |
| Bellmon | Griffin | Stennis |
| Bennett | Gurney | Stevens |
| Boggs | Hansen | Thurmond |
| Cook | Hatfield | Tower |
| Cotton | Hruska | Williams, Del. |
| Curtis | Jordan, Idaho | Young, N. Dak. |
| Dodd | McClellan | |
| Dole | Murphy | |

PRESENT AND GIVING LIVE PAIRS AS PREVIOUSLY RECORDED—4

| | | |
|---|---|---|
| McGee, for. | Saxbe, for. | Sparkman, for. |
| Miller, for. | | |

NOT VOTING—4

| | | |
|---|---|---|
| Dominick | Mundt | Russell |
| Fong | | |

The PRESIDING OFFICER (Mr. CRANSTON). On this vote the yeas are 58 and the nays are 34. Two-thirds of the Senators present and voting not having voted in the affirmative, on reconsideration, the bill fails of passage.

SENATOR RANDOLPH VOTES TO OVERRIDE THE PRESIDENTIAL VETO ON CAMPAIGN SPENDING

Mr. RANDOLPH subsequently said: Mr. President, there were not a sufficient number of Senators voting to override the President's veto on the so-called excessive campaign spending bill, that number being two-thirds of the Senators present and voting.

I have prepared and distributed to all the media of West Virginia under date of November 20, 1970, my reasons for the vote which I have cast this afternoon to override the presidential veto.

I ask unanimous consent that that release distributed to the West Virginia media be printed in the RECORD.

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

The release ordered to be printed in the RECORD reads as follows:

WASHINGTON.—U.S. Senator Jennings Randolph, in announcing his intention to vote to override the Presidential veto of the Political Broadcasting Bill, said he is "fully aware that political broadcasting is only one segment of campaign spending." He said, however, that the bill does represent a beginning in the curbing of political campaign expenditures.

Randolph said he favors the setting of a formula to decide how much a candidate may spend on advertisements during a campaign. "Congress must address itself to this growing problem. Total campaign spending must be limited if we are to preserve the right for all men—not just the rich—to be able to seek public office," Randolph declared.

A recent Lou Harris poll showed that 70 percent of all Americans feel too much money is being spent on political campaigns. Only one percent of those polled on the issue thought too little is being spent.

"We must work to change the appearance that political office is for sale to the highest purchaser, whether that purchaser be an individual candidate or a political party, or a politically motivated committee," Randolph asserted.

Mr. SCOTT subsequently said: Mr. President, the RECORD indicates that the last time the Senate sustained a Presidential veto was on June 7, 1965, in the 89th Congress, when S. 327 was vetoed, and the veto was sustained by sending it back to the committee. It was a bill for flood relief.

## WATER CARRIER MIXING RULE

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1347 (H.R. 8298).

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

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 8298) to amend section 303(b) of the Interstate Commerce Commission Act to modernize certain restrictions upon the application and scope of the exemption provided therein.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to and the Senate proceeded to consider the bill.

Mr. HOLLINGS. Mr. President, the bill was discussed earlier today. We ran into the rate-filing features of the bill and the barge-mixing provisions included in accordance with the bill passed by the 90th Congress. It also provides for a 2-year study.

Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc.

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

Mr. BAKER. Mr. President, in 1940 transportation by water on our inland waterways was made subject to regulation by the Interstate Commerce Commission. At that time a number of exemptions to the regulatory provisions of the act were provided based on then existing customs of the trade. Of relevance today is the so-called dry bulk exemption contained in section 303(b) of the Interstate Commerce Act.

Under that provision commodities which were, in accordance with the custom of the trade, loaded and carried without wrappers or containers and received and delivered by the carrier without transportation mark or count, were exempted from regulation. The exemption had an important qualification, however. No more than three such commodities might be transported in the cargo space of a single vessel and, for purposes of making that determination, two or more vessels navigated as a unit—which is to say, a tow—were to be considered to be a single vessel.

That might have been reasonable in 1940 when the average tow consisted of two, or at most three, barges. It is patently unreasonable today. The vastly more powerful tow boats which have been developed over the intervening 30 years would make possible, but for the application of this anachronistic rule, transportation of large, economical tow loads of up to as many as 40 or more barges in a single tow.

What the bill before us does is eliminate the definition of an entire tow as a single vessel for purposes of the mixing rule. This would permit mixing so long as not more than three dry bulk commodities were transported in a single barge. It preserves the spirit and intent of the mixing rule while removing the penalty which it has placed upon efficient utilization of our barge transportation resources.

Mr. President, I am aware that legislation permitting increases in efficiency of one mode may have an adverse effect upon competing modes. However, this fact in and of itself does not strike me as a sufficient reason for continuing to mandate inefficiency within a major segment of our transportation industry. I believe transportation as a whole must be based upon a combination of the maximum efficient operation of each mode of transportation.

At the same time, the committee has not been unmindful of the predicament of the railroads who must compete on a fully regulated basis with barge carriers who are permitted to operate free from regulation under the exemption contained in section 303(b). The committee has provided for a study, not by mode, but rather of the commodities involved. This study is intended to determine what changes, if any, in the present system of economic regulation may be desirable to improve competitive conditions with respect to the transportation of these commodities.

Mr. President, I would take a much more far-reaching approach to this problem. I have introduced a bill, S. 3760, designed to undertake the same sort of study with respect to the economic regulation of all modes of transportation and the manner in which the various regulatory agencies charged with this responsibility have been discharging their functions. I hope that consideration will be given to this bill when the 92d Congress convenes next year.

In the meanwhile, I strongly urge favorable consideration of the pending bill. It is clearly a step in the direction of creating a transportation system based on efficiency. It eliminates one of the presently existing, all too numerous, artificially imposed regulatory restraints upon efficiency of operations.

BARGE LINE TRANSPORTATION

Mr. PROUTY. Mr. President, H.R. 8298 is a simply drafted attempt to deal with a most complex, intermodal competitive situation. The competitive situation, of course, is one between the railroads and the barge lines for the transportation of certain so-called dry bulk commodities.

These commodities at present move by barge free from regulation, provided that certain requirements are met. The most important of these is the requirement that not more than three such commodities be transported in a single tow and that no nondry bulk exempt commodities be transported in that same tow. The requirement that the entire tow be considered for purposes of determining the application of these restrictions is statutory. Moreover, the restrictions against mixing have been applied with respect to line haul carriers, since the inception of regulation of water carriage by the Commission under the Transportation Act of 1940 without any particular difficulty.

Mr. President, the situation which does present difficulty and to which this bill is addressed results from a decision of the Interstate Commerce Commission in 1960, which has been sustained in the courts. That decision would, if permitted to stand, require small independent carriers who themselves comply with the mixing requirement to file rates and obtain certificates if any carrier transporting the commodities for any portion of their total violated the restrictions against mixing. It is generally conceded that this is an indefensible result. However, the appropriate legislative means of preventing that result are far from clear.

Mr. President, the bill which you have before you overturns not only the restriction against mixing by nonregulated carriers, but also the restriction as it affects regulated carriers. In this respect, it may be fairly said to somewhat expand the applicability of the dry bulk exemption contained in section 303(b) of the Interstate Commerce Act. It does not, however, and I believe this is extremely important, significantly alter the present competitive status quo. Also important is the provision in the bill requiring the Secretary of Transportation to undertake a comprehensive study of the present system of economic regulation of these dry bulk commodities by all modes of transportation with a view to making a report and legislative recommendations with respect thereto not later than 2 years from date of enactment. Mr. President, at that time we will be in a position to consider the necessity for equalizing competitive opportunities with respect to the transportation of these commodities. At present we are not.

Mr. President, for all of these reasons I believe the bill H.R. 8298 is a constructive and appropriate solution to a long-standing problem; that it should be passed now to remedy those problems concerning which we presently have sufficient information and that we should move on to consider the larger competitive picture as soon as the information which we need to do so is available.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

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

The bill (H.R. 8298) was read the third time and passed.

The title was amended so as to read: "An act to amend section 303(b) of the Interstate Commerce Act to modernize certain restrictions upon the application and scope of the exemption provided therein, and for other purposes."

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

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

The motion to lay on the table was agreed to.

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## FEDERAL DRUG ABUSE AND DRUG DEPENDENCE PREVENTION, TREATMENT, AND REHABILITATION ACT OF 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1355, S. 3562. I do this so that it may become pending business.

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

The LEGISLATIVE CLERK. A bill (S. 3562) to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence.

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

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Labor and Public Welfare with an amendment on page 1, to strike out all after line 5, through page 77, and insert:

"TITLE I—PREVENTION AND REHABILITATION PROGRAMS RELATING TO DRUG ABUSE AND DRUG DEPENDENCE

"PART A—FINDINGS AND DECLARATION OF PURPOSES

"Sec. 101A. Findings.
"Sec. 102A. Declarations.

"PART B—DEFINITIONS

"Sec. 112. Definitions.

"PART C—NATIONAL INSTITUTE FOR THE PREVENTION AND TREATMENT OF DRUG ABUSE AND DRUG DEPENDENCE

"Sec. 121. Establishment of the Institute.
"Sec. 122. Administrative functions of the Secretary.
"Sec. 123. Planning functions of the Secretary.
"Sec. 124. Coordination functions of the Secretary.
"Sec. 125. Statistical functions of the Secretary.
"Sec. 126. Research functions of the Secretary.
"Sec. 127. Training functions of the Secretary.
"Sec. 128. Educational functions of the Secretary.
"Sec. 129. Reporting functions of the Secretary.

"PART D—PREVENTION AND TREATMENT FOR FEDERAL EMPLOYEES

"Sec. 131. Drug abuse and drug dependence among Federal Government employees.
"Sec. 132. Confidentiality of records.

"PART E—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

"Subpart I—Formula Grants

"Sec. 142. Authorization.
"Sec. 143. State allotment.
"Sec. 144. State plans.
"Sec. 145. Applications and conditions.

"Subpart II—Project Grants

"Sec. 146. Authorizations.
"Sec. 147. Grants and contracts for the prevention and treatment of drug abuse and drug dependence.
"Sec. 148. Application for financial assistance for units of local government and private organizations.
"Sec. 149. Approved by National Advisory Council on Drug Abuse and drug Dependence.

"Subpart III—General

"Sec. 150. General.
"Sec. 150A. Admission of drug abusers and abusers and drug dependent persons to private and public hospitals.

"TITLE I—PREVENTION AND REHABILITATION PROGRAMS RELATING TO DRUG ABUSE AND DRUG DEPENDENCE—CON.

"PART F—THE NATIONAL ADVISORY COUNCIL ON DRUG ABUSE AND DRUG DEPENDENCE

"Sec. 151. Establishment of Council.
"Sec. 152. Approval by Council of certain grants under Community Mental Health Centers Act.

"PART G—INTERGOVERNMENT COORDINATING COUNCIL ON DRUG ABUSE AND DRUG DEPENDENCE

"Sec. 161. Establishment of Council.
"Sec. 162. Functions of Council.

"TITLE II—GENERAL

"Sec. 201. Saving provision.
"Sec. 202. Records.
"Sec. 203. Payments.

"TITLE I—PREVENTION AND REHABILITATION PROGRAMS RELATING TO DRUG ABUSE AND DRUG DEPENDENCE

"PART A—FINDINGS AND DECLARATION OF PURPOSES

"FINDINGS

"SEC. 101A. The Congress finds that—

"(a) Drug abuse and drug dependence are rapidly increasing throughout the country. Drug abuse can seriously impair health, and can lead to drug dependence. Drug dependence is an illness or disease, which requires a broad range of health and rehabilitation services for treatment.

"(b) Existing laws and their implementation have not been effective to prevent drug abuse and drug dependence or to provide sufficient education, treatment, and rehabilitation of drug abusers and drug dependent persons. Increasing education, treatment, and rehabilitation services, and coordination of efforts, offer the best possibility of reducing drug abuse and drug dependence. A major commitment of health and social resources and Government funds is required to institute an adequate and effective Federal program for the prevention and treatment of drug abuse and drug dependence.

"(c) There is a lack of authoritative information and creative projects designed to educate students and others about drugs and their abuse. High priority should be given to the development, evaluation, and dissemination of educational and informational materials.

"(d) Drug dependent persons commit a high percentage of the serious crime in many cities in order to secure funds with which to satisfy their habit. Criminal incarceration without appropriate treatment has proved ineffective to deter drug related crime. Effective treatment services and successful rehabilitation offer the best possibility of avoiding a high rate of recidivism.

"(e) Present Federal programs for drug abuse and drug dependence should have a high level of priority and should be closely coordinated within the Government. If Federal research, social, health, and rehabilitation laws are adequately used to attack drug abuse and drug dependence, this will contribute to the recognition of responsibility for meeting these problems by public and private State and local agencies.

"(f) Federal officials must effectively handle drug abuse and drug dependence among those for whom the Government has special responsibilities—civilian employees, military personnel, veterans, Federal offenders, American Indians, and Alaskan Natives.

"(g) Drug abusers and drug dependent persons can be best treated and rehabilitated through effective community-based programs, some of which provide a comprehensive range of services and which are integrated with and involve the active participation of a wide range of public and nongovernmental agencies, and some of which provide a more selective range of services arising from local initiative, educational, and peer group assistance programs. Existing treatment and rehabilitation programs are now inadequate to meet the growing demand for such services.

"(h) There is a critical shortage of professional, scientific, educational, and other personnel trained to deal effectively with drug abuse and drug dependence.

"DECLARATIONS

"SEC. 102A. The Congress declares—

"(a) There shall be established and maintained in the Public Health Service, a National Institute for the Prevention and Treatment of Drug Abuse and Drug Dependence through which the Secretary shall coordinate all Federal health, rehabilitation, and other social programs related to the prevention and treatment of drug abuse and drug dependence and administer the programs and authorities established by this title.

"(b) An increased effort should be made to encourage the development of new and improved curriculums on the problems of drug abuse; to demonstrate the use of such curriculums in model educational programs, and to evaluate the effectiveness thereof; to disseminate curricular materials and significant information for use in educational programs throughout the Nation; to provide training programs for teachers, counselors, law enforcement officials, and other public service and community leaders; and to offer community education programs for parents and other adults on drug use and abuse.

"(c) Major Federal action and Federal assistance to State and local programs shall be undertaken to engage in and encourage planning, coordination, statistics, research, training, education, and reporting with respect to drug abuse and drug dependence, and to provide equal access to humane care, effective treatment, and rehabilitation for all drug abusers and drug dependent persons regardless of their circumstances.

"(d) Research relating to drug abuse and drug dependence and to controlled substances shall be fostered and assisted, and medical practitioners and other qualified investigators shall be encouraged and protected in their research efforts.

"(e) In addition to the provisions of this Act, all other Federal legislation providing for Federal or federally assisted State research, prevention, treatment, or rehabilitation programs in the fields of health, education, welfare, and rehabilitation shall be utilized to reduce drug abuse, drug dependence, and drug-related crime.

"PART B—DEFINITIONS

"DEFINITIONS

"SEC. 112. As used in this Act:

"(a) 'Court' includes all Federal courts, including any United States magistrate.

"(b) 'Department' means the Department of Health, Education, and Welfare.

"(c) 'Director' means the Director of the National Institute for the Prevention and Treating of Drug Abuse and Drug Dependence.

"(d) 'Drug abuser' means any person who uses any controlled substance under circumstances that constitute a violation of law.

"(e) 'Drug dependent person' means a person who is using a controlled substance and who is in a state of psychic or physical dependence, or both, arising from administration of that controlled substance on a continuing basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects, or to avoid the discomfort of its absence.

"(f) 'Emergency care service' includes all appropriate short-term services for the acute effects of drug abuse and drug dependence, which (1) are available twenty-four hours a day, (2) are community based and located so as to be quickly and easily accessible to patients, and (3) provide drug withdrawal and other appropriate medical care and treatment, professional examination, diagnosis, and counseling with respect to possible drug dependence, and referral for other treatment and rehabilitation.

"(g) 'Inpatient services' includes all treatment and rehabilitation services for drug abuse and drug dependence provided for a resident patient while he spends full time in a treatment institution.

"(h) 'Institute' means the National Institute for the Prevention and Treatment of Drug Abuse and Drug Dependence in the Public Health Service.

"(i) 'Intermedite care services' includes all treatment and rehabilitation services for

drug abuse and drug dependence provided for a resident patient while he spends part time in a treatment facility (including but not limited to a therapeutic community or halfway house) which is community based and located so as to be quickly and easily accessible to patients.

"(j) 'Outpatient services' includes all treatment and rehabilitation services (including but not limited to clinics, social centers, vocational rehabilitation services, welfare centers, and job referral services) for drug abuse and drug dependence provided while the patient is not a resident of a treatment facility which are community based and located so as to be quickly and easily accesible to patients.

"(k) 'Peer group assistance' includes all prevention, treatment, and rehabilitation services (including but not limited to telephone counseling and information services, informal, open-admission facilities for support, guidance, referral, and temporary residence and therapeutic, self-help, residential facilities) for drug abuse and drug dependence primarily organized and operated by persons from similar social, cultural, and age backgrounds as those of the persons served under any such program, in facilities which are community based and located so as to be quickly and easily accessible to the persons served.

"(l) 'Prevention and treatment' includes all appropriate forms of educational programs and services (including but not limited to radio, television, films, books, pamphlets, lectures, adult education, and school courses); planning, coordinating, statistical, research, training, evaluation, reporting, classification, and other administrative, scientific, or technical programs or services; and screening, diagnosis, treatment (emergency care services, inpatient services, intermediate care services, and outpatient services), vocational rehabilitation, job training and referral, and other rehabilitation programs or services; but does not include law enforcement activities.

"(m) 'Secretary' means the Secretary of Health, Education, and Welfare.

"PART C—NATIONAL INSTITUTE FOR THE PREVENTION AND TREATMENT OF DRUG ABUSE AND DRUG DEPENDENCE

"ESTABLISHMENT OF THE INSTITUTE

"SEC. 121. (a) There is hereby established within the Public Health Service a National Institute for the Prevention and Treatment of Drug Abuse and Drug Dependence to administer the programs and authorities assigned to the Secretary by this Act. The Secretary, acting through the Institute, shall develop and conduct a comprehensive health, education, research, and rehabilitation program for the prevention and treatment of drug abuse and drug dependence.

"(b) The Institute shall be under the direction of a Director, who shall be appointed by the Secretary.

"(c) The Institute and its programs and services shall be staffed with an adequate number of personnel, who shall possess appropriate qualifications and competence, and some of whom may formerly have been drug abusers or drug dependent persons. Prior drug related criminal arrests or convictions shall not be a bar to such employment.

ADMINISTRATIVE FUNCTIONS OF THE SECRETARY

"SEC. 122. It shall be the duty of the Secretary, acting through the Institute, with respect to his administrative functions to—

"(a) assist Federal departments and agencies in the development and maintenance of appropriate prevention, treatment, and rehabilitation programs and services in accordance with section 124(a) of this title;

"(b) review and provide in writing an evaluation of the adequacy and appropriateness of the provisions relating to the prevention and treatment of drug abuse and drug dependence of all comprehensive State health, welfare, and rehabilitation plans submitted to the Federal Government pursuant to Federal law, including but not limited to those submitted pursuant to section 5(a) of the Vocational Rehabilitation Act, section 141 of this title, section 604 of the Public Health Service Act, section 1902 of title XIX of the Social Security Act, and section 204 of part A of the Community Mental Health Centers Act;

"(c) administer the grants and contracts authorized under part E of this title; and

"(d) provide assistance to any other service or program, or take any other action, consistent with the intent and objectives of this Act.

"PLANNING FUNCTIONS OF THE SECRETARY

"SEC. 123. It shall be the duty of the Secretary, acting through the Institute, with respect to his planning functions to—

"(a) develop a detailed and comprehensive Federal drug abuse and drug dependence prevention and treatment plan to implement the objectives and policies of this title. The plan shall be submitted to Congress as soon as practicable, but not later than one year after the enactment date of this title. Other responsibilities of the Secretary, as set out in this title, shall not be interrupted or delayed pending the initial development of such a plan. It shall be reviewed annually and submitted to Congress with any appropriate revisions as part of the Secretary's annual report. The Secretary shall, in developing the comprehensive Federal plan, consult and collaborate with all appropriate public and private departments, agencies, institutions, organizations, and individuals. The plan shall specify how all available health, welfare, educational, and rehabilitation resources, and how funds, programs, services, and facilities authorized under existing Federal legislation, are to be utilized;

"(b) develop model drug abuse and drug dependence prevention and treatment plans for State and local governments, reflecting the social, geographic, and economic variables of drug and drug dependence problems, and utilizing the concepts incorporated in the comprehensive Federal plan. The model plans shall be reviewed on a periodic basis and revised to keep them current. They shall specify how all types of community resources and existing Federal legislation may be utilized;

"(c) provide assistance and consultation to State and local governments, public and private agencies, institutions, organizations, and individuals with respect to the prevention and treatment of drug abuse and drug dependence; and

"(d) develop models of drug abuse and drug dependence treatment and rehabilitation legislation for State and local governments, which utilize the concepts incorporated in this title.

"COORDINATION FUNCTIONS OF THE SECRETARY

"SEC. 124. It shall be the duty of the Secretary, acting through the Institute, with respect to his coordinating functions to—

"(a) upon request, assist the Civil Service Commission, the Department of Defense, the Veterans' Administration, and other Federal departments and agencies in the development and maintenance of appropriate prevention, treatment, and rehabilitation programs and services for drug abuse and drug dependence pursuant to part D of this title;

"(b) serve in a consulting capacity to all Federal courts, departments, and agencies, and to be responsible for assisting in the development and coordination of a full range of programs, facilities, and services available to them for education, diagnosis, planning, counseling, treatment, and rehabilitation with respect to the drug abuse and drug dependence problems they encounter;

"(c) coordinate all Federal social, rehabilitation, and other efforts to deal with the problem of drug abuse and drug dependence;

"(d) encourage and assist State and local government programs and services, and programs and services of public and private agencies, institutions, and organizations, for the prevention and treatment of drug abuse and drug dependence;

"(e) stimulate more effective use of existing resources and available services for the prevention and treatment of drug abuse and drug dependence;

"(f) cooperate with the National Advisory Council on Drug Abuse and Drug Dependence, the Civil Service Commission, and other appropriate Federal departments and agencies, to develop a policy consistent with this title with regard to Federal employees who are drug abusers or drug dependent persons, involving appropriate programs and services for the prevention and treatment of drug abuse and drug dependence among such employees; and

"(g) assist State and local governments in coordinating programs among themselves for the prevention and treatment of drug abuse and drug dependence.

"STATISTICAL FUNCTIONS OF THE SECRETARY

"SEC. 125. It shall be the duty of the Secretary, acting through the Institute, with request to his statistical functions to—

"(a) gather and publish statistics pertaining to drug abuse, drug dependence, and drug related problems; and

"(b) promulgate regulations specifying uniform statistics to be obtained, records to be maintained, and reports to be submitted, on a voluntary basis by public and private departments, agencies, organizations, practitioners, and other persons with respect to drug abuse, drug dependence, and drug related problems. Such statistics and reports shall not reveal the identity of any patient or drug dependent person or other confidential information.

"RESEARCH FUNCTIONS OF THE SECRETARY

"SEC. 126. (a) It shall be the duty of the Secretary, acting through the Institute, with respect to his research functions to—

"(1) conduct and encourage all forms of research, investigations, experiments, and studies relating to the cause, epidemiology, sociological aspects, prevention, diagnosis, and treatment of drug abuse and drug dependence;

"(2) conduct, and encourage and assist others to conduct, all forms of research, investigations, experiments, and studies relating to the toxicology, pharmacology, chemistry, effects on the health of drug abusers, and danger to the public health, of controlled substances;

"(3) coordinate such research with research conducted by the Institute and with research conducted by other Federal, State and local public and private non-profit agencies, institutions, organizations, and individuals. To facilitate this activity, the Secretary shall establish and maintain a complete and current register of all medical practitioners and other qualified investigators engaged in any form of or research on controlled subtances;

"(4) make available research faciilties and resources of the Administration to appropriate authorities, health officials, and individuals engaged in investigations or research related to the purposes of this title. Such resources shall include the maintenance of an adequate supply of controlled substances for investigational and research purposes, and the establishment of criteria pursuant to which any registered investigator is to be authorized to manufacture or otherwise acquire sufficient controlled subtances for his legitimate investigational and research needs;

"(5) make grants to public and private nonprofit agencies, organizations, and insti-

tutions, and contracts with public and private agencies, institutions, and organizations, and individuals for such research;

"(6) establish an information center on such research, which will gather and contain all available published and unpublished data and information. All Federal departments and agencies shall send to the Institute any unpublished data and information pertinent to the cause, prevention, diagnosis, and treatment of drug abuse and drug dependence, and the toxicology, pharmacology, epidemiology, incidence of drug abuse and drug dependence, effects on the health of drug abusers, and danger to the public health of controlled subtances, and the Institute shall make such data and information widely available;

"(7) establish and maintain research fellowships in the Institute and elsewhere, and provide for such fellowships through grants to public and private non-profit agencies, institutions, and organizations;

"(8) investigate methods for determining more rapid and precise methods for determining the extent of drug use by an individual in a given time period and the effects which individuals are likely to experience from such use, and publish on a current basis information concerning uniform methodology and technology for making such determinations;

"(9) evaluate existing and proposed new programs and services for the prevention and treatment of drug abuse and drug dependence.

"(b) Any information obtained through investigation or research conducted pursuant to this title shall be used in ways so that no name or identifying characteristics of any person shall be divulged without the approval of the Secretary and the consent of the person concerned. Persons engaged in research pursuant to this section shall protect the privacy of individuals who are the subject of such research by withholding from all persons not connected with the conduct of such research the names or other identifying characteristics of such individuals. Persons engaged in such research shall protect the privacy of such individuals and may not be compelled in any Federal, State, civil, criminal, administrative, legislative, or other proceeding to identify such individuals.

"TRAINING FUNCTIONS OF THE SECRETARY

"SEC. 127. It shall be the duty of the Secretary, acting through the Institute, with respect to his training functions to—

"(a) establish interdisciplinary and bilingual training programs for professional and paraprofessional personnel with respect to drug abuse and drug dependence;

"(b) encourage the establishment of training programs, including interdisciplinary and bilingual training programs, for professional and paraprofessional personnel, including peer group assistance personnel, by State and local governments and by public and private educational institutions and agencies with respect to drug abuse and drug dependence; and

"(c) establish and maintain training fellowships in the Institute and elsewhere, and provide for such fellowships through grants to public and private nonprofit agencies, institutions, and organizations.

"EDUCATIONAL FUNCTIONS OF THE SECRETARY

"SEC. 128. It shall be the duty of the Secretary, acting through the Institute, with respect to his educational functions to—

"(a) develop, assist others to develop, and encourage the development of curricula on the use and abuse of drugs for utilization in elementary, secondary, adult, and community education programs. Such curricula should reflect the social, geographical, and economic variables of drug usage and abuse, include relevant data and other information, and include bilingual curricula;

"(b) develop, assist others to develop, and encourage the development of curricula on the use and abuse of drugs for utilization by parent-teachers associations, adult education centers, private citizen groups, community leaders and other parents and adults. Such curricula should reflect the social, geographical, and economic variables of drug usage and abuse, include relevant data and other information, and include bilingual curricula;

"(c) develop, assist others to develop, and encourage the development of a broad variety of informational and educational materials for use in all media to reach all segments of the population that can be utilized by public and private agencies, institutions, and organizations in informational and educational programs relating to drug use and abuse. Such information and materials should reflect the social, geographical, and economic variables of drug usage and abuse, include relevant data and other information, and include bilingual curricula;

"(d) establish educational courses, guides, and units on the causes of, effects of, and treatment for, drug abuse and drug dependence, for Federal law enforcement officials (including prosecuting attorneys, court personnel, the judiciary, probation and parole officers, correctional officers, and other law enforcement personnel), Federal welfare, vocational rehabilitation, military, and veterans personnel, and other Federal officials who come in contact with drug abuse and drug dependence problems. Such courses, guides, and units should reflect the social, geographical, and economic variables of drug usage and abuse;

"(e) develop, assist others to develop, and encourage the development of educational courses, guides, and units on the causes of, effects of, and treatment for drug abuse and drug dependence for use by appropriate State and local government and private agencies, institutions, and organizations, for State and local law enforcement officials (including prosecuting attorneys, court personnel, the judiciary, probation and parole officers, correctional officials, and other law enforcement personnel), State and local welfare, vocational rehabilitation, and veterans personnel, and other State and local officials and community leaders. Such courses, guides, and units should reflect the social, geographical, and economic variables of drug usage and abuse;

"(f) develop, assist others to develop, and encourage the development of a broad range of community-oriented education programs on drug abuse and drug dependence for all segments of the population, including interested and concerned parents, young persons, community leaders, drug abusers and drug dependents, and other individuals and groups within a community. Such programs shall include peer group assistance programs and utilization of former drug abusers, drug dependent persons, and persons with relevant backgrounds similar to those of the persons to be educated;

"(g) evaluate, assist others in evaluating, and encourage the evaluation of curricula, guidelines, units, and other informational and educational materials relating to the use and abuse of drugs. Such evaluations should include an examination of intended and actual impact of such informational and educational materials and the identification of strengths and weaknesses in the information and educational materials;

"(h) conduct, assist others in conducting, and encourage the conducting of preservice and inservice training programs on drug use and abuse for teachers, counselors, other educational personnel, law enforcement officials, and other public service and community leaders and personnel;

"(i) recruit, train, organize, and employ professional and other persons, including former drug abusers, and drug dependent persons, to organize and participate in programs of public education about drug usage and abuse;

"(j) serve as a clearinghouse for the collection, preparation, and dissemination of all information relating to drug abuse and drug dependence, including State and local drug abuse and drug dependence treatment plans, availability of treatment resources, training and educational programs, statistics, research, and other pertinent data and information;

"(k) coordinate activities carried on by all departments, agencies, and instrumentalities of the Federal Government with respect to health and other educational aspects of usage and abuse; and

"(l) undertake such other activities as the Secretary may consider important to a national program of education relating to drug usage and abuse.

"REPORTING FUNCTIONS OF THE SECRETARY

"SEC. 129. It shall be the duty of the Secretary, acting through the Institute, with respect to his reporting functions to—

"(a) submit an annual report to Congress, which shall specify the actions taken and services provided and funds expended under each provision of this title and an evaluation of their effectiveness, and which shall contain the current Federal drug abuse and drug dependence prevention and treatment plan;

"(b) submit such additional reports as may be requested by the President or by Congress; and

"(c) submit to the President and to Congress such recommendations as will further the prevention and treatment of drug abuse and drug dependence.

"PART D—PREVENTION AND TREATMENT FOR FEDERAL EMPLOYEES

"DRUG ABUSE AND DRUG DEPENDENCE AMONG FEDERAL GOVERNMENT EMPLOYEES

"SEC. 131. (a) The Civil Service Commission shall be responsible for developing and maintaining, in cooperation with the Secretary and other Federal agencies and departments, appropriate policies and services for the prevention and treatment of drug abuse and drug dependence among Federal civilian employees, consistent with the purposes and intent of this title. Such policies and services shall make optimal use of existing governmental facilities, services, and skills. Federal civilian employees who are drug abusers or who are drug dependent shall retain the same employment and other benefits as other persons afflicted with serious health problems and illnesses, and shall not lose, solely because they are drug abusers or drug dependent persons, pension, retirement, medical, or other rights. A good faith attempt shall be made to find appropriate work within the Government which does not involve the national security during the employee's rehabilitative treatment, rather than placing him on sick leave.

"(b) The Secretary, acting through the Institute, shall be responsible for fostering similar drug abuse prevention, treatment, and rehabilitation services in State and local governments and in private industry.

"(c) No person may be denied or deprived of Federal employment or a Federal professional or other license or right solely on the ground of prior drug abuse or prior drug dependence, except with regard to positions involving national security as specified in regulations promulgated by the department or agency in which he is employed.

"(d) Nothing herein shall prohibit the dismissal from employment of a Federal civilian employee who, as a result of drug abuse or drug dependence and failure to accept appropriate treatment, cannot properly function in his employment.

"CONFIDENTIALITY OF RECORDS

"SEC. 132. (a) All patient records prepared or obtained pursuant to section 131 of this title, and all information contained therein, shall remain confidential and may be disclosed, with the patient's consent, only to medical personnel and only for purposes of diagnosis and treatment of the patient, or to Government or other officials for the purpose of obtaining benefits due the patient as a result of his drug dependence or, for research purposes, to public or private research organizations, agencies, institutions or individuals whose competence and research programs have been approved by the Secretary. Disclosure may be made for purposes unrelated to such treatment, benefits, or research upon an order of a court after application showing good cause therefor. In determining whether there is good cause for disclosure, the court shall weigh the need for the information sought to be disclosed against the possible harm of disclosure to the person to whom such information pertains, to the physician-patient relationship, and to the treatment services, and may condition disclosure of the information upon any appropriate safeguards. No such records or information may be used to initiate criminal charges against a patient under any circumstances.

"(b) All patient records and all information contained therein relating to drug abuse or drug dependence prepared or obtained by a private practitioner shall remain confidential, and may be disclosed only with the patient's consent and only to medical personnel for purposes of diagnosis and treatment of the patient or to Government or other officials for the purpose of obtaining benefits due the patient as a result of his drug dependence.

"PART E—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

"Subpart I—Formula Grants

"AUTHORIZATION

"SEC. 142. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1971, the sum of $10,000,000; for the fiscal year ending June 30, 1972, the sum of $20,000,000; for the fiscal year ending June 30, 1973, the sum of $25,000,000; for grants to States to assist them in planning, establishing, maintaining, coordinating, and evaluating projects for the development of more effective prevention, treatment, and rehabilitation programs to deal with drug abuse and drug dependence.

"STATE ALLOTMENT

"SEC. 143. (a) For each fiscal year the Secretary shall, in accordance with regulations, allot the sums appropriated for such year pursuant to section 142 among the States on the basis of the relative population, financial need, and need for more effective prevention, treatment, and rehabilitation of drug abuse and drug dependence; except that no such allotment to any State (other than the Canal Zone and the Trust Territory of the Pacific Islands) for any fiscal year shall be less than $200,000.

"(b) Any amount so allotted to a State (other than the Canal Zone and the Trust Territory of the Pacific Islands) and remaining unobligated at the end of such year shall remain available to such State, for the purposes for which made, for the next fiscal year (and for such year only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year; except that any such amount, remaining unobligated at the end of the sixth month following the end of such year for which it was allotted, which the Secretary determines will remain unobligated by the close of such next fiscal year may be reallotted by the Secretary, to be available for the purposes for which made until the close of such next fiscal year, to other States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this title, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the States for the same period. Any amount allotted under subsection (a) to the Canal Zone or the Trust Territory of the Pacific Islands for a fiscal year and remaining unobligated at the end of such year shall remain available to it, for the purposes for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted to it for such purpose for each of such next two fiscal years; except that any such amount remaining unobligated at the end of the first of such two additional years, which the Secretary determines will remain unobligated at the close of the second of such additional years may be reallotted by the Secretary, to be available for the purposes for which made until the close of the second of such additional years, to any other of such four States which have need therefor, on such basis as the Secretary deems equitable and consistent with the puropses of this subpart, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the State for the same period.

"(c) At the request of any State, a portion of any allotment or allotments of such State under this subpart shall be available to pay that portion of the expenditures found necessary by the Secretary for the proper and efficient administration during such year of the State plan approved under this subpart, except that not more than 10 per centum of the total of the allotments of such State for a year, or $50,000, whichever is greater, shall be available for such purpose for such year.

"STATE PLANS

"SEC. 144. (a) Any State desiring to participate in this subpart shall submit a State plan for carrying out its purposes. Such plan must—

"(1) designate a single State agency as the sole agency for the administration of the plan, or designate such agency as the sole agency for supervising the administration of the plan;

"(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) will have authority to carry out such plan in conformity with this subpart;

"(3) provide for the designation of a State advisory council which shall include representatives of nongovernmental organizations or groups, and of public agencies concerned with the prevention and treatment of drug abuse and drug dependence, to consult with the State agency in carrying out the plan;

"(4) set forth, in accordance with criteria established by the Secretary, a survey of need for the prevention and treatment of drug abuse and drug dependence, including a survey of the health facilities needed to provide services for drug abuse and drug dependence and a plan for the development and distribution of such facilities and programs throughout the State;

"(5) provide such methods of administration of the State plan, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods), as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

"(6) provide that the State agency will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports;

"(7) provide that the Comptroller General of the United States or his duly authorized representatives shall have access for the purpose of audit and examination to the records specified in paragraph (6);

"(8) provide that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Secretary any modifications thereof which it considers necessary;

"(9) provide reasonable assurance that Federal funds made available under this subpart for any period may be so used as to supplement and increase, to the extent feasible and practical, the level of State, local and other non-Federal funds that would, in the absence of such Federal funds, be made available for the programs described in this subpart, and will in no event supplant such State, local, and other non-Federal funds; and

"(10) contain such additional information and assurance as the Secretary may find necessary to carry out the provisions and purposes of this subpart.

"(b) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (a).

"APPLICATIONS AND CONDITIONS

"SEC. 145. (a) For each project pursuant to a State plan approved under this subpart for which a grant is sought from an allotment under section 143, there shall be submitted to the Secretary, through the State agency designated in accordance with section 144, an application by the State or a political subdivision thereof or by a public or other nonprofit agency, institution, or organization.

"(b) The Secretary shall approve such application if (1) there remains sufficient balance in the allotment (available for the purpose) determined for such State; (2) the application is in conformity with the State plan approved under section 144; (3) he obtains assurances that any facility or portion thereof to be constructed or modernized and any program to be carried out will be available to all persons residing in the territorial area of the applicant; and (4) he obtains assurances that the applicant will keep such records, and afford such access thereto, and make such reports, in such form and containing such information, as the Secretary may reasonably require. The Secretary may, to the extent he determines it would not interfere with the objectives of this subpart, base his findings and determinations under this subsection on certifications by the State agency.

"(c) No application under this section shall be disapproved until the Secretary has afforded the State agency on opportunity for a hearing.

"(d) Amendments of an approved application shall be subject to approval in the same manner as an original application.

"Subpart II—Project Grants

"AUTHORIZATIONS

"SEC. 146. There are hereby authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1971; $45,000,000 for the fiscal year ending June 30, 1972; and $70,000,000 for the fiscal year ending June 30, 1973, to carry out the provisions of this subpart. Any appropriated funds shall remain available until expended.

"GRANTS AND CONTRACTS FOR THE PREVENTION AND TREATMENT OF DRUG ABUSE AND DRUG DEPENDENCE

"SEC. 147. (a) The Secretary, acting through the Institute, is authorized to make grants to public and private nonprofit agencies, organizations, and institutions and enter into

contracts with agencies, organizations, institutions, and individuals for the preventon and treatment of drug abuse and drug dependence to assist State and local governments and public and private agencies, institutions, organizations, and individuals to—

"(1)(a) meet the costs of constructing, equipping, and operating treatment and rehabilitation facilities, including but not limited to emergency medical, inpatient, intermediate care, outpatent, and peer group assistance facilities for drug abusers and drug dependent persons, and (b) to assist them to meet, for the temporary periods specified in subsection (c) of this section, a portion of the costs of compensation of personnel for the initial operation of such facilities, and of new services in existing facilities for drug abusers and drug dependent persons;

"(2) carry out prevention and education projects and services, including—

"(a) projects for the development of curricula on the use and abuse of drugs, including the evaluation and selection of exemplary existing materials and the preparation of new and improved curricular materials for use in elementary, secondary, adult, and community education programs and conduct projects designed to demonstrate, and test the effectiveness of such curricula;

"(b) projects for the dissemination of curricular materials and other significant information regarding the use and abuse of drugs to public and private elementary, secondary, adult, and community education programs;

"(c) evaluations of the effectiveness of curricula tested in use in elementary, secondary, and adult and community education programs;

"(d) projects for the development, evaluation, and dissemination of a variety informational and educational materials for use in all media to reach various segments of the population that can be utilized by public and private agencies, organizations and institutions in informational and educational programs relating to drug use and abuse;

"(e) preservice and inservice training programs on drug abuse (including courses of study, institutes, seminars, workshops, and conferences) for teachers, counselors, and other educational personnel, law enforcement officials, and other public service and community leaders and personnel;

"(f) community education programs on drug abuse (including seminars, workshops, and conferences) especially for parents and other adults in the community;

"(g) evaluations of the training and community education programs described in clauses (e) and (f), including the examination of the intended and actual impact of such programs, the identification of strengths and weaknesses in such programs, and the evaluation of materials used in such programs; and

"(h) community-oriented education programs on drug abuse and drug dependence, including development of a broad range of community-oriented education programs on drug abuse and drug dependence for all segments of the population, including interested and concerned parents, young persons, community leaders, drug abusers and drug dependents, and other individuals and groups within a community. Such programs shall include peer group assistance programs and utilization of former drug abusers, drug dependent persons, and persons with relevant backgrounds similar to those of the persons to be educated.

"(3) conduct research, demonstration, and evaluation projects, including surveys and field trials, looking toward the development of improved, expanded, and more effective methods of prevention and treatment of drug abuse and drug dependence;

"(4) provide education and training for professional personnel, including medical, psychiatric, vocational rehabilitation, and social welfare, personnel, in academic and professional institutions and in postgraduate courses about the prevention and treatment of drug abuse and drug dependence, and provide training for such personnel in the administration, operation, and supervision of programs and services for the prevention and treatment of drug abuse and drug dependence;

"(5) recruit, educate, train, organize, and employ community drug abuse and drug dependence prevention and treatment personnel to serve with and under the direction of professional medical, psychiatric, vocational rehabilitation, and social welfare personnel in drug abuse and drug dependence prevention, treatment, and rehabilitation programs. Prior drug abuse or drug dependence and prior criminal arrests or convictions shall not be a bar to such recruitment, education, training, organization, and employment;

"(6) provide services in correctional and penal institutions for the prevention and treatment of drug abuse and drug dependence;

"(7) provide services, in cooperation with schools, law enforcement agencies, courts, and other public and private nonprofit agencies, institutions, and organizations, for the prevention and treatment of drug abuse and drug dependence among juveniles and young adults. These services, where feasible, shall include curricula for drug abuse education in elementary and secondary schools, and among parents and other adults;

"(8) provide programs and services in cooperation with local law enforcement agencies, the courts, and other public and private nonprofit agencies, institutions, and organizations, for the instruction of law enforcement officers, prosecuting attorneys, court personnel, the judiciary, probation and parole officers, correctional officials and legal aid, public defender, and neighborhood legal services attorneys with respect to the causes, effects, prevention, and treatment of drug abuse and drug dependence. Such programs and services shall include, where possible, a full range of services available to State and local courts for diagnosis, counseling, and treatment for drug abuse and drug dependence for persons coming before the courts; and

"(9) provide services for outpatient counseling of drug abusers and drug dependent persons to include employment, welfare, legal, education, and other assistance, in cooperation and coordination with welfare and rehabilitation personnel.

"(b) Projects for which grants and contracts are made under this subpart shall be community based, and shall include both those that provide a comprehensive range of services and are integrated with and involve the active participation of a wide range of public and nongovernmental agencies, organizations, institutions, and individuals, and those that provide a more selective range of services arising from local initiative, educational and peer group assistance programs.

"(c) The amount of any Federal grant made under subsection (a) of this section, except with regard to certain grants made under paragraph (1) of subsection (a), shall not exceed 100 per centum of the cost of the program or project specified in the application for such grant. The amount of any Federal grant made under paragraph (1)(a) of subsection (a) of this section to meet costs of constructing and equipping the facilities referred to in such paragraph shall not exceed 90 per centum of the cost of the program or project specified in the application for such grant. The amount of any Federal grant made under paragraph (1)(b) of subsection (a) of this section to meet the costs of compensation of personnel and other operating costs may be made only for the period beginning with the first day for which such a grant is made and ending with the close of eight years after such first day; and such grants may not exceed 90 per centum of such costs for each of the first two years after such first day, 80 per centum of such costs for the third year after such first day, 75 per centum of such costs for the fourth and fifth years after such first day, and 70 per centum of such costs for each of the next three years after such first day.

"(d) An amount, not to exceed 5 per centum of the amount appropriated pursuant to the provisions of this subpart for any fiscal year, shall be available to the Secretary to make grants to local public or nonprofit private organizations to cover up to 100 per centum of the costs (but in no case to exceed $100,000) of projects for assessing local needs for programs of services for drug abusers and drug dependents, designing such programs, obtaining local financial and professional assistance and support for such programs in the community, and fostering community involvements in initiating and developing such programs in the community. In no case shall a grant under this subsection be for a period in excess of one year; nor shall any grant be made under this subsection with respect to any project if, for any preceding year, a grant under this subsection has been made with respect to such project.

"APPLICATION FOR FINANCIAL ASSISTANCE FROM UNITS OF LOCAL GOVERNMENT AND PRIVATE ORGANIZATIONS

"SEC. 148. (a) In administering the provisions of this subpart, the Secretary shall require coordination of all applications for programs in a State and, in view of the local nature of the drug abuse problem, shall not give precedence to public agencies over private nonprofit agencies, institutions, and organizations, or to State agencies over local agencies.

"(b) Each applicant from within a State, upon filing its application with the Secretary, shall submit a copy of its application for review by the State agency designated in accordance with section 144, if such an agency exists, and if no such agency exists, by the State agency responsible for administering the State comprehensive plan for treatment and prevention of drug abuse and drug dependence, if such agency exists. Such State agency shall be given not more than thirty days from the date of receipt of the application to submit to the Secretary, in writing, an evaluation of the project set forth in the application. Such evaluation may include comments on the relationship of the project to other projects pending and approved and to the State comprehensive plan for treatment and prevention of drug abuse. The State shall furnish the applicant a copy of any such evaluation. A State, if it so desires, may, in writing, waive its rights under this section.

"(c) Approval of any application by the Secretary, including the earmarking of financial assistance for a program or project, may be granted only if the application substantially meets a set of criteria established by the Secretary that—

"(1) provide that the activities and services for which assistance under this subpart is sought will be substantially administered by or under the supervision of the applicant:

"(2) provide for such methods of administration as are necessary for the proper and efficient operation of such programs or projects;

"(3) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant; and

"(4) provide reasonable assurance that Federal funds made available under this

subpart for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the program described in this subpart, and will in no event supplant such State, local, and other non-Federal funds.

"APPROVAL BY NATIONAL ADVISORY COUNCIL ON DRUG ABUSE AND DRUG DEPENDENCE

"SEC. 149. The Secretary, upon the recommendation of the National Advisory Council on Drug Abuse and Drug Dependence, is authorized to make grants under this subpart.

"SUBPART III—GENERAL

"GENERAL

"SEC. 150. (a) Whenever the Secretary finds a failure to comply with the terms of a grant or contract made or entered into under this part, he shall, after reasonable notice and opportunity for a hearing, terminate payments until he is satisfied that there will no longer be any failure to comply.

"(b) The exclusive remedy of anyone adversely affected by a final action of the Secretary under subsection (a) of this section is to appeal to the United States court of appeals for the circuit in which it is located by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file with the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28 of the United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or set it aside, in whole or in part, temporarily or permanently. Until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts shall be conclusive if supported by substantial evidence, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari as provided in section 1254 of title 28 of the United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

"ADMISSION OF DRUG ABUSERS AND DRUG-DEPENDENT PERSONS TO PRIVATE AND PUBLIC HOSPITALS

"SEC. 150A. (a) Drug abusers and drug-dependent persons shall be admitted to and treated in private and public general hospitals on the basis of medical need and shall not be discriminated against solely because of their drug abuse or drug dependence. No hospital that violates this section shall receive Federal financial assistance under the provisions of this Act or any other Federal law administered by the Secretary. No such action shall be taken until the Secretary has advised the appropriate person or persons of the failure to comply with this section, and provided an opportunity for correction or a hearing.

"(b) Any action taken by the Secretary pursuant to this section shall be subject to such judicial review as is provided by subsection 150(b) of this title.

"PART F—THE NATIONAL ADVISORY COUNCIL ON DRUG ABUSE AND DRUG DEPENDENCE

ESTABLISHMENT OF COUNCIL

"SEC. 151. (a) Section 217(a) of the Public Health Service Act is amended—

"(1) in the first sentence thereof, by inserting 'the National Advisory Council on Drug Abuse and Drug Dependence,' immediately after 'the National Advisory Mental Health Council,'; and

"(2) in the second sentence thereof, by inserting 'the National Advisory Council on Drug Abuse and Drug Dependence,' immediately after 'the National Advisory Mental Health Council,', and by inserting 'drug abuse and drug dependence,' immediately after 'psychiatric disorders,'.

"(b) Section 217(b) of such Act is amended, in the second sentence thereof, by inserting 'drug abuse and drug dependence,' immediately after 'mental health,'.

"(c) Section 217 of such Act is further amended by adding at the end thereof the following new subsection:

"'(d) The National Advisory Council on Drug Abuse and Drug Dependence shall advise, consult with, and make recommendations to the Secretary on matters relating to the activities and functions of the Service in the field of drug abuse and drug dependence. The Council is authorized (1) to review research projects or programs submitted to or initiated by it in the field of drug abuse and drug dependence and recommend to the Secretary, for prosecution under this Act, any such projects which it believes show promise of making valuable contributions to human knowledge with respect to the cause, prevention, or methods of diagnosis and treatment of drug abuse and drug dependence, and (2) to collect information as to studies being carried on in the field of drug abuse and drug dependence and, with the approval of the Secretary, make available such information through the appropriate publications for the benefit of health and welfare agencies or organizations (public or private), physicians, or any other scientists, and for the information of the general public. The Council is also authorized to recommend to the Secretary, for acceptance pursuant to section 501 of this Act, conditional gifts for work in the field of drug abuse and drug dependence; and the Secretary shall recommend acceptance of any such gifts only after consultation with the Council.'

"APPROVAL BY COUNCIL OF CERTAIN GRANTS UNDER COMMUNITY MENTAL HEALTH CENTERS ACT

"SEC. 152. Section 266 of part E of the Community Mental Health Centers Act is amended—

"(1) by striking out 'Grants' and inserting in lieu thereof:

"'(a) Except as otherwise provided in subsection (b), grants'; and

"(2) by adding at the end thereof the following new subsection:

"'(b) Grants made under this title which are primarily intended for use in the prevention or treatment of drug abuse and drug dependence may be made only upon recommendation of the National Advisory Council on Drug Abuse and Drug Dependence established by section 217(a) of the Public Health Service Act.'

"PART G—INTERGOVERNMENT COORDINATING COUNCIL ON DRUG ABUSE AND DRUG DEPENDENCE

"ESTABLISHMENT OF COUNCIL

"SEC. 161. (a) For the purpose of coordinating all Federal Government prevention, treatment, and rehabilitation efforts with respect to drug abuse and drug dependence, of coordinating such Federal efforts with State and local government efforts, and of developing an enlightened policy and appropriate programs for Federal employees for the prevention and treatment of drug abuse and the rehabilitation of drug dependent persons, there is hereby established an Intergovernment Coordinating Council on Drug Abuse Control consisting of the Secretary who shall serve as Chairman, the Attorney General of the United States, the United States Commissioner of Education, the Director of the National Institute for the Prevention and Treatment of Drug Abuse and Drug Dependence, the Director of the National Institute of Mental Health, and four representatives of State and local government departments or agencies.

"(b) The President shall designate the four representatives of Federal departments or agencies who shall serve on the Coordinating Council, and shall appoint the four representatives of State and local government departments or agencies. The State and local government representatives shall serve for terms of four years, staggered so that one vacancy occurs each year. A State or local government representative may be reappointed immediately after serving less than a full term, and may be reappointed after a four-year hiatus after serving a full term.

"(c) The Coordinating Council may appoint such technical consultants as are deemed appropriate for advising the Council in carrying out its functions. The services of consultants obtained under this section may be obtained in accordance with section 3109 of title 5, United States Code, at rates for individuals not in excess of the daily equivalent paid for positions in GS–18 of the General Schedule in section 5332 of title 5, United States Code.

"FUNCTIONS OF COUNCIL

"SEC. 162. The Coordinating Council is authorized and directed to—

"(a) assist the Secretary in carrying out its function of coordinating all Federal prevention, treatment, and rehabilitation efforts to deal with the problems of drug abuse and drug dependence;

"(b) assist the Secretary in carrying out its function of coordinating such Federal efforts with State and local governments;

"(c) engage in educational programs among Federal employees, and in other appropriate activities, designed to prevent drug abuse and drug dependence;

"(d) implement programs for the rehabilitation of Federal employees who are drug dependent persons; and

"(e) develop and maintain any other appropriate activities consistent with the purposes of this title.

"TITLE II—GENERAL

"SAVING PROVISION

SEC. 201. If any section, provision, or term of this Act is adjudged invalid for any reason, such judgment shall not affect, impair, or invalidate any other section, provision, or term of this Act, and the remaining sections, provisions, and terms shall be and remain in full force and effect.

"RECORDS

"SEC. 202. (a) Each recipient of assistance under this Act pursuant to grants or contracts entered into under other than competitive bidding procedures shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary and Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients that are pertinent to the grants or contracts entered into under the provisions of this Act under other than competitive bidding procedures.

"PAYMENTS

"SEC. 203. Payments under this Act may be made in advance or by way of reimbursement and in such installments as the Secretary may determine."

## LEGISLATIVE PROGRAM

Mr. GRIFFIN. Mr. President, I would like for the benefit of the Senate to inquire of the distinguished majority leader if he can give us some idea about the program for the rest of the day and the rest of the week.

Mr. MANSFIELD. Mr. President, in response to the query raised by the acting minority leader——

Mr. BYRD of West Virginia. Mr. President, we cannot hear the majority leader. May we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Montana may proceed.

Mr. MANSFIELD. Mr. President, in response to the query raised by the acting minority leader, the pending business will not be disposed of tonight, but a number of amendments will be sent to the desk for printing and be available on tomorrow.

I understand that an overall agreement has been reached on the part of all concerned. So, this bill should not take too much time. However, I think the distinguished Senator from Iowa (Mr. HUGHES) may make an opening statement tonight in connection with the bill. It is then anticipated that we will go to Calendar No. 1360 (H.R. 15216) an act to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and to provide transportation and other services to the Boy Scouts of America in connection with the World Jamboree of Boy Scouts to be held in Japan in 1971, and for other purposes.

We will then go to other measures on the calendar as they become available.

## ACTION AT LONG LAST ON THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the Committee on Foreign Relations has taken a giant step forward in the advancement of human rights in reporting the Genocide Convention to the Senate floor.

This is a great day for the cause of human rights. For 20 years the Genocide Convention has been bottled up in committee. The failure of the United States to ratify this important treaty has been an embarrassment and a blot on our record. It has been the major exception to America's record of leadership in the field of human rights.

The U.S. Senate now—at long last—has the opportunity to remove this blot on our record. The major hurdle—action by the Senate Foreign Relations Committee—has now been cleared.

The day is now within sight when the United States will join the 75 other nations that have ratified the Genocide Convention. Twenty-five years after the end of World War II America will finally go formally on record as opposed to the monstrous types of crimes committed by the Nazis.

I look forward to early and favorable action by the Senate on the Genocide Convention.

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

Mr. PROXMIRE. I yield.

Mr. JAVITS. Mr. President, I have said this before and I would like to say it again because it is very pertinent today. The Senator from Wisconsin has been in this Chamber time and again in recent years urging action on the Genocide Convention. I am so deeply gratified myself, as the Senator knows, with his stalwart struggle to bring this action about.

All of us must realize, notwithstanding our controversy about the President's action on the matter we have just disposed of, that it is the President who really dusted off this matter, took it from the shelf, and woke it from the dead, as it were, which is not a euphemism. The President did put the matter before the Committee on Foreign Relations, and there the Senator from Idaho (Mr. CHURCH) and I were among the overwhelming majority of the committee which reported the measure. Reporting the convention only brings it to the floor of the Senate. We still have a monumental struggle.

I rise to pay tribute to the Senator from Wisconsin whose heart has been in this matter for so long and who was correct in hailing this as a gratifying development. I hope he will continue in his efforts until we celebrate when the Senate ratifies this fundamental human debt we owe so many millions of people who died at the hands of the genocidists, notably Hitler.

Mr. PROXMIRE. I thank the Senator. The Senator worked very hard to get the bill reported from committee. He has been in the forefront in getting the measure reported. I understand he has strong views on how it can be strengthened. I agree with him that the Nixon administration deserves a great deal of credit for persuading the Committee on Foreign Relations to act. There is no question that the President and his assistants in this area had a real effect on the Committee on Foreign Relations. This is the first time in 20 long years that this bill, which has been pending in that committee, has been reported to the floor. I think the committee does deserve credit for it.

## THE ATTEMPT TO RESCUE AMERICAN PRISONERS OF WAR

Mr. DOLE. Mr. President, earlier today the junior Senator from South Dakota criticized President Nixon and the administration for recent bombing efforts in North Vietman. Because of this criticism and the direct statement made by the Senator from South Dakota, that "American prisoners continue to languish in the prison camps of North Vietnam, some of them having been there for as long as 5 years" it is important that we recite now what did happen, and another reason for the bombing raids in North Vietnam.

There was one operation, it has been disclosed, that did take place north of the 19th parallel this past weekend. There have been many charges and countercharges of what took place and why it was necessary. It is well to report now that, according to a statement just issued by the Secretary of Defense, Melvin Laird, a search-and-rescue mission was carried out by volunteers who were dropped north of the 19th parallel in an effort to rescue American prisoners. This was a plan prepared with the approval of the President and carried out by volunteers after extensive training. They recognized they would be forced to operate with necessarily limited intelligence. It was a very hazardous mission.

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

Mr. DOLE. I yield.

Mr. KENNEDY. Hazardous for whom? Is the Senator including in that statement hazardous to the prisoners themselves?

I have just been informed of what was on the ticker. Do we have any idea how many people they expected to save or the plight of the other hundreds of American prisoners, even if they were successful? Was the mission successful? The Senator talks about hazardous. I am talking about the hazard to the prisoners in that camp, and in the countless other camps.

I am delighted the Senator is speaking on this matter because many questions must be answered. I do not know whether the Senator has more information than was on the ticker earlier this evening. Will the Senator be able to bring information to the Senate other than what is on the ticker?

Mr. DOLE. Let me say to the junior Senator from Massachusetts——

Mr. KENNEDY. Senior Senator.

Mr. DOLE. Excuse me. The senior Senator from Massachusetts. It is hard for a junior Senator to think of anyone as senior.

We were discussing this morning in the senior Senator's absence certain efforts made by this administration.

Mr. KENNEDY. No. I was here. I listened to the Senator.

Mr. DOLE. We heard directly from the junior Senator from South Dakota that there had been no effort made to free American prisoners. I am reporting now efforts made by this heroic group in the face of great danger.

Mr. KENNEDY. How many prisoners did they expect to release?

Mr. DOLE. I do not know; they did not find any, but it is another indication of the desire of this administration to do everything possible to free American prisoners, whether they are in the north or in the south.

Mr. KENNEDY. Is the Senator satisfied that this is the best means of freeing prisoners, through surgical strikes into North Vietnam, is he satisfied that there is a better chance to free prisoners by this kind of action rather than by negotiation? We have heard so much about the efforts made by the adminis-

tration to secure the release of the prisoners. We were given progress reports about new initiatives, and here is a different kind of attempt to release some number of prisoners, an attempt that was unsuccessful that has been in the planning for many months. I think we should have some explanation by the administration whether they feel this is the best way.

Mr. DOLE. Since the Senator is not asking a question, Mr. President, I have the floor.

Mr. KENNEDY. I am trying to ask a question.

Mr. DOLE. Then proceed to ask the question.

Mr. KENNEDY. This is what I would like to know. Does this strike into North Vietnam provide the best way to release prisoners who are being held?

Mr. DOLE. The junior Senator from Kansas does not know the best way to free them. If I did I would transmit that information to the highest level. Let me answer the question, if there was a question posed.

Our Government has an obligation to do all possible to free American prisoners and to use every conceivable means to free them.

Is the Senator suggesting we do nothing?

Mr. KENNEDY. No; I certainly do not.

Mr. DOLE. The best way and the most effective way is through negotiations, but negotiations have failed. We proposed a cease-fire and the release of all prisoners. So far we have no hint the other side will respond. What do we do in the meantime? Is the Senator suggesting we sit back and wait and wait?

Mr. KENNEDY. I have stated clearly my position on the whole question of the war in Southeast Asia. I would be delighted to review that position with the Senator some time, perhaps this evening if the Senator would like.

It would be interesting to know as the Senator speaks to explain the administration's position whether the American public should be prepared for other strikes like this in prisoner of war camps. Is this a one-time action? Is there anything the Senator can tell us about this? Are we going to have other kinds of attempts similar to this?

Mr. DOLE. I hope there will be other operations which will be successful. This effort—and I have the floor, I remind the Senator from Massachusetts——

Mr. KENNEDY. Surely.

Mr. DOLE. This effort was successful in the fact that it demonstrated the ability and concern Americans have—not Republicans or Democrats, but the expression of concern of brave Americans—not the concern of the Senator from Massachusetts or the Senator from Kansas, but the concern of Americans, who volunteered for this hazardous mission.

Mr. KENNEDY. Will the Senator yield?

Mr. DOLE. Let me finish. Some of these prisoners have been languishing in prison for 5 years.

Mr. KENNEDY. And they are still there; are they not?

Mr. DOLE. I will yield when I finish. What do we do in this country. Does our Government sit back and wait and wait and do nothing about Americans who have been in prison month after month and year after year? The Senator from Kansas does not think so.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. DOLE. When I finish. We have lots of time.

The search-and-rescue mission was initiated by a brave group of Americans, all of whom returned without serious injury, all of whom were risking their lives to save American prisoners. This is in the American tradition in its finest form. I stand here today to commend the action of those who volunteered to save American lives, not to question whether the action was correct. It was correct if it could have saved American lives.

If the Senator from Massachusetts wants to criticize President Nixon for the operation, let the Senator from Massachusetts do so. We are talking about human lives. We are talking about Americans who have been locked up for months and months and months.

I would hope there would be more initiatives. I would hope we would be more responsive to the needs of American prisoners. The Senator from Kansas commends Gen. Leroy Manor and Col. Arthur Simons, who led the search-and-rescue operation.

Mr. President, I ask unanimous consent to have included in the RECORD a statement by the Secretary of Defense.

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

STATEMENT OF SECRETARY OF DEFENSE MELVIN R. LAIRD

I want to give now the details of the only operation that took place north of the 19th parallel this past weekend.

Some months ago in the face of the continued and adamant refusal of the other side either to abide by the provisions of the Geneva Convention or to participate in meaningful negotiations on the exchange of prisoners of war, I prepared, with the approval of the President, contingency plans for a possible Search and Rescue (SAR) effort of our prisoners as possible. A special task force of volunteers from the Army and Air Force was assembled to train for this mission. I cannot give you any details of their training except to say that it was meticulous, intensive, often around-the-clock, and represented the highest order of dedication and professionalism.

Recognizing that we would be forced to operate on necessarily limited intelligence and recognizing also the hazards of the mission, the President, on my recommendation, gave approval for the operation early Friday morning, November 20. A key factor in the final decision to launch this SAR was the new information we received this month that some of our men were dying in prisoner of war camps.

My recommendation was based on the same motivation that has prompted our steadfast readiness to mount the numerous search and rescue attempts in enemy territory whenever there is the possibility of saving an American life.

This policy has the President's strong and unqualified support. It should be a source of great pride to all Americans that there are military men who volunteer for such missions.

On Friday, November 20, shortly after 2:00 PM, EST, which was about 2:00 AM in North Vietnam, a small rescue team successfully landed by helicopter at a reported prisoner of war compound at Son Tay, approximately 20 nautical miles west of Hanoi.

The operation was under the overall command of two distinguished officers whom I would like to introduce to you at this time. They are Brigadier General Leroy J. Manor, USAF, who was in overall command of the operation and Colonel Arthur D. Simons, USA, who led the team in the search and rescue attempt. They arrived in Washington early this morning.

Operating in darkness, Colonel Simons and his men landed, entered, and searched the compound where the prisoners of war reportedly were being held.

Regrettably, the rescue team discovered that the camp recently had been vacated. No prisoners were located. The SAR team, according to its well-rehearsed plan, searched every building and broke the locks on doors of rooms which had been used as detention cells. They successfully returned to safety without suffering a single serious casualty.

One rescue helicopter which made a controlled crash-landing in the compound was destroyed intentionally, precisely according to plan, prior to the evacuation of the rescue team.

Before General Manor and Colonel Simons answer your questions, bearing in mind the need at all times to maintain security, I want to conclude by stating my belief that:

If there had been prisoners in the compound at Son Tay they would be free men today.

I also would like to read to you the message which I asked the Chairman of the Joint Chiefs of Staff to send to General Manor, Colonel Simons and their men.

"The President has asked that I express to you, to Col. Simons, and to the officers and men of your command his deepest appreciation for your gallant humanitarian efforts. The daring and courageous performance which marked this hazardous mission was inspirational. He is proud of the magnificent example of skill, courage, and devotion so valiantly demonstrated by you and your men.

"The Secretary of Defense and I share fully the Commander-in-Chief's sentiments. We commend the high sense of duty which your long weeks of training and your dedication exemplified. There are no tributes greater than the willingness to sacrifice one's life for others. You and your men have earned that tribute."

We shall continue to make every effort to free our prisoners.

Mr. DOLE. But above and beyond this, they returned safely from the rescue mission. The disappointment is that no American prisoners were rescued. One rescue helicopter made a controlled crash landing and was destroyed intentionally.

But, as the junior Senator from Kansas views the operation, it was successful. It did indicate American resourcefulness, ability, bravery, and the fact we are concerned about American lives; concerned about American prisoners. The Senator from Kansas applauds the President, the Secretary of Defense, and particularly General Manor, Colonel Simons, and the others who risked their lives.

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

Mr. DOLE. Yes; I yield.

Mr. KENNEDY. Is the Senator suggesting this is the only way the President or the Secretary of Defense can demonstrate their concern for the welfare and well being of American prisoners?

Mr. DOLE. No; this is another way.

Mr. KENNEDY. In listening to these comments, I thought the Senator was making the point that he felt this was a great success because it showed an additional concern for the well-being of the Americans who were being held as prisoners. I think one can very likely reach quite a contrary conclusion with respect to those efforts.

Mr. DOLE. If one could be reached——

Mr. KENNEDY. If the Senator would yield for just an observation——

Mr. DOLE. I will yield for a question.

Mr. KENNEDY. Very well. Would the Senator not agree with me, therefore, that the lives of the American prisoners who are being held in the camp could very well have been lost? We listened today to statements about the Vietcong brutalities at Hue. Would those same people have hesitated to shoot American prisoners when the first American soldiers came over the barricades?

In his concern for the prisoners of war, I hope my colleague, the Senator from Kansas, included this possibility. One cannot have it both ways. One cannot stand here, as some Senators did, and talk about the brutalities of the North Vietnamese, as the Senator from California and the Senator from Kansas talked about the brutality, and their killing helpless people, and then think, when the Americans start going over the barricades at prison camps, that the security of the helpless prisoner is going to be assured.

I just thank God that those Americans who took part in this mission returned safely. We all want the American prisoners of war returned, and they could have been returned if we had had a more realistic policy toward Vietnam, or at least the kind of policy we expected to have after the 1968 election.

Mr. DOLE. Let me again remind the Senator from Massachusetts that I have the floor.

Mr. KENNEDY. I would be interested in the Senator's reaction to my comment.

Mr. DOLE. Having had some experience with war and some exposure to the dangers of it, let me say there is no certainty on the battleground. There is no certainty of life or death to prisoners of war or Americans missing in action.

The Senator from Kansas, as many Senators, has demonstrated great concern for American prisoners and Americans missing in action. The Senator from Massachusetts, undoubtedly, has had visits from wives, children, and parents of American prisoners of war and those missing in action. But there comes a time when there must be a different initiative by our Government.

The Senator from Kansas has said repeatedly for many, many months, that the most effective way and the quickest way to release American prisoners is through negotiations. That is not the issue today for thus far negotiations have failed.

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

Mr. DOLE. In a second. The negotiations have failed thus far with reference to prisoners, and they have failed with reference to nearly everything else. There is evidence the enemy has not complied with the Geneva Accords, that there has not been humane treatment of American prisoners.

This, then, was a difficult decision. All such decisions are difficult, just as sending American boys to Vietnam in 1963 was a difficult decision. The decision made by the President, the decision made by the Secretary of Defense, the offer to volunteer made by General Manor and Colonel Simons and others were difficult. It was a risk taken to save American lives. The Senator from Kansas applauds that action, that spirit, and that act above and beyond the call of duty.

Had they returned 10 or 20 or 30 prisoners, it would have been a great success. But the effort was made. The concern was expressed. This must continue to be the goal and the objective of all Americans, to help and to rescue those in distress.

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

Mr. DOLE. I yield.

Mr. KENNEDY. Would the Senator suggest that by this action by U.S. forces, the use of negotiations to free American prisoners of war has now been removed as a possibility, and that this new method of raiding prison camps is to be the means this administration will rely on to achieve a speedy and early release of prisoners? Are we to assume that, because if that is the case—and apparently it is——

Mr. DOLE. The Senator from Kansas does not assume that.

Mr. KENNEDY. Does the Senator feel this is going to provide a more expeditious negotiation on the issue of prisoners of war, after we have gone forth and intruded into the north?

Mr. DOLE. The Senator from Kansas believes the Senator from Massachusetts begs the question.

The question is not what may happen next week, because the enemy boycotts the negotiations in Paris. The question is not what may be decided next week. As the Senator from Kansas looks at the broad question of life and death of American prisoners of war and Americans missing in action, I frankly would be critical of a government which did not have a continuing policy of doing everything possible to rescue prisoners. If two were rescued, it would be hailed a success without question.

Mr. KENNEDY. No matter how many were killed in that attempt?

Mr. DOLE. None was killed.

Mr. KENNEDY. If they rescued two and 10 were killed, would that be a success?

Mr. DOLE. The Senator is suggesting something that did not happen.

Mr. KENNEDY. Does the Senator deny that would be a possibility?

Mr. DOLE. As the Senator from Kansas said earlier, there is risk in terms of life and death or being wounded in war; yes.

Mr. KENNEDY. And the Senator feels that risk was justified in this particular instance? The Senator obviously does, in that he rises in support of the policy.

Mr. DOLE. The Senator from Kansas applauds the efforts made by the gallant Americans who volunteered for this mission.

Mr. KENNEDY. I admire courage. I just deplore the policy that permitted them to go. Let me ask one final question, and then——

Mr. DOLE. No, let the Senator from Kansas ask the Senator from Massachusetts a question. Not suggesting what the policy of the Senator from Massachusetts may be, but since there is agreement that negotiation would be the quickest, most effective way to release the prisoners on both sides, and since negotiations have been fruitless up to now, does the Senator suggest that there is no obligation to the American prisoners of war, or that our Government should sit back and wait?

Mr. KENNEDY. No. My position would be that the quickest way we could get the American prisoners out, as has been stated before.

Mr. DOLE. Would be surrender?

Mr. KENNEDY. Is to announce that we are getting out of Vietnam by a certain date. If we did that, I would suggest they would be home.

But let me ask the Senator, in support of his statement for the administration, if he has any information as to the number of American prisoners of war that were wounded by the raids of Friday night.

Mr. DOLE. No.

Mr. KENNEDY. I saw in the newspapers and various wire service stories that American prisoners of war were involved, and at least wounded. I wonder whether, in presenting Secretary Laird's statement to the Senate this evening, the Senator can state whether in that report there is any satement about the welfare and security of those prisoners of war, who evidently experienced at least to some extent the results of our bombing last Friday evening. Does the Senator have any information on that?

Mr. DOLE. No, the Senator from Kansas has no more than that reported by the Hanoi radio, and if the Senator relies on that for information, that is his right.

Mr. KENNEDY. Does the Senator suggest there were not any? Has Secretary Laird indicated that the information from the dispatches of the various neutral journalists in Hanoi is not well reported? I am sure the Senator is not about to suggest that all reports that have come out of Hanoi, even from various accredited journalists, are completely without value at all.

Mr. DOLE. Nor do I suggest that all reports that come from the Defense Department are incorrect.

Mr. KENNEDY. I am just wondering if the Senator has any comment about the statements that were made, or if the Senator or the Secretary of Defense can assure us that that did not happen.

Mr. DOLE. Yes. On Saturday, the Secretary of Defense issued a statement with reference to the charges made by the enemy, who reported that the lives of some airmen were endangered and some were "injured."

Mr. KENNEDY. Yes.

Mr. DOLE. The Secretary of Defense said that was not an accurate statement; and the Senator from Kansas shares the view of the Secretary of Defense rather than that of Hanoi.

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

Mr. DOLE. I yield.

Mr. FULBRIGHT. Does the Senator have any information as to where this raid took place, what part of North Vietnam?

Mr. DOLE. Let us see what is said in the statement.

Mr. FULBRIGHT. In the press release; was it near Hanoi, does the Senator know?

Mr. DOLE. Let me say to the Senator from Arkansas that the Senator from Kansas does not see it in the statement. It says north of the 19th parallel.

Mr. FULBRIGHT. Does it say how many people were involved, of our men?

Mr. DOLE. That information was not made available, but it does state this:

> On Friday, November 20, shortly after 2:00 PM, EST, which was about 2:00 AM in North Vietnam, a small rescue team successfully landed by helicopter at a reported prisoner of war compound at Son Tay, approximately 20 nautical miles west of Hanoi.

So it does give some information as to the location. But as far as numbers, it indicates a small number, and also states that those in charge of this operation were General Manor and Colonel Simons.

Mr. FULBRIGHT. I presume, but I do not know—did they come off an aircraft carrier, as far as the Senator knows?

Mr. DOLE. That is not in the statement, though most of the other airplanes involved in the 7-hour raid came from aircraft carriers.

Mr. FULBRIGHT. There was, of course, a longer raid than that preceeding this, approximately 28.5 hours in duration, I believe, according to the press reports, involving 200 planes; that was in operations preliminary to this, I assume, was it not?

Mr. DOLE. No; it is my understanding—and I may be incorrect—that the total operation was 7 hours.

Mr. FULBRIGHT. The Senator means in this raid on the prisoner-of-war base?

Mr. DOLE. The total weekend raid on military targets.

Mr. FULBRIGHT. Oh, the total? Well, I thought I remembered seeing a press report that said 28 hours. But that is neither here nor there.

I was interested in what the Senator said about negotiations, and that he thought that was the best way to free all the prisoners and to get the war over. Does the Senator believe that the resumption of the bombing of the north, and now this physical raid on a base near Hanoi, are designed to promote a negotiated settlement of the war?

Mr. DOLE. Well, based on the success thus far in the Paris negotiations, one could guess that this will not be any great impediment.

Mr. FULBRIGHT. Does that mean that the administration has given up any hope of a negotiated settlement of the war?

Mr. DOLE. Well, again, I do not speak for the administration. The Senator from Kansas does not speak for the administration.

Mr. FULBRIGHT. He comes as near doing it as anyone on this floor, does he not?

Mr. DOLE. Well, at times when present, the Senator from Kansas expresses his views.

Mr. FULBRIGHT. Well, the press generally agrees, and I think the Senator, on various other occasions in the last year, has spoken, I thought, very forcefully and in most cases successfully for the administration's point of view. Did the Senator have any advance notice of this raid?

Mr. DOLE. No.

Mr. FULBRIGHT. He was not consulted about it?

Mr. DOLE. No; they have a habit of not consulting the junior Senator from Kansas.

Mr. FULBRIGHT. Well, they do not consult the Foreign Relations Committee, either, I might say; so the Senator should not feel that he is neglected in that respect.

But in all seriousness, the President, I thought, last year had announced the general policy of negotiation. I cannot quote him exactly, but it was generally to the effect that his administration would be one of negotiation rather than confrontation, and Vietnamization was presented as a means toward the deescalation of the war and its eventual settlement by negotiation.

But it strikes me that when you put together the Cambodian invasion, and now the request for a very large appropriation for developing and creating a large army in Cambodia, together with the resumption of the bombing in the North, and now with this physical incursion by a party I do not know how large into the physical territory of North Vietnam, none of these acts are consistent with the purpose of a negotiated settlement. Does not the Senator agree that that is about a correct assessment of it?

Mr. DOLE. Well, the Senator from Kansas disagrees but would say with no disrespect that there are those who strain at a gnat to indicate that any effort made by our Government to protect American forces is somehow an enlargement of the war; and the Senator from Kansas, not being an expert on foreign relations or the military, for that matter, just has sort of a gut reaction that there is continuing responsibility to the American forces.

That does not always mean we must take action. Sometimes the better part of wisdom is to do nothing. The Senator from Kansas would say to the distinguished Senator from Arkansas that this administration, or any administration, has a permanent obligation to American prisoners of war, Americans missing in action, and also, of course, to protect American forces so that the Vietnamization program can proceed.

The Senator from Kansas has great faith in the Secretary of Defense. I know the Secretary of Defense well and worked with him in the other body for 8 years. He is an honest man and can be believed when he says that it is necessary to bomb military targets, that this is not an expansion of the war, it is for the protection of American forces, and an effort to keep the Vietnamization program on schedule. And the Senator from Kansas, if he is a spokesman for any position, is a spokesman for ending the war honorably at the earliest possible date.

Mr. FULBRIGHT. If the Senator will allow me, I certainly do not question the honesty, integrity, or patriotism of the Secretary of Defense. I think everyone in this body, as well as the other, is as concerned about the safety of these prisoners of war and our own troops as anyone else.

The real question here is one of judgment as to what is the best means by which to accomplish an agreed upon objective. I think all Members of this body have the same objective with regard to the prisoners of war and the soldiers. There is, however, a very critical question as to the wisdom of the means to be followed to achieve that objective.

The French were confronted with a similar situation. They fought in Vietnam for 9 years, and they finally, in their wisdom, decided that it was in the interest of their own soldiers and their country to conclude that war by negotiation in Geneva.

I thought our President had adopted a similar policy, that a negotiated settlement was the only feasible way—that is, that a military victory, while it might be won by the use of nuclear weapons or an all-out effort, was not called for; that is was not appropriate under the circumstances to go that route.

What really bothers me, aside from the immediate question here, is this: Is this an indication of a policy change—reversal of the basic policy and objective of the administration—or is it not? Perhaps I read more into it than ought to be read into it, but coupled with Cambodia and with the resumption of bombing, and now this in additional action, does this indicate a change in attitude on the part of the administration, or are these isolated, unpredictable, or unplanned incidents which have no significance with respect to the overall policy?

This is what I was hoping the Senator from Kansas could throw some light on. If it is now decided that we must go for an all-out military victory and force the North Vietnamese to surrender, in effect, by punishing them, I think we ought to know it and the country ought to know it. If it is not, I think it is the reverse. I think we really are entitled to know what the policy of the administration is carrying on these activities.

Mr. DOLE. I say to the Senator that the junior Senator certainly sees no further evidence that there has been any change in policy by the administration.

One cannot say there is a change in policy because of an effort to rescue American prisoners. Perhaps a basic question a prisoner asks himself each day is whether he dies from mistreatment or whether he dies from an attempt to escape, or perhaps even in a rescue attempt.

The Senator from Kansas does not view this as an effort to enlarge the war. The Senator from Kansas does not view the bombing raids, which were directed at military targets, as any efforts to enlarge the war.

President Nixon is committed to the Vietnamization program, yes, and hopefully to negotiations. He has said so

many, many times, as the Senator from Arkansas knows. As recently as 2 months ago, the President proposed a cease-fire—and at least, it is on the table in Paris. It may never move, but the suggestion has been made by Mr. Bruce, our negotiator at the request of President Nixon.

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

Mr. DOLE. I yield.

Mr. SCOTT. I hoped that the effort of the very brave group of men to rescue some of our prisoners of war would receive the unanimous approval which I had hoped for.

Mr. DOLE. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. I do not wish to prolong this matter, but I think the Senator has gotten to the crucial question. I could not read into this case, standing by itself, any great change in policy. I tried to make it clear that it is the course of events, beginning particularly with Cambodia last spring, and the succeeding events, which seem to me to indicate that there is not a serious administration expectation of a negotiated settlement. All these put together, it seems to me, are very provocative acts which would not be designed to create an atmosphere in Paris of a negotiating kind, an attitude which would lead the enemy to approach it as a serious negotiation looking toward a political settlement.

It still looks as though our policy now would be designed to punish the enemy to the point where, for practical purposes, it would amount to a surrender or to an acceptance under duress of whatever conditions we wish to impose. I thought that it had been agreed before that this was not feasible in the sense that the cost of it in lives and in money was too great for whatever benefit might be achieved. This is what disturbs me more.

I agree with the Senator about the desirability of bringing relief to the prisoners in any feasible way. The question is how to do it. What way is best designed to achieve that purpose?

We admire anyone who engages in a hazardous undertaking, as the Senator has so well expressed with regard to these individuals. Obviously, none of us is criticizing those individuals. They were carrying out orders. The only thing at issue here is the issue of the decision made by the Commander in Chief, not the valor and the sacrifice, or whatever one may call it, of those individuals, the brave men who were ordered to do this. It was a very hazardous exploit. There is no question about that.

Mr. DOLE. In response to the Senator from Arkansas, let me say that the Senator from Kansas would speculate that if a poll were taken among the wives, parents, and children of those who have been imprisoned for 5 or 6 years and they were asked whether or not their Government had a responsibility to make every possible effort to save these men, 90 percent or more of the wives, parents, and children would respond in the affirmative.

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

Mr. DOLE. I yield.

Mr. FULBRIGHT. The Senator's prediction is based upon an assumption of the question at issue—that is, whether or not this is designed to achieve that purpose or whether a different course is desired.

Mr. DOLE. After 5 years of waiting, not knowing whether one's son or husband is alive or dead, not knowing whether one is a wife or a widow, it is rather difficult for the Senator from Kansas or the President of the United States, or whoever it may be, to tell the interested person to be patient—"Just wait another 6 months or another year and the enemy may get around to releasing one or two prisoners."

Mr. FULBRIGHT. The logical conclusion of the Senator's statement is that we ought to invade and occupy North Vietnam and affirmatively release them all. This is the conclusion the Senator is not willing to face. That is the logical conclusion.

Mr. DOLE. This was a search and rescue mission.

Mr. SCOTT. If the Senator will let me make a point on that, the articles of war and the code of the soldier certainly are known to evcryone who ever served. They state that a prisoner is obligated to make every possible effort he can, consistent with the saving of his own life, to escape from prison. Surely, his Government owes him just as much obligation to make every effort it can, consistent with the security of the United States, to effect his release by negotiation or escape by military access.

I repeat: I cannot understand how anyone could be critical either of the operation per se or of a government which is trying to release prisoners of war. I must say that I am shocked to find that there is any criticism at all on this.

Mr. FULBRIGHT. In the first place, it was wholly unsuccessful. It seems to me that is evident——

Mr. SCOTT. Is that a criticism? I do not think so.

Mr. FULBRIGHT. Yes. We talk about hazardous operations. They expose people to dangers. Therefore, they should be designed to accomplish their purpose.

Mr. SCOTT. In that case, the Senator would have to say that about every surprise attack in World War II, whether successful or not, including Dunkirk.

Mr. FULBRIGHT. They were not all unsuccessful. Some of them were successful.

Mr. DOLE. I share the view of the distinguished Senator from Pennsylvania and initially rose only to comment about the conduct of some very brave Americans.

Mr. FULBRIGHT. I share the Senator's view on that point, I want to make that very clear. I am not talking about the conduct of brave Americans, but I am talking about the political decision of the Commander in Chief as to whether this was in our interest or even in the interests of the prisoners themselves to do this.

Mr. DOLE. Let me say to the Senator from Arkansas that those were appproprlate questions to raise. I may have one view. The Senator from Arkansas may have another. But on the broader question of whether this means an expansion of the war, the Senator from Kansas, not being privy to any inside information, not being a member of the Committee on Foreign Relations or a member of the Committee on Armed Services, which is a repository for that kind of information, is nonetheless of the opinion that these were isolated incidents. They demonstrate that we are not a paper tiger but that we want to end the war honorably as quickly as possible. There are those who would exaggerate an isolated incident, but with reference to the effort to rescue American prisoners of war, it seems absurd.

Mr. FULBRIGHT. I hope that the Senator is right. I hope these are isolated, unplanned, and hit-or-miss operations, with no significance as to our basic policy. It is hard for me to believe that the Government would commit acts of this kind because some of them are far reaching. On the undertaking in Cambodia, we have been asked for a large sum of money to create a large army in Cambodia. It does not seem to me to be consistent to say that this is a hit-or-miss operation without any well-designed purpose. It strikes me it is consistent not with withdrawal which was, I thought, political, but with continuing in, and creating a, very strong new operation in Cambodia similar to that in Vietnam. So I have been worried about it and I hope that the Senator from Kansas is correct, that all of this does not have any significance regarding the President's real plan, that these are things which happen, unfortunately, from time to time, without anyone planning them. I am reassured by that statement.

Mr. DOLE. The Senator from Kansas is pleased to know that he can offer some reassurance to the Senator from Arkansas without repealing the Gulf of Tonkin resolution. In any event, the Senator from Arkansas knows better than does the Senator from Kansas that we are at war in South Vietnam, that Americans have been in prison for months and months and years and years. The facts indicate that President Nixon is disengaging from the war he inherited from two previous Democratic administrations, and that the President has been successful, by and large, in this effort. So the Senator from Kansas concludes that this is not an expansion of the war. It is a containment and a restriction of the war. There is a disengagement in Southeast Asia, and I applaud President Nixon for his effort.

Now Mr. President, I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I thank the distinguished Senator from Kansas for yielding to me. Let me say that despite the intentions of the distingushed Senator from Arkansas that imply that this is merely a hit-or-miss operation, the facts support a contrary conclusion.

The facts are that the raid was well planned. The crews were specially trained. Some of their training kept them on the job for the full 24-hour period, clear around the clock.

It was not just an accident that they

chose this particular prisoner-of-war camp. They went there because the information that came to the military was that the prisoners of war there were dying in that camp, as I understand it. So I should like to disabuse the minds of any of those who may feel that the contrary was the fact, that this was just a hit-or-miss operation. It was not that at all.

Very brave men in the American forces went in there, at great risk to their lives. The fact that they were unsuccessful, I think, detracts not one bit from their courage, their training, and from the decision of those who had to assume the responsibility for making that decision.

Mr. KENNEDY. Mr. President, will the Senator from Wyoming yield?

Mr. HANSEN. I will not yield at this moment. I will yield in a moment——

Mr. KENNEDY. On that particular point only.

Mr. HANSEN. No. No. I want to finish my statement and then——

Mr. DOLE. Mr. President, the Senator from Kansas has the floor.

Mr. HANSEN. Mr. President, I want to say it is awfully easy if one's purpose is to try to discredit. It is awfully easy to get up on a Monday morning and find out what the coach did wrong on Saturday. That is not hard at all. There are not many coaches who can run a perfect ball game every Saturday. So what I feel certain will be applauded by most Americans is that this Government and the military in South Vietnam were properly concerned about the welfare of our prisoners of war, and when information reached military headquarters that our men were dying, that they were dying from maltreatment, neglect, and from——

Mr. KENNEDY. Will the Senator from Wyoming yield at that point?

Mr. HANSEN. It was perfectly in order that they should go in there and make the effort they made. I am glad that they did. I am very proud of them for doing so. I am not going to get up here on a Monday morning and say that if I had run the show over there I could have done a better job. What is important to me is that we have tried to help these prisoners of war, as well as the mothers and wives of these men. So that I want to be certain we are doing everything we can to try to save men who are either on the verge of death or are in imminent danger of losing their lives.

Now I am happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President——

Mr. DOLE. The Senator from Kansas has the floor. I yield to the Senator from Massachusetts.

Mr. KENNEDY. First, on a point of information, could the Senator provide some information in terms of what was the situation in this particular prisoner camp in North Vietnam? I am sure that we will hear about this over the period of the next few days. How does the Senator know that these particular men were virtually going to be dead in the next 5 days, or starving to death, or tortured to death, unless this operation was successful? I think, frankly, it would strengthen the position of the administration, if the administration could give us information concerning the conditions of the Americans in this specific camp. No one doubts that the prisoner situation is, and has been personally difficult for all the men who are prisoners. What was it about this specific camp at this time?

If the Senator can make that information available now, it would be much appreciated, and add to our understanding.

Mr. HANSEN. I will be happy to answer. Saving just one life will do. With even one life at stake, we should do our best to save it. I think they did the very best job they knew how. I do not know how many prisoners there are at this prisoner-of-war camp.

Mr. KENNEDY. The Senator does not know how many prisoners there were? How does he know they were starving, or being tortured, or near death?

Mr. HANSEN. I did not say they were starving.

Mr. KENNEDY. Then what condition were they in?

Mr. HANSEN. I made a statement that the prisoners of war were near death and——

Mr. KENNEDY. The Senator was saying that on the basis of information he stated was available. Is that available now in this specific instance, I say to the Senator from Wyoming?

Mr. HANSEN. It is all in the record, if the distinguished Senator would care to read it.

The PRESIDING OFFICER (Mr. CRANSTON). The Senator from Kansas has the floor.

Mr. DOLE. Mr. President, I appreciate the statement of the Senator from Wyoming and the observations of the Senator from Massachusetts. Let me point out briefly, regarding the earlier statement of the Senator from Massachusetts, that the Senator from Kansas is somewhat at a loss to know just how the Senator from Massachusetts would like us to respond. Apparently he agrees this is a commendable act by brave Americans to attempt to rescue American prisoners of war. Apparently the Senator from Massachusetts questions whether this was proper conduct, and whether the decision was properly made, but it appears to the Senator from Kansas, who has had considerable contact with the wives and mothers and children of those missing in action and prisoners of war, that after 4 or 5 or 6 years, they are at wit's end. They do and should demand that every possible effort is made to free prisoners of war. Yes, and at the negotiating table; yes, at the risk of American lives. If we adopt the attitude of the Senator from Massachusetts of just criticizing President Nixon, and just criticizing the administration, despite the heroic efforts being made by Americans to free other Americans, then we overlook a most important point about America and about those who respond to our Nation's wars.

As the distinguished minority leader pointed out earlier, American prisoners have an obligation, consistent with their safety, to use every means to escape. Some have. An Army major escaped after almost 5 years of imprisonment. He is now in the process of writing a book about this captivity. It should be an interesting book for those of us who sit in the luxury of our homes and concern ourselves with military tactics in South Vietnam and find fault with every move made by our Government but hesitate to question moves made by the other side.

Mr. President, as long as the junior Senator from Kansas is a Member of the Senate, he will support the President—whether it is the President who sent combat troops to Vietnam in the first instance in 1963; whether it is the President who escalated the number of troops in Vietnam to 540,000; or the President who is now bringing American boys home—as long as the Senator from Kansas can believe that that President—not President Kennedy, not President Johnson, and not President Nixon—did so based on the best available information and in the best interests of our country.

The Senator from Kansas would be hard to convince that any President, Democratic or Republican, would take any action inconsistent with our national security and with our best interests.

Mr. FULBRIGHT. Will the Senator yield?

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

Mr. DOLE. Mr. President, in a moment I will yield the floor. But above and beyond that, it would seem that at this point in the Vietnam war that President Nixon has made what the Senator from Kansas believes are successful efforts to wind it down and to disengage; 175,000 Americans have returned home and another 100,000 Americans will return home by next spring—that is 80 percent of the combat troops. The combat deaths have dropped to 30. Still too many. But a sizable reduction. That indicates we have made progress in Vietnam.

I share the sentiments expressed by the Senator from Massachusetts, the Senator from Arkansas, and the Senator from Wyoming, that the quickest and most effective way to end the fighting is through negotiations. The quickest way to return the American prisoners is through negotiations. But "it takes two to tango."

The Senator from Kansas was convinced of the good faith of the negotiators during the Johnson administration. The Senator from Kansas is convinced of the good faith of Ambassador Bruce and other negotiators now in Paris. However, to say or to infer that there is no obligation or that there is a minimal obligation to free American prisoners, in my opinion, does a disservice to America and to the brave men who fight America's wars.

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

Mr. KENNEDY. Mr. President, will the Senator yield for a brief observation?

Mr. FULBRIGHT. Mr. President, I want to make a brief observation, and then I will yield the floor.

What the Senator from Kansas was saying just before he finished, it seems to me, raises a question about the legitimacy of the discussion of the war and about the wisdom of the Senate policy.

The Senator referred to three Presidents who had a role in it. They did. However, I seem to detect that as long as

the President makes this decision and the Senator has no reason to believe that he is not motivated by some unpatriotic motive we should accept it.

I think this is a denial of our whole democratic system. I think that to accept that attitude toward Presidential decisions means that the Senate has no serious role to play in the Government.

The whole question at issue, as the Senator seems to assume, is that this issue—in this particular case, the raid, and in other instances, the actions of President Johnson and President Kennedy—the actions were in the interest of the country.

I do not for a moment question the valor of these individuals and their bravery. I do not question the correctness of wishing to free prisoners. We are all for that.

The question I am trying to raise relates to the wisdom of the basic policy we engage in here.

This is not a matter merely of Monday morning quarterbacking. This matter has been going on for 5 years or longer. This is only the most recent incident. What I was trying to elicit was the view of the Senator from Kansas as to the policy now, because he is close to the administration.

I happen to believe it is against the interest of the whole Nation. If we continue to enlarge the war or to resume the bombing in the north, it is against the interest of the prisoners of war, and against their prospects of being freed at any reasonable time.

I think it is in their interest and in ours to stop this war by a negotiated peace, similar to the way in which the French stopped their involvement.

The whole trouble about negotiations is that this country has never been willing to offer terms which are reasonably designed to bring about a negotiated settlement.

The No. 1 element in that failure of negotiations is the lack of commitment on the part of this country to withdraw from Vietnam as the French did.

Talking about a basic policy, I agree with the Senator. I wish that I could always think that Presidents are infallible. However, the three Presidents whom the Senator mentioned were all former Members of the Senate.

I recall when all of them were Senators. There was then no disposition on the part of other Members of the Senate or of the country at large to believe that they were infallible. We all thought it perfectly proper to raise questions concerning their decisions. I think it is perfectly proper to raise a question about the wisdom of the decision, not the valor of the participants, but the wisdom of the decision to go into Cambodia, the wisdom of the decision to resume the bombing of the North, and even the wisdom of sending these very brave men into a hazardous exploit which was accompanied by great danger and will, it seems to me, be resented by the enemy and will not promote negotiations.

Mr. DOLE. Mr. President, let me say that I trust my remarks do not convey the impression that any President is infallible.

The Senator from Arkansas will recall that I supported the Church-Cooper resolution after several weeks of debate. However, it does occur to me that at this time in history and at this time and place and with this President, the Senator from Kansas does not ascribe the motives to him the Senator from Arkansas does.

Some are very quick to condemn President Nixon who is disengaging from Vietnam. We know that negotiations would be the quickest way. But a Senator is not necessarily a military tactician and he has no special right to criticize and direct the President, a general, a staff sergeant, or a private, what should be done in the field of operation.

Mr. FULBRIGHT. Mr. President, I am not a military technician. That is not the question. This is a question in human relations. The Senator is an expert on human relations or he would not have been elected. Every Member of the Senate has some expertise in human relations.

The question is how to bring about a settlement of this war. It can only be done by negotiation.

I am not trying to tell them how to win the war. I thought we had abandoned the objective of winning this war. I thought that the President had abandoned that effort.

I like to support Presidents. It is much more agreeable to do so.

I have supported many of them. The only recent serious problem I have had with the last two Presidents was over the wisdom of this war in Vietnam.

If this country were in danger, I would be in the same position as the Senator from Kansas—if I thought that the country was in danger.

I supported World War II. I did not raise any question about that war. However, the Senator certainly knows that there is great question as to whether the pursuit of this war is in the interests of our country. That is the very question at issue. It is not a matter of supporting the President per se as the President. It is the wisdom of the pursuit of this policy that is at issue. Is it really in the interest of this country to continue this war? That is the whole question.

Mr. DOLE. I might respond briefly to the last question. I conclude by saying the policy now being pursued by this administration is one of disengagement. It is a policy to which I subscribe. The Senator from Kansas does not believe an isolated search and rescue mission or bombing military targets to protect American forces now or in the future is an expansion of the war or a discarding of that policy.

Mr. FULBRIGHT. I am glad the Senator said that. I notice he did not mention Cambodia. The resumption of bombing is all he adds to the question. I hope the Senator is correct and that this is not to lead into a new policy or a changing back to a policy of winning a military victory, as much as we all would like it. I thought the decision had been made by this President not to pursue that route.

Mr. KENNEDY. Mr. President, will the Senator from Arkansas yield, inasmuch as the Senator from Kansas mentioned my name earlier?

Mr. FULBRIGHT. I yield.

Mr. KENNEDY. The only response I would like to make to my friend from Kansas is to reject his argument on its face. We ran into this kind of argument during the recent political campaign. We in New England, as in other parts of the country, are used to statements to the effect that because one criticizes the administration and has criticism for their acts, which in this case I firmly believe endangered lives, that one cares any less about the well-being of prisoners of war or that one is less loyal to his Nation. I reject the implications that have been made by the distinguished Senator from Kansas.

Mr. DOLE. If I may respond, I reject the observation made by the Senator from Massachusetts that everything this administration does with respect to the war is incorrect.

Mr. KENNEDY. The record is quite clear on my position. I wish the Senator did not have to start to leave the floor or turn his back. I did not do so this afternoon. I have made my position on this entire war clear, and stated it in terms of deep disagreement during the last Democratic administration. I will, when I disagree, do so during this Republican administration. I will not be intimidated, as this administration has attempted in the past, to quiet those voices that express dissent about our involvement in Southeast Asia, or problems of reconciliation in this country, or any other matter. It has been a tactic in this administration. I rejected those tactics in the past campaign, and the American people rejected those tactics. These slight references made by my friend from Kansas do not distress me.

Mr. DOLE. I hope the Senator agrees that President Nixon did not initiate this war in South Vietnam and that he has made progress toward extricating Americans since January 20, 1969; I know the Senator wishes him further success in negotiations, which would be the best way to bring the matter to a conclusion.

Mr. KENNEDY. That does not answer the question we have before us this afternoon. The discussion started when the Senator from Kansas started expressing views in terms of this action 20 miles west of Hanoi with respect to prisoners of war.

My position is clear on the matter of this war and the right of men in the Senate to criiicize. I have expressed my position on our involvement in Southeast Asia. I have commended the President when I felt he should be commended, and I have expressed criticism when I felt it was justified, and quite frankly, I think it is justified by the action reported this afternoon.

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

Mr. KENNEDY. I yield.

Mr. DOLE. The Senator from Kansas would be pleased to discuss the war in Vietnam with the Senator from Massachusetts. Further repetition would not serve any purpose at this point unless the total war is discussed. In fairness, I can only repeat that we cannot talk about the action today, last week, or last year, without recognizing this war was started many years ago; that had it not been for

sending combat troops to South Vietnam in 1963, there would not have been the search and rescue mission over the weekend, and had it not been for the expansion of the war in the 1960's, the issue would be much simpler today.

Mr. KENNEDY. Does the Senator have a question?

Mr. DOLE. The question is: Does the Senator consider the total war or does the Senator consider it on a day-to-day basis?

Mr. KENNEDY. The Senator remarked earlier about the operation which we have addressed ourselves to. If the Senator is prepared to talk about the total war, I have stated my position and I am ready to state it again. I thought the total matter was expressed very well in the marvelous statement of the Senator from South Dakota today. We all remember the statement of the President in taking office that he had a plan to end this war. The Senator from South Dakota discussed that plan line by line and in detail. It remains to be rebutted by the Senator from Kansas or any other administration supporters. That was about as fine a detailed statement as has been made of our involvement over there, contrasted with what this administration pledged.

If the Senator is looking for a comment by me on whether mistakes were made by Democratic administrations during the 1960's, I say, "Amen. There certainly were."

The question now is, as I think what was stated so well by the Senator from South Dakota, let us look at the record in terms of this administration, and in terms of its pledges in the campaign. That has not been rebutted.

But I would be glad to discuss in further detail the Senator's earlier statement, although I think we have covered it adequately. I would be glad to remain if the Senator wishes to remain.

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

Mr. KENNEDY. I yield.

Mr. DOLE. To bring the debate back into proper perspective, I return to one statement made by the junior Senator from South Dakota who stated:

American prisoners continue to languish in prison camps in North Vietnam.

I called attention to efforts made by a certain rescue operation to rescue American prisoners. I pointed out there was a continuing effort by this administration, by our Government, to protect American forces and to rescue Americans who were held captive for many years.

The Senator from Kansas feels as he did an hour ago: This is an obligation we have. It is a continuing obligation. I applaud Secretary of Defense Laird and those who participated and trust further efforts will be made to obtain the release of American prisoners and those missing in action.

## ADJOURNMENT OF THE TWO HOUSES OF CONGRESS FOR THANKSGIVING HOLIDAY

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 786.

The PRESIDING OFFICER (Mr. SPONG). The Chair lays before the Senate House Concurrent Resolution 786, which will be stated.

The legislative clerk read as follows:

H. CON. RES. 786

*Resolved by the House of Representatives (the Senate concurring)*, That when the House adjourns on Wednesday, November 25, 1970, it stand adjourned until 12 o'clock meridian, Monday, November 30, 1970.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the concurrent resolution.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. KENNEDY. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 1, line 2 strike out "the House" and insert "Congress".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The concurrent resolution (H. Con. Res. 786), as amended, was agreed to, as follows:

*Resolved by the House of Representatives (the Senate concurring)*, That when Congress adjourns on Wednesday, November 25, 1970, it stand adjourned until 12 o'clock meridian, Monday, November 30, 1970.

## ORDER FOR RECOGNITION OF SENATOR PROXMIRE TOMORROW

Mr. KENNEDY. Mr. President, I ask unanimous consent that tomorrow immediately following the remarks of the Senator from Vermont (Mr. AIKEN) during the morning hour, the Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 10 minutes.

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

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment in accordance with the previous order.

The motion was agreed to; and (at 6 o'clock and 30 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, November 24, 1970, at 10 a.m.

# EXTENSIONS OF REMARKS

## LEGISLATIVE COUNCIL FOR OLDER AMERICANS, INC., DEDICATED TO IMPORTANT GOALS FOR SENIOR CITIZENS

### HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 23, 1970*

Mr. BURKE of Massachusetts. Mr. Speaker, the Legislative Council for Older Americans, Inc., is dedicated to the advancement of Senior Power as a means of attaining a better life for senior citizens. I call to my colleagues' attention the important goals to which these citizens are dedicated:

LEGISLATIVE COUNCIL FOR OLDER AMERICANS, INC.,
*Boston, Mass., November 17, 1970.*

The Legislative Council for Older Americans, Inc., a Boston-based senior citizens organization, is dedicated to the proposition that America's twenty million senior citizens are entitled to share in the American standard of living. To that end, we propose:

RETIREMENT INCOME

The enactment of social security during the depression years was a recognition by our nation that a planned retirement income maintenance plan was an essential ingredient in our economy. When the late President Franklin D. Roosevelt signed the social security act into law he commented, "We have laid the cornerstone for security for our older citizens." However, something has happened and we have not built the structure on this cornerstone. The deteriorating social and economic position of our retired population demands that we begin immediately to modernize and streamline our social security complex. The payroll tax has become regressive and is no longer a sufficient base to finance an adequate retirement income system. The Federal Government must become a financial partner in this field by adding a new financial dimension to the Social Security Trust Funds. The first step is to divert funds from the general revenues to supplement the payroll taxes until we achieve an arrangement whereby the employee pays one-third of the pension fund, the employer one-third and the Federal Government one-third. Only then will human needs become the dominant consideration in meeting the requirements of our Elders whose lives have been revolutionized by involuntary retirement, inflation, and the increased life span.

LOW- AND MODERATE-COST HOUSING

A large segment of our older citizens is faced with the problem of substandard housing. The home environment is of great importance to a retired person. He spends a good deal of his time in the home and the environment factors have an important bearing on his health, mental outlook and his general welfare.

It must be obvious that the private segment will not build the required housing for our low- and moderate-income Elders. It is, therefore, the job of the Federal Government and non-profit organizations to fill this void in our lives. States and municipalities can also share in this great task.

We need homes and we need them now!