tions governing the humane treatment of animals transported in air commerce; to the Committee on Interstate and Foreign Commerce.

H.R. 19992. A bill to amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 19993. A bill to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 19994. A bill to amend the Public Health Service Act in order to provide for the establishment of a National Health Service Corps; to the Committee on Interstate and Foreign Commerce.

H.R. 19995. A bill to establish a Juvenile Research Institute and Training Center; to the Committee on the Judiciary.

H.R. 19996. A bill to require the Council on Environmental Quality to make a full and complete investigation and study of national policy with respect to the discharging of material into the oceans; to the Committee on Merchant Marine and Fisheries.

H.R. 19997. A bill to prohibit the discharge into any of the navigable waters of the United States or into international waters of any military material without a certification by the Council on Environmental Quality approving such discharge; to the Committee on Merchant Marine and Fisheries.

H.R. 19998. A bill to amend title 13, United States Code, to provide for a mid-decade census of population in the year 1975 and every 10 years thereafter; to the Committee on Post Office and Civil Service.

H.R. 19999. A bill to amend the Federal Water Pollution Control Act to protect the navigable waters of the United States from further pollution by requiring that synthetic petroleum-based detergents manufactured in the United States or imported into the United States be free of phosphorus; to the Committee on Public Works.

H.R. 20000. A bill to amend title 38, United States Code, to authorize educational assistance to wives and children, and home loan benefits to wives, of members of the Armed Forces who are missing in action, captured by a hostile force, or interned by a foreign government or power; to the Committee on Veterans' Affairs.

H.R. 20001. A bill to assist in the provision of housing for veterans; to the Committee on Veterans' Affairs.

H.R. 20002. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to deduct certain expenses paid by him for special education furnished to a child or other minor dependent who is physically or mentally handicapped; to the Committee on Ways and Means.

H.R. 20003. A bill to amend the Internal Revenue Code of 1954 to exempt from income tax the interest on certain obligations of volunteer fire departments; to the Committee on Ways and Means.

By Mr. ABBITT (for himself and Mr. DANIEL of Virginia):

H. Con. Res. 793. Concurrent resolution expressing the sense of the Congress with respect to the participation by the United States in loans made by any international agency or bank to underdeveloped countries, for the purpose of increasing the production of an agricultural commodity determined to be a surplus agricultural commodity within the United States; to the Committee on Foreign Affairs.

By Mr. McFALL (for himself, Mr. REUSS, and Mr. HOLIFIELD):

H. Con. Res. 794. Concurrent resolution to express the sense of Congress on inflation and recession; to the Committee on Banking and Currency.

By Mr. LOWENSTEIN:

H. Con. Res. 795. Concurrent resolution expressing the sense of the Congress with respect to the pollution of waters all over the world and the necessity for coordinated international action to prevent such pollution; to the Committee on Foreign Affairs.

By Mr. ALBERT:

H. Res. 1317. A resolution providing for the Speaker to declare a recess at any time during the remainder of the session; to the Committee on Rules.

By Mr. SISK:

H. Res. 1318. A resolution relating to the clerk hire allowance of Members of the House of Representatives; to the Committee on House Administration.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

655. By the SPEAKER: Petition of Chojo Oyama, chairman, Central Shi-Cho-Son Municipal Association, Okinawa, Ryukyu Islands, relative to removal of chemical munitions from Okinawa, Ryukyu Islands; to the Committee on Armed Services.

SENATE—*Tuesday, December 22, 1970*

(Legislative day of Tuesday, December 15, 1970)

The Senate met at 9 a.m., on the expiration of the recess, 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:

Dear Lord and Father of mankind, grant that, as we prepare to celebrate the festival of Christmastide, we may arise and hasten to the place where love has come, and offer there the homage and devotion of our lives. We thank Thee for the road to Bethlehem and for all the pilgrims who have hastened there. Be Thou in our hearts, our homes, our churches, our public ceremonies, that the banner of the King of Life may be held high.

We pray for those to whom Christmas brings the remembrance of grief and separation, of voices now silent awaiting the final bugle call.

Be especially near those in the Armed Forces that they may know the affection of a grateful Nation and have encouragement for the coming day of peace. Heal the afflicted and be near the prisoner of war. May every life near and far be crowned with the peace of Thy redemption.

Give rest, joy, and inspiration to those in the service of the Government. Grant journeying mercies to all who travel.

Illumine the way of love's pilgrimage and set above the far horizon the star of Thy coming kingdom.

We pray in the name of the Prince of Peace. 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 22, 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. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, December 21, 1970, be approved.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, without prejudice to the Senators who were to be recognized during the special hour set aside for tributes, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. MONDALE. 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.

TRIBUTES TO SENATOR YARBOROUGH

Mr. MONDALE. Mr. President, I understand that the tributes to Senator YARBOROUGH were to be led off by the Senator from Massachusetts (Mr. KENNEDY). He has been temporarily required to be elsewhere.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

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

Mr. MONDALE. I yield.

Mr. PROXMIRE. Mr. President, I want to pay the warmest tribute to Senator YARBOROUGH. We came to the Senate about the same time. He was elected in a special election in April, and I was elected in a special election in August of the same year.

Our careers have been somewhat paralled. We each ran for Governor of our respective States in 1952, 1954, and 1956. We lost in those elections. We ran in special elections in 1957 and were elected to the Senate. We then were reelected in 1958 and 1964.

RALPH was most hospitable, helpful, and friendly when I first came to the Senate. He became a good and valued friend.

I do not know of any man in public life who is closer to the people than is RALPH YARBOROUGH. He has always deemed it his duty to do the best he could to represent his constituency as vigorously as he could and to vigorously seek out their needs, their views, their opinions.

This man is a populist in the best traditions of American public life.

One remarkable facet about RALPH that is little known is that he is an intellectual in the best sense. He is known as a powerfully emotional speaker who can rouse a crowd to a far greater extent than almost anyone I know. But his life of the mind is usually overlooked.

I do not know a man who knows more about Texas history, about the history of Mexico and of all the events that went into the making of that great State of Texas. He knows a great deal about all aspects of American history. He is a student and a scholar. He is a man who, above all, has been identified with the cause and the interests of his people.

I think no one can pay tribute to RALPH YARBOROUGH without recognizing the great contribution he has made to education. The Korean GI bill and the carrying on of that effort will always be a great monument to Senator YARBOROUGH.

RALPH has worked hard for a program to secure adequate resources so that we could eradicate the terrible scourge of cancer.

He has been dedicated. He has been devoted. He has been a most effective chairman of the committee that deals in the most significant manner of any Senate committee with human problems. That committee is the Labor and Public Welfare Committee and the Education Subcommittee. He has been the ideal chairman of that committee and subcommittee.

Mr. President, it is a great honor and privilege to have a chance to rise in the Senate this morning to pay tribute to a good friend and an outstanding Senator, truly a man of the people, RALPH YARBOROUGH.

Mr. MONDALE. Mr. President, I am pleased to join with my colleagues today in honoring a great American and a wonderful friend.

It has been my good fortune to serve as a member of the Labor and Public Welfare Committee under his chairmanship and throughout this entire Congress to have been seated beside him here on the floor of the U.S. Senate.

I shall miss RALPH YARBOROUGH greatly, as I am sure all of my colleagues will.

RALPH is an uncommon man. He knew full well how to win the election, but he also knew that it was not possible to serve his conscience and be reelected. And, knowing what he was doing, he decided in favor of his conscience rather than his office.

I know that is true, because on several occasions we discussed the votes which he cast which he knew were unpopular. But his conscience is such that he could do no other.

I suppose I am telling tales out of school when I say that the day he voted against the confirmation of Judge Carswell to the Supreme Court, I turned to him and said, "You are right. But this will probably beat you." He said, "I know it." That has been RALPH YARBOROUGH's public career from the beginning—one of courage, conscience, and continued devotion to human beings above all else.

He has sponsored or cosponsored virtually all of the social and economic reform legislation of the past 12 years—indeed, I suspect, all of it. Whether in health, education, manpower, human rights, civil rights, RALPH YARBOROUGH has usually been there first and has usually strengthened all of us in those efforts.

Senator YARBOROUGH, as chairman of the Committee on Labor and Public Welfare, made migratory labor a permanent subcommittee, which it had not been before. I am privileged to be the chairman.

In the course of the work of this committee, I found out about the deep need of the Mexican Americans, so many of whom live in Texas. They are largely without political support. They live in miserable and impoverished surroundings, many of them. They are not only economically powerless but are politically powerless as well.

RALPH YARBOROUGH is one of the few people ever to risk his political career to help them. It is not a popular thing to do. Politically, it is not a smart thing to do. However, it does happen to be the right thing to do. Therefore, RALPH YARBOROUGH did it.

During his 2 years as chairman of the Committee on Labor and Public Welfare, I believe we broke all records for the number of hearings and the number of issues in which we became involved. Just a few months ago, for the first time I think in 20 years, the Committee on Labor and Public Welfare commenced hearings on the broad issue of national health insurance. It had been 20 years since Congress had even heard testimony on this profound and heartbreaking problem in America. RALPH YARBOROUGH began the movement forward on that issue.

In just the past few days, under the leadership of RALPH YARBOROUGH, there has been advanced a new proposal, that I am sure will become law, to create a national authority for the cure and treatment of cancer. It is to be an effort patterned after the Tennessee Valley Authority or, perhaps, the space agency. In the same manner as the Nation made commitments in those areas, his new proposal will commit this country to find a solution to cancer, no matter what it takes. That proposal did not just happen. It came about because of the unique efforts of RALPH YARBOROUGH's Committee on Labor and Public Welfare. Because of RALPH YARBOROUGH, and under his leadership, this is now a legislative proposal which I am sure will become law.

His record is well known. It cannot be taken from him. The people will not permit it.

In closing, I wish to make one final remark. One goes into politics thinking it is easy, perhaps. One serves his beliefs, thinking that ultimately, he hopes quickly, those views will be accepted and implemented into law. But it is only after a few years of politics that one realizes it is a constant, difficult, and often dangerous struggle to speak up and work for the causes which seek a better life for our people. It is a traumatic, tiring, fatiguing, and often debilitating battle. RALPH YARBOROUGH has spent his life in that struggle. He stands as a symbol of courage and humanism.

I will never forget him. I will never forget what he meant to me and everyone in this country who believes in a better Nation. We will remember him the rest of our lives.

Mr. BROOKE. Mr. President, I have not had the opportunity to serve on committees with the distinguished senior Senator from Texas (Mr. YARBOROUGH), and being on the Republican side, I have not had the opportunity to know him intimately.

But several months ago when Senator YARBOROUGH stated on the floor that he would miss the Senate, I spontaneously said at that time that the Senate would miss RALPH YARBOROUGH more.

I rise today with regret to pay my respects to the retiring senior Senator from Texas. For nearly 14 years since election to the Senate in April 1957, RALPH YARBOROUGH has been a vigorous and constructive champion of the poor and the underprivileged. His compassion and concern are unsurpassed. A multitude of bills promoting quality education and improved health care bear his name and are written into law today because of his untiring efforts.

Mr. President, RALPH YARBOROUGH has advanced some very unpopular causes and he has done so because he believed that they were right.

As we may remember, it was RALPH YARBOROUGH who called for increased spending for domestic programs at a time when national attention was focused elsewhere. I believe history will prove him right.

The Senate and the country are far richer for his having served here. He leaves behind some very great accomplishments. I pray that the future may likewise bring him satisfaction and achievement.

RALPH, we will miss you. You have served us all well.

Mr. YOUNG of Ohio addressed the Chair.

The PRESIDING OFFICER (Mr. BYRD of West Virginia). The Senator from Ohio is recognized.

Mr. YOUNG of Ohio. Mr. President, I do not have a sufficient vocabulary to manifest my admiration, affection, and devotion to RALPH W. YARBOROUGH.

RALPH YARBOROUGH is one of the greatest and finest men I have ever known. He and his lovely wife, Opal, are close friends of my wife and me. In the 12 years I have been in the Senate, I know of no greater friendship than the friendship my wife and I have for RALPH and Opal Yarborough.

In my humble opinion RALPH YARBOROUGH is one of the truly great American statesmen of our time. He is the finest sort of man personally. His career and his presence in public life really justify our faith in democracy and reinforces our belief in the essential virtues and goodness of our Republic.

I happen to believe that experience is a great teacher of all things. I believe it was Benjamin Franklin who wrote that experience keeps a dear school but fools learn in no other. RALPH YARBOROUGH is a highly intellectual man. He had been a fine trial lawyer. He had been an instructor at the University of Texas Law School. He had been a district judge in the 53d Judicial District and was in that high position for about 5 years. For 3 years he was the presiding judge. He served as assistant attorney general of Texas. This great American served his country in combat in World War II. RALPH YARBOROUGH served with the 97th Infantry Division. He was discharged from the Army in 1946 as a lieutenant colonel.

RALPH YARBOROUGH came to the U.S. Senate with just as fine a background of experience as anyone in this body. His entire life has been a series of chapters of excellence.

RALPH YARBOROUGH has written a number of very fine articles. Among them are "Lincoln as Liberal Statesman" and "Sam Houston—Giant on a Postage Stamp."

Mr. President, RALPH YARBOROUGH is indeed a superior man personally. He is a man of impeccable character. As a professor at a university law school, he dealt with young men. He has served as a model for fine young men throughout his entire life.

During his years in the U.S. Senate, RALPH YARBOROUGH has served with fidelity, devotion, and the greatest industry, the citizens of his State and our Nation.

It has been my privilege over many years to have had an office on the same floor as RALPH YARBOROUGH; as a matter of fact, right beside him. Many, many times I have marveled at the tremendous industry he has in dealing with the thousands of people from Texas who come into his office.

Occasionally when I needed the benefit of his views and advice, I would call on my neighbor RALPH YARBOROUGH, and I profited by talking with him, and I profited by meeting with his lovely wife, Opal, and him socially.

I shall in furture years look back on my 12 years in the Senate and with the greatest pride and joy on his friendship toward me and the fine things he has done to be helpful to me.

RALPH YARBOROUGH is a statesman and a lawyer and a great believer in and doer for the public welfare. It is my belief that while he is leaving the Senate in a few days, just as I am leaving the Senate in a few days for good—as the oldest man in the Senate I can say truly that my future is behind me—I am predicting that RALPH W. YARBOROUGH will have a great future in the public life in his State of Texas and in the Nation. His future is ahead of him. He is a young man compared to me.

So I am glad to join with my colleagues and say to our dear friend and colleague, the senior Senator from Texas (RALPH YARBOROUGH), that we wish you Godspeed and happy landings in all things.

Mr. ALLEN. Mr. President, I am honored to have this opportunity of joining in the tributes to Senator RALPH YARBOROUGH during the closing days of this Senate and during the closing days of Senator YARBOROUGH'S term in the Senate.

Senator YARBOROUGH'S forebears came from the State of Alabama, which I have the honor to represent in the U.S. Senate. He has told me on more than one occasion of his grandfather, who served as coroner of Sumter County, Ala., back more than a hundred years ago.

I have enjoyed discussing on many occasions with Senator YARBOROUGH the history of Alabama and of Texas. He is a great historian. He told me many things about my own State that I did not know.

I had the privilege of meeting Senator YARBOROUGH only when I came to the U.S. Senate, in January of 1969, but I have grown to love and admire and respect him.

We do not always see political questions the same way. I have heard him characterized as being a liberal, whereas I have heard myself characterized as being a conservative. But I found Senator YARBOROUGH to be a man of character, honor, sincerity, dedication, a man willing to work hard for what he believes in.

We both want to see a better life for all of our people, and certainly in that respect we see eye to eye.

Senator YARBOROUGH has been a great champion of the weak, the downtrodden, the aged, the infirm, the sick, the widow, the orphan. I certainly applaud his feelings and agree with him on the aims and the goals which he would seek to achieve.

After the November election, I am sure that all of us have observed the Senators who will not be in the 92d Congress. I have been interested in seeing the extent to which some of those Senators may have slacked up in their work, in their interest, in their aims and goals, and in their efforts. But, as I remarked some time ago to Senator YARBOROUGH, I had noticed that, far from slacking up in his efforts, he has redoubled his efforts, realizing that time is short for him to accomplish some of the goals which he had in mind for his Senate service.

Mr. President, I had not intended to make any remarks on this occasion. The time of 1 hour from 9 until 10 was allotted for the paying of tribute to Senator YARBOROUGH, and I had the honor of occupying the Chair during that hour.

But I requested the opportunity to come down and pay tribute to Senator YARBOROUGH. Truly he is, in the words of Kipling, a man who can "walk with kings, nor lose the common touch."

Yes, he is a man of the people, a down-to-earth person whom one can enjoy talking with, discussing legislation, discussing history, discussing trends, discussing goals and aims. I have enjoyed my service with this distinguished Member of the Senate.

We do not always agree on methods. I would say that Senator YARBOROUGH would be glad to see the Federal Government take over more of the functions of government than would the junior Senator from Alabama, who would like to see more of those functions performed by State and local governments. Possibly he would be willing to see the Federal Government exert a greater influence on the daily lives of all of our people than would the junior Senator from Alabama. But we have always respected our right to have differences of opinion and different views of how laudable ends might be achieved. So I admire this great Texan, this man who has his roots in Alabama, from whence his people came.

We shall miss Senator RALPH YARBOROUGH in the U.S. Senate. The Senate will miss him and the country will miss him; and I am honored to have the opportunity at this time of joining in this tribute to him. He has my best wishes for a happy and busy life of service in the future.

The PRESIDING OFFICER (Mr. YOUNG of Ohio). The Chair recognizes the senior Senator from New York.

Mr. JAVITS. Mr. President, I am the ranking minority member of the committee so graciously and interestingly chaired by RALPH YARBOROUGH, and I would not wish to miss the opportunity of joining in the tributes to him. Probably my greatest tribute to him is that I am heartbroken over the fact that he will not be there to continue as chairman and to continue the creative partnership which he has so very generously spoken of so often and which has involved us both.

There is no place in the world, I suppose, where one gets to know a brother like Senator YARBOROUGH any better.

It is always interesting to me, and I enjoy it very much, when the recipient of these affectionate remarks is actually in the Chamber when they are uttered. Personally, I think that is as it should be, because there is something about the human spirit which cannot be communicated in the written word, certainly in this respect. I always enjoy these efforts to summarize relations with a man, and I suppose that the object of such flattery would also be interested in knowing what a man who has worked with him so closely thinks of him.

I do not know of any human being in this Chamber who is better motivated than RALPH YARBOROUGH. As Senator ALLEN has said, you can differ with him. He likes to spend a lot of money—some-

times it even gets me—but he is certainly motivated by the purest, highest, and finest instincts that anyone in this body can claim. He wants people to be well, he wants them to be happy, he wants them to have the utmost fullness of opportunity that they are capable of having, and he has such a taste and relish for life himself that he sees absolutely no parameters to the possible degree of development and enjoyment of the human personality.

It seems to me that that aura absolutely surrounds everything he does and surmounts every other consideration. We do differ on the fact that he is something of a populist, which is an interesting phrase, coming from the part of the country he does, or that he has an absolute passion for action on the issue of health, in which he has been an extraordinary leader; but when RALPH YARBOROUGH really lets go, as he did on this floor recently on a bill, he is absolutely magnificent.

He is a young man, relatively speaking, and has a full and rich life ahead of him. This is but one of the way stations. Anyone who is endowed as he is simply cannot stand still or fail to be superbly useful to his people and his time.

I join all my colleagues in the warmest wishes to him for his own future, with the hope that perhaps we may see him here again, but wherever he is, that high motivation, tremendous dynamism, and love of life and those who live it, will always make him attractive, lovable, and beyond anything else, an extremely important and useful man to anything that concerns him, the people he has represented, and all the people of our Nation.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama.

Mr. SPARKMAN. Mr. President, I wish to speak briefly in regard to our departing brother, as JACK JAVITS has described him.

I believe I first met RALPH YARBOROUGH before he was holding public office. It was, if he remembers, down in Texas, when I spoke to, I believe, a Young Democrats meeting. At least, it was a Democratic meeting, and it was at a time that the Democratic Party was in low ebb in the State of Texas. RALPH YARBOROUGH took hold of it and pulled it together. I have known him ever since that time.

He did some pretty difficult things back in those days. He ran for office several times without winning, but he never gave up the fight; and he restored the Democratic Party to life in the State of Texas.

Not too long after that, he did win a victory, and came to the Senate of the United States. I have enjoyed working with him here. I have never been on a committee with him, but he knows that my committee and his committee have had very close relations and very frequent dealings with each other, particularly in the field of veterans' housing. There is an overlapping of jurisdiction between the two committees. Never did we approach him and his committee with reference to something involving housing legislation and suggest changes or modifications that he did not cooperate fully.

RALPH YARBOROUGH is a good man to work with, and I have never known one who was more diligent in his service and in his duties. I have had the pleasure of being with him in various international conferences, and I know how he has worked there.

I commend him for the great job he has done in the Senate of the United States. I wish for him and his good wife long years, great happiness, and good health. I know that he will be giving service wherever he is and in whatever capacity he serves.

Mr. WILLIAMS of New Jersey. Mr. President, with mixed feelings of regret for our loss but with pride and pleasure for having served with him in the U.S. Senate, I join my colleagues in paying tribute to the able and distinguished senior Senator from Texas.

Coming to the Senate in 1957 at a time of rising expectations among the less fortunate and underprivileged citizens of our society, RALPH YARBOROUGH labored long and hard to open new opportunities for more and better jobs, for better education, and for better health for every citizen. None of these problems will be quite as complex, quite as tough in the future, because RALPH has left his unique, pioneering mark on each of them.

RALPH YARBOROUGH was never a handwringing pessimist. He always had faith in the capacity of Government ultimately to meet the critical issues of our time. Exemplifying his faith in the ultimate good sense of Government was his perseverance on the cold-war GI bill, which he vigorously advocated in 1958—long before active hostilities in Vietnam made its need apparent to all. I was honored to be a cosponsor of that legislation and to support the cause he led so well to a successful conclusion in 1966.

In my 12 years of service with him as a member of the Senate Committee on Labor and Public Welfare, I observed RALPH YARBOROUGH investing boundless energy and unmeasurable vigor to the resolution of some of the most challenging problems of our times. It is appropriate to quote here the words spoken about RALPH YARBOROUGH by George Meany, president of the AFL–CIO. Mr. Meany said:

> When the 92d Congress convenes in January, what we will miss most is the heart of Ralph W. Yarborough—that quality of warmth and devotion to people that so truly characterized his career.
>
> Labor will be missing a valued friend. Texas will be missing a devoted public servant. The American people will be missing a man who was the Senator of all the people.

As chairman of the full Committee on Labor and Public Welfare, during the 91st Congress, RALPH YARBOROUGH was considerate of his committee members in every possible way. And it was during the 91st Congress, as Senators know, that the Labor Committee initiated some of the most far-reaching social legislation in this Nation's history.

I recall a Saturday night in May of this year, when I was in the first round of the election campaign in New Jersey, in a primary campaign, driving along about 11 o'clock, and over the car radio came the announcement that RALPH YARBOROUGH had been defeated in Texas. I will say that this was more than a shock. It impressed me as a national tragedy. The next day, one of the first things I decided to do was to ask RALPH YARBOROUGH to come to New Jersey to help me in my campaign. I called him, and he said, "yes," immediately.

Of course, I personally am everlastingly grateful for what he has meant to me in politics. I know that the people of my State received him as I received him, recognizing all he has done for a better Nation, in terms of better lives for millions upon millions of people.

Mr. President, I ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, the first chapter in a book entitled "Yarborough of Texas," which talks of his Texas heritage.

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

(See exhibit 1.)

Mr. WILLIAMS of New Jersey. Senator JAVITS mentioned RALPH YARBOROUGH's basic populist philosophy. This chapter describes Henderson County, the county of statesmen: Henderson County, which had a populist background born of human hardship. It relates that this was the soil in which RALPH YARBOROUGH took root and which brought him on to all his greatness in terms of humanity and bringing greater economic hope to people, better hope in every way.

Certainly, within this year we have seen that it was his drive that might well be the thrust that is needed to overcome one of the world's great killers—cancer. It was his legislative creativity that created the commission that is trying to open doors to a crash research program.

I could go on and on and on. Certainly, we who have worked with him not only have been served well by a chairman but also have been inspired by a man.

Senator RALPH YARBOROUGH's life has been an unending story of vitality and excellence. As an educator, as an infantry combat soldier, as a practicing attorney, as a member of the judiciary, and as a Member of the U.S. Senate, he has served the citizens of the State of Texas and of the Nation with honor and distinction.

I commend the sound judgment of the people who elected him to the Senate in 1957, and who have reelected him for two full 6-year terms. Being the fighter that he is, I feel certain that RALPH YARBOROUGH will return to his people in Texas and will win from them another commission to perform public service in their behalf.

EXHIBIT 1

TEXAS HERITAGE

For well over a century, Henderson County in east Texas has been Yarborough country. Formed in 1846, it takes its name from J. Pinckney Henderson, first State Governor who later served as a United States Senator. Diversity of land, people, and products are its dominant characteristics.

The gently rolling hills are dotted with pines, ash, gum, hickory, and post oak. To the west, the Trinity River flows southward into Galveston Bay; to the east, the Neches River makes its way slowly to the Gulf of Mexico some 150 miles away. Henderson County's rich farmland produces a variety of crops—cotton, corn, melons, peanuts, tomatoes, potatoes and black-eyed peas, for which it is most famous.

The people are hardworking, industrious, economically and politically independent. Farmers, industrial and skilled workers, and the usual assortment of small businesses comprise the county's work force and commercial establishments.

Areas of heavy clay soil support brick, tile, and pottery plants. Small sawmills, furniture plants, dairy, beef cattle, canning and clothing industries add to the economic mix. Oil and gas wells on the landscape help give Henderson County the "Texas look."

Ralph Webster Yarborough was born in the town of Chandler (present population 627), some twelve miles west of Tyler. He was the seventh of eleven children of Charles Richard and Nannie Jane Yarborough, who, like their neighbors, prided themselves on traditional frontier self-reliance and independent thinking. The Yarborough family has a history of leadership in civic and public affairs. Ralph's father was Mayor, School Board President and Justice of the Peace in Chandler. His grandfather, Harvey Yarborough, led the first company of infantry from adjoining Smith County when Texas joined the Confederacy in 1861.

LEGENDARY HEROES

Young Ralph became an avid student of history, an interest that has grown and matured. In the evenings after the day's chores were done, he sat in the family circle on the cool back gallery and learned about Thomas Jefferson, Madison, the Constitution, Andy Jackson's frontier democracy and his struggle against Nicholas Biddle and the National Bank; about Sam Houston, Stephen Austin the martyrs of the Alamo and Goliad, about San Jacinto and the founding of the Texas Republic.

He learned about the history of Henderson County, "training ground for statesmen." They included John H. Reagan, first judge of Henderson County, who had served in the cabinet of President Jefferson Davis. Reagan had served in the House of Representatives, both before and after the Civil War. He led the fight on railroad abuses and became a United States Senator from Texas. In Washington, he had helped write the Interstate Commerce Act and in 1891 became the first chairman of the Texas Railroad Commission.

Another county hero was the "Old Alcalde," Oran M. Roberts, a district judge who was elected Governor in 1878. During his two administrations, the University of Texas, Sam Houston State and Prarie View Colleges were established and a Statewide system of free public schools was begun. Roberts also served as Chief Justice of the Texas Supreme Court.

POPULIST TRADITION

East Texas is rich in Populist tradition, which took the form of the Farmers' State Alliance and The People's Party during the 1880's and 1890's. Economic and political upheavals of the Reconstruction years had brought hardship and deprivation to many thousands of small farmers and workers. Prices of cotton, corn, and other basic commodities plummeted with the Panic in 1873 and dropped still lower in the following decade. Jobs were unsteady and wages poor.

The end of "carpetbag" rule in the 1870's had brought a return of more stable State and local government to Texas and other Southern States, but it was a virtual "one party" government dominated largely by bankers, merchants, large landholders and other commercial interests with little sympathy for the plight of the small farmer or the working man. When coupled with unscrupulous rate practices of the railroad "barons" and widespread vote-stealing and political corruption, the stage was set for an organized economic and political counter-attack by frustrated and desperate citizens of the rural areas of Texas and other States of the South and Midwest. In some areas farmers joined forces with newly-organized urban workers' groups such as the Knights of Labor. They campaigned for reform of the banking laws, for a graduated income tax and for direct election of United States Senators; they advocated free coinage of silver, reforms in the railroad, and an end to corruption in business, in the conduct of elections, and in the affairs of government.

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PROGRESSIVE GOVERNMENT

In Texas, a trust-busting Democratic reformer was elected Attorney General in 1886 and in 1891 became Governor, campaigning on an anti-monopoly platform. James S. Hogg, the "Great Commoner," was the first native Texan to serve as Governor. His strong beliefs and actions in preserving the public interest were to have a profound influence over Ralph Yarborough many years later. Young Ralph's father had tutored him on the accomplishments of the progressive administrations of Jim Hogg and those of Charles A. Culbertson and Thomas M. Campbell, who followed in Hogg's footsteps of economic and political reform that marked the turn of the century period in Texas history.

More than a generation later, Ralph Yarborough was to demonstrate just how well he had learned these lessons that were such an important part of his colorful Texas heritage.

Mr. CRANSTON. Mr. President, it would take many more days for all Senators to have the opportunity to say all they would like to say about Senator RALPH YARBOROUGH. I realize that I and other Senators now in the Chamber will not have time to adequately express our high regard and deep affection for RALPH YARBOROUGH.

I met RALPH on the campaign trail many, many years ago, before either of us was in the Senate. We have maintained a close relationship over the years, culminating in the rich opportunity for me to serve under RALPH'S leadership on the Committee on Labor and Public Welfare.

RALPH'S friendship, tolerance, understanding, and cooperation—and his vast, limitless capacity for leadership—have enabled me to do far more than I had believed freshman Senators were permitted to do by their seniors. His presence in the Senate and on his committee has been a great blessing for all the millions upon millions of Americans who benefit so much from the work that the committee is able to do under his great guidance.

Since I came to the Senate 2 years ago, I have focused my principle legislative efforts on the Labor and Public Welfare Committee, on which RALPH has served for all of his 12 years in the Senate.

So I know his leadership, knowledge, and legislative effectiveness firsthand and they are exceptional.

His accomplishments in the U.S. Senate are legion.

But I would like to focus today on his fine efforts in the fields of education and veterans benefits.

As a former rural schoolteacher, RALPH has always understood how vital to America's strength, prosperity, and future, is the goal of quality and equality in education for all in our land.

Senator YARBOROUGH was one of the original authors of the 1957 National Defense Education Act.

Since then, he has contributed to every education law passed by the Congress. He has pressed hard for higher levels of appropriations for education.

Since RALPH reached the Senate, there has been a continuous stream of legislation expanding the Federal commitment to education.

These were the Higher Education Facilities Act of 1963, the Library Services and Construction Act of 1964, the Elementary and Secondary Education Act of 1965, the Higher Education Act of 1965, and amendments to those acts in 1966, 1967, 1968, and 1969.

Senator YARBOROUGH worked tirelessly for each and every one of these measures. His successful efforts to improve the Nation's libraries by working for improvements in the Library Services and Construction Act are of particular note and pride to him—and well that should. He also authored the Professors Emeritus Act of 1968, under which distinguished retired professors work with smaller, developing colleges which need the skills, knowledge, and experience of these senior citizens.

And he has also been responsible for protecting and strengthening the impacted areas programs which are so important to schools heavily burdened by Federal activities.

There are three Federal education programs with which Senator YARBOROUGH is most singularly associated.

The first is the national defense student loan program under which needy students may borrow funds to go to school at low interest.

Second, he has made great contributions to the improvement of educational opportunities for handicapped children since the adoption of the first special program for handicapped children in 1965.

He continued that effort as author of the children with Learning Disabilities Act designed to bring special educational assistance to more than 5 million children with special learning disabilities.

The third area is bilingual education—one of Senator YARBOROUGH'S greatest labor of love. He originated the idea of bilingual education and accomplished miracles by persuading the Congress to accept a new concept of bilingual education despite strong administration opposition.

It has been one of the most successful of all federally funded education programs.

There is no other Senator now in this body who has contributed as much to the education of American children as Senator YARBOROUGH.

Senator YARBOROUGH'S great legislative leadership for veterans' education and training has been equally noteworthy and successful. As chairman for 7 years of the Veterans' Affairs Subcommittee, a position I now hold, he has fought for

GI bill benefits for post-Korean era veterans in three decades. And finally in 1966, after opposition from three Presidents, he pushed, pulled, cajoled and persuaded the Congress to enact a Vietnam era GI education and training program.

Not satisfied with the level of benefits and programs resulting from the compromise necessary to win adoption of GI bill legislation, he came right back in 1967 and 1968 with successful bills to increase allowances; to expand coverage to widows and wives of totally disabled veterans; and to otherwise strengthen the program.

In January of 1969 Senator YARBOROUGH introduced a bill to increase GI bill benefits in all programs by 46 percent. He worked mightily for this measure in committee, and was indispensable to our success in securing passage in the Senate by a 77-to-0 vote despite an implied Presidential veto, and despite House adoption of a much lower figure.

After three lengthy conferences with the House, we finally reached agreement on a 35-percent increase—which now means $45 per month more for the single veteran who is studying full time.

All that I have recounted should be enough for any man, but I have only scratched the surface of RALPH YARBOROUGH's invaluable contributions to our Nation.

It has been an inspiration to serve under his leadership on the Labor and Public Welfare Committee of the U.S. Senate. It has been a precious, priceless privilege to serve with him in the Senate.

We will miss him tremendously, but we know that he has a great future in Texas, in America, and in the YARBOROUGH brand of politics for the people.

Mr. HARRIS. Mr. President, the Senator from Texas, Senator YARBOROUGH, has been an inspiration to me since long before I came to the Senate. Being a neighbor of his, I recall his first statewide race in Texas, and I recall when he was first elected to the Senate from Texas.

In all those campaigns, as indeed in all his service in the Senate, he has shown great courage and forthrightness in the positions he has taken on the critical issues which face this country. He is a man of compassion as well as courage, a man of wisdom, a man who is an intellectual in the true sense, keenly curious about all aspects of human life and about all the aspects of knowledge.

I will miss him, as the Senate will miss him; but we wish him Godspeed and good fortune in the years ahead.

Mr. KENNEDY. Mr. President, the hour of 10 a.m. is approaching. Inasmuch as many Members present have not had an opportunity to speak, I ask unanimous consent that the RECORD remain open for insertions and elaborations by the Members of the Senate, that the RECORD remain open until the end of the session, and that these tributes be printed as a Senate document and be made available to the Members of the Senate and other interested friends of Senator YARBOROUGH.

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

Mr. MUSKIE. Mr. President, RALPH YARBOROUGH is a man the Senate will not forget.

His tireless efforts in the fields of health, education, and veterans' affairs have produced contributions for which all Americans, not just his Texas constituency, should be grateful.

He has authorized and actively worked for some of the most most important legislation which the Congress has enacted over the last decade—the Elementary and Secondary Education Act, the National Defense Education Act, the Higher Education Facilities Act, the Regional Mental Health Centers Act, and countless others.

He has been a friend and stanch supporter of conservationists. We all owe him a debt of thanks for his efforts to preserving unspoiled monuments to the magnificent and diverse beauty of his State.

Most important of all, RALPH YARBOROUGH has been a friend of the people, in the most decent sense of the word friend, and in the broadest definition of the word people.

He has championed the rights of those who have not shared in the benefits of an affluent society.

On any matter requiring a decision between the public and private interests in this country, RALPH YARBOROUGH has always come down to the side of the public.

I feel indeed privileged to have had the opportunity to serve with RALPH for 12 years in the Senate.

I shall miss him as an ally in uphill fights in the Senate.

We shall all miss his insight, knowledge, and energy in the areas of our most urgent priorities, the health and welfare of the American people.

RALPH YARBOROUGH leaves behind a tradition of compassion, dedication, commitment, and effectiveness. We shall all have to work doubly hard to see that this tradition is carried on.

Mr. PELL. Mr. President, this is a statement I would rather not have to make, for I shall greatly miss RALPH YARBOROUGH. His retirement from the Senate is to me a great loss for it is not often that we are allowed to sit with a man of his stature. During the last 10 years I have come to know the senior Senator from Texas very well. My esteem for his personal integrity and legislative skill has grown with each year.

As a member of the Senate Committee on Labor and Public Welfare and as chairman of its Subcommittee on Education, I am fully aware of RALPH YARBOROUGH's dedication to the welfare of our country's less fortunate citizens. Indeed, his work on education matters alone, is a matter of attainment to which few of us can aspire. Starting with the passage of the National Defense Education Act of 1958 within a year after his election to this body, RALPH YARBOROUGH has forged a chain of legislation which will have its effect on our Nation's schools for years to come. This record of attainment can also be found in the fields of health, labor, and veterans' affairs. Indeed, when one thinks of the cold war GI bill, one immediately thinks of RALPH WEBSTER YARBOROUGH.

As he leaves this Chamber, I can only say thank you for the great help and guidance that you have given to me and I wish you well in the years to come.

Mr. BOGGS. Mr. President, I wish to take this opportunity to join my colleagues in congratulating the distinguished senior Senator from Texas (Mr. YARBOROUGH) on his many years of valued service to the Senate.

It has been a great personal pleasure for me to share committee assignments with Senator YARBOROUGH during the time that we have both been in the Senate.

For 10 years Senator YARROROUGH and I have worked together on the Post Office and Civil Service Committee; and I can testify that his energy and sound reasoning have set a high example for all who have served with him. In addition, I have had the pleasure of working closely with Senator YARBOROUGH on the Treasury, Post Office, and Executive Office Subcommittee of the Appropriations Committee, where, again, I was privileged to encounter the Senator's vast knowledge and leadership ability.

Throughout our work together, I have always found Senator YARBOROUGH an agreeable, cooperative colleague. I consider him a great friend, and I wish him well in his future plans.

A FAREWELL TO RALPH YARBOROUGH

Mr. CHURCH. Mr. President, the departure of Senator RALPH YARBOROUGH is a loss to both the Senate and the Nation, as well as a cause for deep personal regret on my part.

During the 13 years that RALPH YARBOROUGH has served conscientiously in the Senate, he has distinguished himself in many ways. He was always faithfull to the task of representing his constituents in day-to-day matters—resolving their problems with the too-often unresponsive bureaucracies of our Government. He served diligently on his committees dealing with labor, health and welfare matters, the veteran, the aged and the small businessman. But, in my judgment, his chief distinction is that he insisted upon fighting for the rights of the uncared-for and forgotten Americans. He did this in the face of severe disapproval from powerful segments of this Nation, including those in his home State of Texas. This is a chief reason why he will not be returning to serve with us in the 92d Congress.

RALPH YARBOROUGH cared. He cared for the migrant, the poor child, the minorities in Texas and in the Nation. He spoke for the impoverished who can expect to get the short end of the stick. He insisted that these people be acknowledged as being in need. He sought better schools for their children, adequate medical care and decent housing for them, and pressed to find them opportunities for fruitful and rewarding lives. He knew he would not receive large and welcome political contributions from them at election time. Indeed, many of them, perhaps most, were not even registered to vote by reason of age or discrimination or neglect. RALPH YARBOROUGH incurred the disfavor of the pow-

erful for these concerns. He paid the penalty at the polls earlier this year.

But like the legendary Texans, RALPH YARBOROUGH can stand tall and walk straight. He can leave this Chamber knowing that he has fulfilled his obligation to represent the dispossessed of this Nation—the poor of whom Abraham Lincoln once remarked God must have loved "because he made so many of them."

I hope that the admiration and respect that his colleagues have for him will serve as some consolation for the arduous, productive years he has expended so generously during his time in the Senate.

Mr. KENNEDY. Mr. President, it is our privilege to gather on the Senate floor this morning in praise of a man who has been one of our most dedicated, committed, effective, and respected colleagues.

Since he came to the U.S. Senate in 1957, RALPH YARBOROUGH has been a "public servant" in the fullest sense of the word. He has worked hard and fought vigorously for programs which he knew in his conscience and his heart were just and right for the people of his State, and for all Americans.

RALPH YARBOROUGH's legislative triumphs are legion—and they are triumphs not of a single man, but of the people he represented.

Because of RALPH YARBOROUGH, hundreds of thousands of veterans have been able to finish high school and college—men and women who could not have afforded that priceless education without the GI bill of rights which he authored and relentlessly battled for until it passed.

Because of RALPH YARBOROUGH, thousands of Mexican-Americans and other potential dropouts with language difficulties have succeeded in school with the help of bilingual education.

Because of RALPH YARBOROUGH, thousands of Americans who faced death or crippling disease will lead full and healthy lives. Perhaps more than any other man in the Senate, he has focused the spotlight of public opinion on the current health crisis in America. Because of his work, we have at last begun to move forward toward our goal of bringing adequate health care to all our citizens.

More than anything else, RALPH YARBOROUGH has concentrated his work in the Senate on human and social programs—to meet basic needs like health, shelter, food and education, to improve the day-to-day lives of all Americans.

He has labored for those who labor. He has been a voice for those who have no voice. He has dared to act and stand committed when others have held back.

But we pay tribute to RALPH YARBOROUGH today not just for what he has done, but for what he is.

Many qualities of RALPH YARBOROUGH the man come to mind: his enthusiasm and prodigious energy; his wide-ranging curiosity; his quick mind and memory for details; his sense of justice and fair play; his compassion for the disadvantaged; his tenacity when he sets about to correct a wrong.

But more than anything else, Mr. President, RALPH YARBOROUGH embodies that certain blend of courage, integrity, character, and principle which has no satisfactory dictionary name but which we commonly call "guts."

RALPH YARBOROUGH has shown guts at every stage of his political career—in his early races against impossible odds, in his legislative battles for educational and human opportunities for all Americans, in his actions and votes in the Senate when he was guided by moral justice rather than by political expediency.

For these qualities and more, I respect RALPH YARBOROUGH as a legislator and public leader. Equally important, I value him as a personal friend.

It has been said that "a politician thinks of the next election; a statesman, of the next generation." In his 13 outstanding years as a U.S. Senator, RALPH YARBOROUGH has unswervingly thought of the next generation—and he has given fully of himself to make the world a better, more just, more honest place for our children, and for our children's children.

RALPH YARBOROUGH now returns to the State of Texas, which he has ably represented, and to his home in east Texas and Henderson County—to the land and the people whose heritage and support was so influential in the development of the man.

He returns to a State whose rugged frontier independence and self-sufficient type of democracy have been reflected in the character of RALPH YARBOROUGH himself. He returns to the east Texas area with its natural beauty and broad mix of people—of all backgrounds, many disadvantaged, in diverse occupations from picking in the fields to laboring in factories, to work on oil rigs—as RALPH YARBOROUGH himself did when earning his way through law school.

RALPH YARBOROUGH'S heritage—his family, his State, his county—have been extremely important. As a keen student of history, he knew them well. They served as an inspiration and guide in his public life.

His family settled in east Texas more than 125 years ago, and has a record of public service—carrying on the tradition of the 29 Yarboroughs who served in the Continental Army during the Revolutionary War.

RALPH YARBOROUGH is a populist, in the east Texas tradition. He grew up in a small town—with the little people, with the have-nots, with the less fortunate. But he devoted himself to education—and indeed went back to his home at an early age to teach the next generation in one-room schoolhouses. Years later, his commitment to education was carried through so fully in the U.S. Senate.

RALPH YARBOROUGH served his State in a number of capacities—formally as an Assistant Attorney General and later as district judge. His sense of fairplay and justice has stayed with him throughout.

RALPH YARBOROUGH was also inspired by the career of another great Senator from Henderson County—John H. Reagan. Little could RALPH YARBOROUGH have known as a youth, that he too would rise to such great heights and join company with Senator Reagan as one of the greatest statesmen ever from Henderson County and the whole of Texas.

So RALPH YARBOROUGH returns. And he will continue to serve—he is just getting underway. His father lived to be over 100 years, and RALPH certainly has the energy and enthusiasm to keep going even longer.

RALPH YARBOROUGH deserves welcome home as one of Texas' most illustrious sons. I am confident that in the years ahead—in whatever capacity he can most constructively serve—YARBOROUGH of Texas will continue to dedicate his life to the cause of freedom, equality, justice, and humanity.

Mr. HOLLINGS. Mr. President, I join with my colleagues today in paying much-deserved tribute to Senator RALPH YARBOROUGH of Texas. We will miss his diligent service next year when Congress returns for a new session. RALPH YARBOROUGH has been the kind of Senator that Texas and the Nation can be proud of because he has been one of the hardest working Members of this body. As chairman of the Senate Labor and Public Welfare Committee, he has given constant leadership to some of the most difficult problems facing our society in America. And for this, we in the Senate and the American public owe him a deep debt of gratitude.

I cannot help but think that RALPH YARBOROUGH typifies just the opposite of the old stereotype of a politician. After his unfortunate defeat in the Texas Democratic primary, some people could have excused and understood his absence from this Chamber. But RALPH YARBOROUGH is a bigger man than that. He has attended practically every hour of Senate business when others would have gone home. He has maintained his committee operations and his commitments to various pieces of legislation with a determination which can only be called courageous and in the true public interest.

When I came to the Senate in 1966, I had already heard that RALPH YARBOROUGH was one of the most brilliant Members of this body. I have since learned that his reputation was deserved. I have particularly noted his grasp of historical perspective of difficult issues facing our Nation. He has been a tireless friend of the American workingman, including our Government civil servants, and has possessed a warm spot in his heart for our less fortunate citizens. Had it not been for the investigations conducted by his Labor and Public Welfare Committee, many of the great pieces of social legislation would never have been born.

I have worked closely with RALPH YARBOROUGH on the Post Office and Civil Service Committee. There, I have found him to be a determined representative of the people and constantly alert to see to it that the civil service program is fair and honest to the men and women working for our Government.

I said we will miss RALPH YARBOROUGH, and that is a true statement. I am sure all of his colleagues agree with me that he has made many great contributions to his Nation and to this Senate. Personally, I wish him good luck and good

fortune in the years ahead, because I am sure RALPH YARBOROUGH will continue to be as good a private citizen as he was a public servant.

SENATOR YARBOROUGH HAS BEEN A GREAT LEGISLATIVE LEADER

Mr. RANDOLPH. Mr. President, the retirement of RALPH YARBOROUGH from the Senate represents the loss of a great leader. We will miss the wise counsel of this diligent man, but the legislative fields he has plowed will flourish in the years to come.

RALPH YARBOROUGH—soldier, statesman, author, and educator—is truly a stalwart Texan. There are many who talk of liberal or humanitarian causes; and there are the RALPH YARBOROUGHS who place their beliefs on the line and achieve. He has courage, integrity, and dedication to the public welfare.

As chairman of the Senate Committee on Labor and Public Welfare, RALPH YARBOROUGH'S skills have created vast new areas of human and social gain. His presence in this Chamber over the past 14 years has served as a constant reminder that democracy works wonderfully well when the leaders are chosen well. It is not enough to merely recite the legislative landmarks that RALPH YARBOROUGH has struck in the fields of health, labor, and veterans' affairs. I think that the true impact of his work, starting with the National Defense Education Act of 1958, the cold war GI bill and his more recent health measures that have yet to reach fruition, will not be adequately assessed except by the long view of history. When that happens, a grateful Nation will give thanks to the State of Texas for having placed such a man in the Senate.

I will miss the daily presence of a good friend who has freely given help and guidance over the years. His dedication will not diminish, his sense of service will not abate, his wise and good counsel will always be available to those of us who need him. RALPH, you depart in the glow of good wishes with an enviable record of accomplishment.

Mr. SCHWEIKER. Mr. President, at the end of this session of Congress, the Senate will lose one of its great leaders, Senator RALPH YARBOROUGH, of Texas. During his 13 years in the U.S. Senate, Senator YARBOROUGH has made many valuable contributions to the future of all Americans.

As a member of the Senate Committee on Labor and Public Welfare, of which he is chairman, I have been privileged to work closely with him. What has particularly impressed me since coming to the Senate and working on the committee, has been the bipartisan spirit on the committee. This has been directly fostered by the leadership of Senator YARBOROUGH. In particular, as a junior member of the committee on the minority side, I have always felt that Senator YARBOROUGH went out of his way to make every member of the committee, myself included, feel at home and have their ideas and proposals receive a sympathetic hearing.

Senator YARBOROUGH has made a great impact on the legislation of the sixties, especially in the field of health, where he has always taken a strong interest. Under his leadership during the 91st Congress, much new legislation was enacted into law. We should note at this time such bills as the Community Mental Health Centers Act, the Health Services Improvement Act, legislation which would establish new programs for the training of general practitioners, and perhaps, most importantly, Senator YARBOROUGH'S lead in promoting a national program for the conquest of cancer.

Under his influence, the Labor and Public Welfare Committee was able to take a strong role in the shaping of legislation during the 91st Congress. All of us who have worked closely with him, particularly those of us on the Labor and Public Welfare Committee, will miss him.

Mr. McGEE. Mr. President, it is characteristic of our colleague, the senior Senator from Texas, that in these waning days of his present term of office he has been as busy as ever performing his duties and tending to the business of the Nation and his State. For in an assembly of men which counts a multitude of dedicated laborers, RALPH YARBOROUGH has to be counted among the most dedicated, the hardest working. I have had the privilege, for that is what I deem it to be, of working closely with Senator YARBOROUGH over the full period of my own service in this body, and most of his—for he predates the class of 1958 by something more than a year. Aside from the people of Texas, whom he has so ably represented over that span of years, those most indebted to this great Senator are the working people of America, the poor, the disadvantaged, and, indeed, all who believe in justice and fairness. He has performed prodigiously on the Committee on Labor and Public Welfare, which he has so ably chaired. And, as chairman of the Post Office and Civil Service Committee, Mr. President, I can testify to the determined, dedicated pursuit of justice and fairness the ranking majority member of that committee, the Senator from Texas, has exemplified in the councils of that committee. Finally, we have worked together on the Committee on Appropriations, where Senator YARBOROUGH has demonstrated his great ability to sift the wheat from the chaff.

We will miss RALPH YARBOROUGH in this body, not simply because of his great ability as a lawmaker, but for his human qualities—his integrity, honesty, compassion, wit and dogged determination in pursuit of what is right and just, or good for the country or the people of his State. But we need not fear that RALPH YARBOROUGH has relinquished his always important role in the public affairs of this country. We can surely count on hearing more from our colleague.

Mr. McCARTHY. Senator RALPH YARBOROUGH will be sorely missed in the Senate. Throughout his Senate career he has demonstrated great foresight and commitment in attempting to deal with the fundamental needs of the American people; those things upon which the good life really depends; namely, physical health and the health of mind which grows from knowledge and understanding.

He has been a principal advocate and sponsor of legislation to provide this Nation with more and better trained nurses and doctors, with more and better equipped hospitals and other medical facilities.

Although often in the minority and discouraged by defeat, he persisted until the country and the majority of the Senate and the Congress came to support his position.

In the same way, he was dedicated and devoted to better health for Americans, he was also devoted to better education for Americans. Every major educational program that has been passed during his terms in the Senate has been marked by his attention and his concern. He has done all those things that a Senator should do. He has represented his constituency. He has borne the full burden of membership in the Senate, membership on committees, and the chairmanship a committee imposes upon one, and beyond that he has spoken on the great issues of war and peace: spoken to the people of his own State and also to the Nation.

I know of no Member of the Senate who is more thoroughly informed in the history of his State than RALPH YARBOROUGH of Texas.

And always he spoke and acted out of deep and thorough knowledge of the people of his own State and of the history of that State.

Mr. CASE. Mr. President, I ask unanimous consent to have printed in the RECORD tributes to Senator YARBOROUGH prepared for delivery by Senators TOWER and DOMINICK.

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

STATEMENT OF SENATOR TOWER

Mr. President. A young lady in elementary high school in my State once wrote me with a perplexing question. She said that since my colleague from Texas and I on a number of occasions voted on opposite sides of issues here in the chamber, did that mean that Texas had no vote on those issues.

Texas politics is nearly impossible to explain to any non-Texan. It is sometimes difficult for Texans to understand. But I was more than a little hard pressed to reply to the letter from that young lady.

The senior Senator from my State who we are honoring here today has certainly been at the center of a colorful era in Texas politics. That it has been colorful neither friend nor foe will deny. What lies ahead, what future events this year will influence—only the most foolhardy would hazard a guess. Certainly no Texan accustomed to the sometimes Florentine politics of our State would wish to lay his reputation on the line with a prophesy.

As my colleagues in this Chamber are aware, Ralph Yarborough first ran for statewide office in the gubernatorial primary election of 1952. He was unsuccessful. In 1954 and 1956 he ran again. Again he was unsuccessful. The following year Senator Price Daniel resigned from the Senate and Ralph ran in a special election to fill Price's unexpired term. He was elected on April 2, 1957 and reelected in the regular election the following year to his first full term. He was reelected again in 1964.

The personal side of politics seems always to fascinate reporters and, I suppose, also readers. A number of people have asked me,

as I am sure they have asked my colleague from Texas, how easy it is for us to work together. At the outset it is seldom simple for men with strongly held opposing views to agree on all matters and to work hand-in-glove on matters of common interest. This is true both in an out of politics.

The situation would seem ready-made for conflict, but I can attest that this has not been the case. If there have been disagreements on policy—and there necessarily have been—there has also been an attitude of respect. I have appreciated the opportunity of knowing Ralph Yarborough. He is a gentleman of strongly held views, and I think we could not have worked together in the way we have when the best interests of our state depended on it, were there not this respect which I hope and believe is mutual.

STATEMENT OF SENATOR DOMINICK

Mr. President, I am pleased and honored to join in this tribute to the Senior Senator from Texas whom I hold in the highest regard. Just as Ralph Yarborough's presence has been felt in this body during his thirteen energetic years here, so will his absence. He is a sincere, compassionate man and has been a strong, effective Senator.

I have enjoyed serving on the Labor and Public Welfare Committee with him. While we have not always agreed, I have always admired and respected him for the fairness with which he has carried out his duties as Chairman.

Rather than trying to list the many important contributions he has made during his service here, I will just say that I am very proud to have shared his association over the years and that I will miss him very much. I wish him good luck and happiness.

Mr. HUGHES. Mr. President, I would like the privilege of adding a few words to the eloquent and well-deserved tributes that have been paid here today to our esteemed colleague, Senator RALPH YARBOROUGH of Texas.

Few men of our times have made such an impact on public life as this dynamic Texan has made. His record in the Senate will stand as a testament to what one individual endowed with unconquerable dedication and inexhaustible staying power can accomplish.

His record of accomplishment extends across the entire range of human needs served by government.

We are all aware, for example, of the outstanding work he has done in education and the fact that he has been sponsor or cosponsor of every major piece of education legislation passed into law in the past decade.

We know that he has been an ardent champion of the family farmer, the REA, agricultural conservation, special milk programs and other issues vital to the great rural areas of America.

We know that he has done great work for civil service, Federal employees, veterans' affairs, labor and management relations, conservation, and outdoor recreation.

And this list is only a "piece of the rock" of his record of solid achievement.

In my book, the people of Texas and the other 49 States ought to erect a statue of RALPH YARBOROUGH for what he has done in an innovative way for health care in this country.

His pioneering contribution to the fight against the drug epidemic in the United States is the chapter of his work in public health with which I am most familiar.

Last year, with characteristic foresight, he made the decision to create a special Senate Committee on Alcoholism and Narcotics—the first committee unit of its kind to be set up in the Congress.

He honored me and challenged me to be its chairman and participated vigorously himself as a member of the subcommittee.

Since that time, this subcommittee has held public hearings in major cities across the land, is studying the problem of drug abuse and narcotic addiction in the armed services, and has successfully sponsored pioneering legislation to help meet the growing drug crisis in America.

For the first time, we have comprehensive legislation to attack the drug problem at its source—the addiction—and on a scale that offers some conceivable hope of arresting the malignant increase of addiction in our country.

Wherever courage and innovative zeal are required to meet the serious problems that people have, RALPH YARBOROUGH has been a pioneer and an enlightened leader.

His leadership in the fight against alcoholism, drug abuse, and narcotic addiction is only one aspect of his long and successful campaign for better health care for all citizens in the United States.

A product of the populist tradition of the great American Southwest, Senator YARBOROUGH is that rare combination—a humanitarian and a tough, tireless fighter.

I am sure the Senate was never the same from the day RALPH YARBOROUGH arrived, some 14 years ago.

It will never be the same after his departure.

But it will be a better, more responsive, and more responsible arm of our Government because of RALPH YARBOROUGH's creative imprint.

Mr. PROUTY. Mr. President, I wish to join in the tributes paid to the distinguished Senator from Texas (Mr. YARBOROUGH).

I have had the pleasure and the privilege of working closely with RALPH YARBOROUGH on the Labor and Public Welfare Committee.

During this Congress, he chaired the Committee and its Health Subcommittee. The committee's jurisdiction is vast and the task of chairing it is not an easy one. RALPH YARBOROUGH has been an excellent chairman and his stewardship has contributed greatly to the legislative record of the 91st Congress.

In every area of the committee's jurisdiction landmark legislation has been enacted into law this Congress.

I shall always remember RALPH YARBOROUGH's chairing the committee, but above all else, I'll remember him for his tenacious 8-year fight for the cold war GI bill.

Where others might have given in, he fought and 7 million of our veterans have benefited so far.

RALPH YARBOROUGH is not one to quit until the job is done and knowing him as I do, I am sure he will continue to serve his State and Nation. I doubt that the word "retirement" has any place in his vocabulary.

Mr. MANSFIELD. Mr. President, leadership in the Senate of the United States is often a tedious and tiresome task. Faced with competing viewpoints, noble objectives are often sacrificed to the expedient of the quick compromise. That expedient, I am proud to say, was never adopted by the distinguished Senator from Texas (Mr. YARBOROUGH). Whether pressing for enactment of the cold war GI bill or fighting to preserve the natural beauty of Padre Island lying in the Gulf of Mexico, RALPH persevered to a victorious objective—and he did so without sacrificing those things in which he deeply believed. In his public life his devotion to principle has been unwavering and his courage, tested on countless occasions, has never been found wanting.

Senator YARBOROUGH's record is filled to the brim with achievements which have been heralded across this Nation. In the field of education, he was the pioneer; on veterans' benefits—where at all times he was out in front all alone—he saw his goals attained; his efforts in behalf of improved health benefits, of increased medical research, and of greater attention to the welfare of all Americans have been written into the law books for all time.

Frankly, it would be difficult to say which achievement RALPH would prize most. His record to preserve this Nation's resources, its natural beauty and vast mineral reserves is one envied by many. There is, as well, his record to upgrade the status of the Federal worker. It has done much to instill needed pride and devotion throughout the civil service.

RALPH YARBOROUGH'S greatest success lies not in any one legislative proposal or single project, however, but in the deep devotion to principle with which he has represented the people of Texas in the U.S. Senate in the past 12 years. His unfailing adherence to principle has contributed greatly to changing the very structure of American society in a lasting and most beneficial manner and all future generations of Americans will be indebted to RALPH YARBOROUGH.

There are greater defeats than personal ones suffered at the polls; there are the defeats suffered by the compromise of belief. On that score RALPH YARBOROUGH has never suffered a loss. He leaves the Senate a man of unimpeachable principle. YARBOROUGH of Texas has left examples of integrity and courage that have made a better Senate and a better America.

Mr. KENNEDY. Mr. President, since only a few minutes remain, I think the distinguished Senator from Texas should have an opportunity to respond.

Mr. YARBOROUGH. Mr. President, a little more than 10 years ago, Harold Macmillan, the Prime Minister of Great Britain and Northern Ireland, stood in this Chamber. I was privileged to be here at that time and to hear him say that he was brought up by his mother to regard a Senator of the United States as being the highest point of human felicity and dignity that it was possible for a person to attain. He said that, as a child, he had questioned his mother's observations; but by the time he visited this Chamber the second time, he had

learned that his mother was right about U.S. Senators, as about many other things.

I think that the action of my colleagues, in taking an hour off during this busy period to be this kind to me, illustrates what Harold MacMillan said.

Henry Adams, in his great work on education, stated that although the Senate is much given to admiring in its Members, a superiority less obvious or quite invisible to outsiders, one Senator seldom proclaims his own inferiority to another, and still more seldom likes to be told about it. I think it is the high point of any person's life to be a Member of this body.

But while I am realistic enough to realize that my colleagues here have followed the advice of Henry Adams, that Senators praise each other and hide their faults that no one else ever sees, the fact that we look for the best in each other indicates why this body is such a great place to work. I thank you, from the bottom of my heart for these all too generous words about me.

As I look over to the other side of the aisle and see the distinguished Senator from Arizona (Mr. GOLDWATER), I recall my early days on the Committee on Labor and Public Welfare, when there was a sharp difference between John F. Kennedy and BARRY GOLDWATER. I remember the keen intellect and determined toughness they displayed during debate in that committee, but I remember also their courtesy toward each other, which is symbolic of this body.

I am grateful to the Steering Committee that placed me on the Committee on Labor and Public Welfare and gave me the opportunity to be chairman. On this committee I have been fortunate to serve with the three gifted Kennedy brothers and the golden-voiced Everett Dirkson. I am grateful to that Steering Committee for placing me on the Appropriations Committee for the past 6 years, and to the chairmen of all the committees with whom I served: Lister Hill on the Committee on Labor and Public Welfare, Carl Hayden on the Appropriations Committee, and Senator MAGNUSON, of Washington, for 7 years on the Commerce Committee. These chairmen and a number of other committee chairman gave me the opportunity to contribute to the great pieces of social legislation of the past decade. I certainly owe them a great debt for their generosity toward me. I am indebted to the committee members for the great record of the Labor and Public Welfare Committee.

I say thank you to the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD), who placed me on delegations to the Interparliamentary Union beginning in 1962, thus giving me the opportunity to sit as the representative of the United States at those meetings. I was thereby able to participate with the delegates speaking from nearly all of the parliaments of the world; to attend meetings in Asia, Europe, Australia, and South America. I am particularly grateful for those wonderful experiences, especially because they enabled me to realize that the Senate of the United States as a legislative body is second to none.

Above all, I am grateful to the great people of Texas who three times elected me and gave me the privilege through three terms to serve here, which is longer than any other Senator out of 26 Senators who have served the State of Texas in this Senate, except four.

And I owe much to Senators of the past. Those who endorsed me and aided in my first election to this body in 1957. John Nance Garner, 8 years a Vice President in this body, and Senator Tom Connally, 24 years a Senator from Texas—each endorsed me.

That is a generosity that the people of my State of Texas have accorded very few men. Even our greatest Texan, Sam Houston, did not serve that long.

I want to express my gratitude to all those in this body for what they mean to me and the effect they have had on those who come here and serve in the Senate, with the traditions of this great body and in the living presence of this body.

I shall miss the Senate. The Senate draws out the best in all of us and I am a better man for having served in it. It shall always cherish the friendship I have with each of my colleagues.

As Opal and I return to private life, I intend to do all that I can as a citizen to assist my former colleagues as they cope with the awesome problems facing us in this decade. The eyes of the world will be on you and although I will not be here to share your burdens, I pray that God will give the Senate of this still great Nation the strength to meet its responsibilities as it always has.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971—CONFERENCE REPORT

CLOTURE MOTION

The PRESIDING OFFICER (Mr. EAGLETON). Under the previous order, the Senate will now proceed to the consideration of the cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the motion to adopt the conference report on H.R. 17755, fiscal 1971 appropriations for the Department of Transportation and related agencies:

HUGH SCOTT, BARRY GOLDWATER, MIKE GRAVEL, HOWARD BAKER, HENRY JACKSON, WARREN MAGNUSON, HENRY BELLMON, RICHARD SCHWEIKER, ROBERT DOLE, EDWARD W. BROOKE.

BOB PACKWOOD, TED STEVENS, JAMES B. PEARSON, J. CALEB BOGGS, LEE METCALF, GORDON ALLOTT, PAUL FANNIN, JENNINGS RANDOLPH, DANIEL INOUYE.

The PRESIDING OFFICER. All time is now under control on the motion to invoke cloture with regard to H.R. 17755, the conference report on the Department of Transportation and related agencies appropriation bill for 1971.

The time will be equally divided between the Senator from Nevada (Mr. BIBLE) and the designee of the minority leader, the Senator from Arizona (Mr. GOLDWATER).

Who yields time?

Mr BIBLE. Mr. President, I yield myself 5 minutes, and then I shall inquire as to the intentions—I have discussed this with the Senator from Arizona (Mr. GOLDWATER), and it is our intention to make time available to the Senator from Wisconsin as he indicates his desire to use it.

Actually, there is very little more that can be said at this stage of the discussion on the SST.

As I said a few days ago, we remain optimistic. We are hopeful that something will be worked out. I must say, in complete fairness to the Senator from Wisconsin and the Senator from Illinois, that in our conferences with the Senator from Mississippi and myself the conferences were genial and I thought they were helpful. Many suggestions were made which might have resulted in a breakthrough of the present impasse in which we find ourselves. That did not materalize. We find our friends on the other side of the Hill adamant in their position, just as they were adamant at the time we discussed this in conference.

We brought back, as we have previously said time and time again, the figure that we thought was the one that would permit the SST to live. It is true it would be more costly. That is not unusual in the way the appropriation process works for the Government, because when we do delay and do not fully fund, it costs more, whether it is a reclamation project, an irrigation project, a water project, or whatever. It also involves stretchout as well as additional costs. There is no question about that. The less funding we have, the more it is going to cost ultimately.

The option available to those of us who are attempting to move forward is an up or down vote on the conference report. That could be had at any time. The yeas and nays have already been ordered. The report could either be adpoted or rejected.

If it is adopted, it would then go to the White House for the President's signature, and, if rejected, it would go back for further conference; and if the attitude of the House remains adamant after further conferences, we would be right back where we are today, trying to work out a difficult problem.

It has reached the stage that there may be other developments, or some other easing that will come about over the festive season on which we will embark later this afternoon, and come back here on Monday next. This is not a great deal unlike a football game, we are in the fourth quarter, the clock is running out, and we are up against "sudden death." This is in that same posture. We are down to that particular point in time in our attempt to get this conference report adopted.

I think the conference report should be adopted. A clear case has been made for the continuation of the SST. It is approximately eight-thirteenths along its way on a 12-year program. It is ap-

proximately 9½ years along on that particular part of the program timewise.

If the United States is to maintain its superiority in the air, then it is most important that the program go forward.

We have heard much about environment and impact on the environment. The record speaks for itself as to the pros and cons, some speaking against the project, and many, many speaking for it. We have heard the expertise of the scientific community. It has to be said time and time again that what we are trying to do now is to get sufficient money to produce two prototypes to permit them to fly 100 hours and then to reevaluate the program. I do not know where it will go beyond that period in time, in 1972, 1973, or whenever the prototypes are completed.

The Senator from Wisconsin is very frank. He has said repeatedly that he does not want it to go forward at all. He wants to kill the program. We want to keep it alive and keep it going. It is a little hard to resolve that particular problem.

I remain, as always before, optimistic as to options we have available. One of them will work out within the next few days. We will be back on Monday. We will be here Monday, Tuesday, Wednesday, and Thursday. Then, I assume that most people are apt to take off for New Year's whether we are under a mandate or not. There are not many days left to dispose of the problem. Time is running out.

I am extremely hopeful that we can resolve this problem today if possible, and if not today, when we return. I think that all of the questions concerning the problems of this matter have been raised and answered time and time again. I have no intention of going into any of those at length.

Mr. President, I yield 15 minutes of my time to the Senator from Wisconsin and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 15 minutes.

Mr. PROXMIRE. Mr. President, as the Senator from Nevada just said, we have already discussed the cloture motion. This is the second cloture motion on this matter. Two cloture motions on the same proposal are rare, not unprecedented, but rare. Only once or twice in history have more than two cloture motions been filed on one bill. If cloture is not obtained today, they will file it again. That will be three times. If they do not obtain it then, they will perhaps file it again. That will become a record. We have never had a bill on which cloture has been filed four times. There have only been one or two bills in history where cloture has been filed three times on the same bill.

That indicates to me that we are getting pretty rough treatment on this matter, and especially in view of the fact that there are a number of conference reports and other measures which are very controversial but which have been held up and have not been debated. There are Senators who feel very strongly about those matters. However, the SST has taken the full brunt of holding up vitrually all of the legislation. I wonder about the fairness of this.

Mr. President, the Senator from Nevada is a very reasonable man. However, I certainly do not want to give anyone the impression that we are not as reasonable as we can be on this matter.

We tried very hard to reach a compromise. We are willing to talk at any time and anyplace and under any circumstances. We rule nothing out except a vote on the conference report. We are completely convinced that would be an unfair vote.

The options open to the conferees are considerable whenever there is a measure on which they are in strong disagreement. Conferees do have the option of going back to the floor of the House and report that they are in disagreement. These conferees did not do that. That is the way conferences are supposed to work, especially when one body feels very strongly about the matter or the other body feels very strongly about the matter.

Another way to work it out would have been for the conferees to have spent several days, or weeks, or months. This has often been done. In the course of time these things are worked out. I realize that under the circumstances the conferees on this matter could not have spent more than 3 or 4 or 5 days. But the fact is they met less than 1 day. In my view they could have spent a little more time in conference. Or they could have gone back to the House in disagreement and let the House vote it up or down under those circumstances rather than to go back to the House with a conference report.

I think there are other options open to the conferees. I am sorry that the conferees did not see their way clear to exercise one of those options.

Mr. President, I repeat once again that we are very anxious to compromise this matter. I do not know of anyone on our side who is adamant and who feels that we cannot find a way to meet the principal objective of those who are in favor of the SST, which is to give it life until next year. I would like to kill it next year. So would most of the Senators that voted with me. I think that 51 Senators indicated that.

We feel it is necessary for us to compromise and, as I say, we are willing to do it. But frankly, so far we have not been able to secure much in the way of compromise on the part of those in the other body who have an equal responsibility and equal authority with respect to this matter.

The distinguished Senator from Nevada just said that we are about eight-thirteenths or something like that of the way along. We have spent something like $800 million on this. The Federal share would be $1.3 billion.

Mr. President, we are far less than that of the way along. For one thing, the Federal share is up to $1.5 billion in view of the calculations of the Department of Transportation.

Dr. Garwin, who has been an adviser to Presidents Kennedy, Johnson, and Nixon on the SST development, says that the Federal commitment to this program, if we persist, will be $5 billion. He makes that conclusion on some very logical assumptions. He concludes that it will cost $1.5 billion in the development stage. He further concludes that once we finish that stage, it will be necessary for the Federal Government to provide a great deal of assistance in the production stage. Anyone who does not believe that has only to look at the airlines. If they were making money, that would be one thing. However, we know that they are in desperate straits. It was announced on the television last night that United Airlines will probably lose $40 million this year. They are in great difficulty and are trying to pay for the subsonic jets. The supersonic jet is an esoteric jet. It can only be used under limited circumstances. It may have many problems.

We expect them to ask the Government to pay in part for the production phase.

This notion of only a $1.5 billion Federal commitment for the SST to me, is most unrealistic. I think if we were to discuss the problem frankly with any authority in the airline industry they would agree.

In view of Dr. Garwin's calculation, I think that a realistic estimate would be that we are 20 percent along the way. We would be called upon to put a great deal more money in the SST before we had a chance to have it pay off.

Mr. President, the SST on the basis of any fair evaluation of public interest does not seem to stack up. There is not any question that it may be a pollutant of the environment. It is going to increase airport noise. The sonic boom is still a serious problem.

The SST certainly will increase the pollutant emissions. The Department of Transportation itself has given statistics that show that on a per-mile basis, emissions of every chemical pollutant from the SST are greater. That is not on a time basis, but on a per-mile basis. It would be much greater on a time basis.

When we consider that the SST would fly at very great altitudes where the atmosphere is both stable and rare, as Senator NELSON has pointed out, it means that that pollution has an infinitely greater effect. So, it could have a destructive effect on the ozone.

No one has mentioned the inflationary aspects of the program. This is a program that is not merely for this year. It is for next year and the year after.

Many people argue that the principal problem of our economy is inflation. When the Federal Government pumps this kind of money into a program such as this it has inflationary effects.

Very little has been said about the impact on the taxpayers. Surely the taxpayer is holding the bag on this project if it does not work out. We feel that it will not work out. If it does not work out, then the taxpayer is out the entire amount. Even if it does work out well, the taxpayer cannot get all his money back. He would get back the principal, but not the full interest payment because the interest payments will amount to less than that which he has to pay to borrow money with which to finance this out of the Federal deficit.

Mr. President, the competition argued at the time we had the cloture motion before us on a prior occasion that our airlines would buy the Russian SST. How far out can we get? The Russians cannot compete with us in commercial aircraft. Here is why: We all know the tremendous importance of maintenance of these planes after having sat in an airport when they try to get parts. If we were to have a Russian SST, we could imagine the difficulty in maintenance and getting spare parts and having to rely on those parts if we had to rely on getting them from Moscow.

I am not talking about the fact it would take time to have parts shipped from Moscow, although that might be a problem. I am talking about a long industrial history that shows the Russians have failed on matters of this kind because they have not been able to establish reliable and effective maintenance. On a plane as expensive as this plane, the airline operating it would insist that the maintenance be reliable, and on that basis the Russians would have great difficulty selling it.

There has been talk about reservations with respect to the Concorde in relation to costs. I have not heard anything about any firm reservations for the Russian SST. If there are, it is surprising to me that those favoring the SST have not indicated that.

Mr. President, very little has been said—in fact, nothing has been said—about the exhaustive effect of the SST on our limited oil resources in this country. We are told if the SST flies in the numbers the proponents argue it will, with 500 to 700 SST's in the air, and consuming the kind of fuel it will, we could exhaust our fuel resources in a few years. This is another aspect of conservation with respect to conserving our limited energy resources that should concern every American as it does those deeply interested in conservation. If oil is to be used up to this extent, the price of oil and gasoline and fuel to heat homes will be increased.

There are many other arguments I could make. Our time is limited. I will yield to my colleagues. I thank the Senator from Nevada for yielding to me. I reserve the remainder of the 15 minutes he yielded.

Mr. BIBLE. Mr. President, I yield 5 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. GOLDWATER. Mr. President, if the Senator needs more time I will be happy to yield it.

Mr. ALLOTT. Mr. President, aside from the ridiculous situation the Senate has gotten itself into, and this is certainly not the responsibility of many of us who tried to avoid it, the fact is we are in a ridiculous situation with respect to the SST, and the time has come to say a few things about it that should have been said a long time ago. I have been in this Chamber every day and I have tried to get the floor. I have listened to the debate and the alleged arguments against the SST with no ability to get the floor for several days. I am happy that through the courtesy of some friends I do get some time at last on the SST.

Let us go back, first of all, to the time when the SST was conceived. Who are the people now who are opposing the SST? Back in 1962, when President Kennedy said, "We are going to build an SST," and earlier when he said, "We are going to land on the moon in this decade," they are the people who said, "Hurrah, hurrah. We are going to do it." At that time, Mr. President, you could not get one of them to sit down and talk about whether those were worthwhile longtime goals.

The Senator from Wisconsin has been a member of the Committee on Appropriations during all this time. If I recall correctly, he never once offered an amendment in committee to strike the SST from the bill. He is a member of that committee. Why has he not offered such an amendment in committee?

Mr. PROXMIRE. Mr. President, will the Senator yield on that point?

Mr. ALLOTT. No; I decline to yield. I have been listening to the Senator for 3 weeks.

Why has he not offered such an amendment?

Mr. PROXMIRE. I will answer the Senator if he will yield.

Mr. ALLOTT. I decline to yield. I have been listening to the Senator for a long time.

Where were these people when President Kennedy conceived these two great dreams? And where were they when we wanted to hold hearings in committee? I have never seen any of these people in a meeting of the Committee on Appropriations where these items were discussed—not once, except in the final markup of a bill.

Mr. President, I wish to make it perfectly clear that my State has not one penny of contracts with respect to the SST. But there are some of us who are practical and dreamers at the same time, who feel that this country cannot stand still.

Is there a Senator in this Chamber who believes that this country, the people of our country, and the people of the world will be flying the same planes in 1995 that they are flying today? It is just inconceivable that we would be.

The only logical step forward is not a bigger, super, super 747. The only logical step forward in this whole area is the SST. It will come, Mr. President, regardless of all the talk here, regardless of what is said by the pseudo-scientists who have been quoted in this Chamber in the last few weeks. The SST will come. It will be a reality and it will be flying in the lifetime of each of us in this Senate.

If 500,000 people are going to be flown across the Atlantic Ocean or the Pacific Ocean—and these people are not just the jet age set; it can be done more safely and with less emissions per seat-mile than with any plane in existence today, including the most modern planes we have. There is no question about that. Let someone try to deny it.

It is true the engines are big, but on the basis of those to be transported, they would be transported across oceans with less polluting per seat-mile than any plane in existence today.

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

Mr. GOLDWATER. I yield the Senator 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. ALLOTT. Mr. President, the argument has been made repeatedly about the overwhelming vote of the Senate. Well, let us not permit that to go unchallenged. A change of six votes in the Senate would have changed the entire complexion of this matter so it was not an overwhelming vote. I think maybe there will be some changes if this matter is permitted to come to a vote, and that is the reason it is being filibustered.

I wish to say one other thing. There are a lot of other items in this bill. I see the junior Senator from Mississippi (Mr. STENNIS) in the Chamber. When we talk about the conference committee capitulating, I must say my blood runs quite warm. The distinguished Senator from Mississippi has never been enthusiastic, about the item for mass urban transportation. As I recall, the bill, as reported, provided $250 million. After the conference the amount for that item was over $600 million for urban mass transportation. That is what these people are trying to hold up, and not just the SST. They are holding up that item, too.

I do not like to hear the word "capitulation" used in conjunction with the junior Senator from Mississippi when I saw him there in the give and take, giving on this particular item with respect to urban mass transportation in order to resolve the differences and to get a bill.

I do not like it said that I capitulated, and I do not like anyone to tell me I capitulated, or that the Senator from Nevada (Mr. BIBLE) or the Senator from Louisiana (Mr. ELLENDER), or any of the other Senators in that conference capitulated.

Let us get away from the capitulation idea. I am through with it. I have said that there is no more reason to challenge the basic integrity of men who sat on that committee than there is to challenge anybody else in this Chamber.

One thing I would like to say in addition. We have heard about this Dr. Richard Garwin. I just wish that the Members of the Senate could take the time—there is not time now, just 30 minutes—to read the testimony of Dr. Richard Garwin—testimony that would not be endorsed by any scientist of any stature in the United States——

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

Mr. ALLOTT. I will not yield. I say if Senators would take the time to read that testimony, it would cast a cloud over all quotations read on the floor of the Senate from what he said. Of course, he is a very modest fellow. He only admitted to being an expert in several fields of science. I know of no scientist in the United States—and I have seen a lot of scientists and talked with them and I have had communications with them—

who would make the ridiculous claims he made.

I think the future of the United States is at stake. Most people still do not understand that we are not talking about the same airplanes when we talk about the Concorde or the Tupolev–144 as we are talking about when we talk about the SST.

We are the ones who developed titanium technology. We are the ones who are flying hundreds of thousands of hours of supersonic flights and thousands and thousands of hours of mach 3 flights throughout the United States. We are the ones who have the know-how.

There will be no answer to these pseudo-claims about the polluting of the atmosphere unless we proceed with this project and put two of these planes in the air so we can use them as testing beds for pollution. I personally have no doubt about what the outcome of those tests will be. But I also will say that I am not willing, by my vote, to throw away what will be $20 or $22 billion in our balance of trade through 1995. I am not willing to throw out of work hundreds of thousands of airplane factory workers for 10 or 15 years. I am not willing to sacrifice the superiority that we have in aircraft construction and design to the people across the Atlantic Ocean, in Europe and Russia.

That is the issue, and let us vote on it. I hope we will vote cloture and come to a vote.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, I would like to yield 5 minutes to the Senator from Iowa (Mr. HUGHES), but I have only 3 minutes.

Mr. GOLDWATER. Mr. President, I forgot to say that I was yielding 15 minutes to the Senator from Wisconsin.

Mr. PROXMIRE. I thank the Senator. I yield 5 minutes to the Senator from Iowa.

Mr. HUGHES. I thank the Senator from Wisconsin for yielding me time.

Mr. President, my reason for commenting this morning is particularly directed to the question of cloture. When I was elected to the Senate 2 years ago, I came here with the determination to vote for cloture every time the procedure came to a vote in order to try to permit determination of questions by simple majority process in this body. Now I find myself in the peculiar position of voting against cloture on this particular issue. But, as pointed out by the Senator from Wisconsin a couple of days ago, the fact is that rules are rules and apparently those who would like to change the rules have no alternative but to use the existing rules on this particular issue because of what we feel is an inadequate opportunity to vote directly on this issue alone.

There has never been any intention on my part or any indication by me that I questioned the intentions of the men who were a part of the conference committee or that they did not negotiate what was in their opinion a fair compromise as a result of the decision on this question by the Senate. Nevertheless, that leaves those of us who differ, who believe that the compromise was not a just compromise and did not represent the way this body voted, with the right to disagree with that compromise when it comes back to the floor, as we are now doing.

As a result, those of us who have been opponents of the SST and who wanted to separate the issue have offered the alternatives of either referring it back to committee and then having it reoffered on the floor to give us the opportunity to vote on the issue at once or having a simple, short extension, with debate to be taken up separately in the new session of Congress. But this pending proposal offers us absolutely no alternative. After 15 hours of debate, we are now being accused of a filibuster. Yet in the spring when we talked for 7 weeks on another issue, there was total and complete denial that there was a filibuster underway in this body.

It seems peculiar that when we get close to the end of the session—although we face a very critical issue and none of us wants to vote against the other parts of this particular bill—we are forced to recede, to fold up, to go home, and to give in. I think that is a totally unrealistic position for us to be forced to take at this time.

I do believe the Senate should once again vote against cloture, should keep the rights of debate open. There are other alternatives open to our negotiators. There are other issues before this body that must be debated before we conclude this particular session. It is not our desire to block those issues, but there are alternatives and methods still existing that can be used. For that reason, and that reason alone, it is my intention to vote against cloture again this morning and to express the hope that those who voted against cloture the other day will continue to do so.

As I stated before, it is again with reluctance that I find myself in this position, with absolutely no desire to block the rest of what is included in this particular piece of legislation, with no desire really to vote against cloture except for the fact that it is the only method, the only procedure that can allow the continuing and on-going discussion. New facts are being disclosed here every day, and, in my opinion, there is a responsibility on both sides to have the facts, because I do not think it is the responsibility of the American people to have to prove that this system will not be destructive to our biosphere. I think that responsibility lies with the proponents of this program. I would agree that we do not know with certitude what might happen in the way of pollution, insulation, changes in ecology, or whatever it might be, but we should know before we make a final and total commitment to this particular type of equipment.

I did not rise this morning, frankly, to speak on the economics or the latest developments on this issue, but simply to state that, as far as the machinery of the U.S. Senate is concerned, and as far as the junior Senator from Iowa is concerned, we have the right and responsibility not only to continue the debate, but at the same time to seek to negotiate ways out by true alternatives, so the debate can be resolved in favor of the national welfare. I would hope to encourage those who have voted against cloture to vote against it again today, so that ultimately the American people can be assured that if we make a final and urgent commitment to this project it will be in the interests of the American people. There is no more important question hanging over the Congress.

I thank the distinguished Senator from Wisconsin for yielding to me.

The PRESIDING OFFICER. Who yields time?

Mr. GOLDWATER. Mr. President, I yield myself 5 minutes.

The other day, on this floor, I said that this debate was marked by emotionalism. I said that the whole issue of the SST has been beclouded and besmirched by emotionalism across this country, and this morning I would like to back up what I said then by a few statements.

Not so long ago, in one of our New York newspapers, it was said that 10,000 additional cases of skin cancer would be caused by the SST. That is about as stupid and ridiculous a statement as I ever heard of; but knowing the paper, I am not surprised.

The man who made that assertion was Dr. James McDonald, of the University of Arizona, who, by the way, is not a medical doctor; he is a very fine meteorologist, but not a medical doctor.

The proposed mechanism is the destruction of stratospheric ozone by SST water exhaust and consequent enhancement of solar ultraviolet radiation reaching the earth. No qualitative relation is known between increased UV and increased skin cancer. So the quoted number of skin cancer cases, even assuming that the ozone destruction occurs, is a stab in the dark.

As I say that Dr. McDonald is a meteorologist; he is not a doctor. There is no way by which his assertion can be checked, and the release was made without appropriate academy concurrence or review, even though this is a part of an academy study on climate modification.

Mr. President, I point that out as an example. Let me point out something else I have already mentioned on this floor. I do not think facts mean much in this debate. It is only emotion. As I have stated, there have been more than 500,000 hours of supersonic flight made in this country over land. Upon checking, I find that that was on the part of only the Strategic Air Command. They are the only command that keeps record of the number of hours of supersonic flights.

I dare say, living in the southwest, where the Tactical Air Command has its headquarters, that TAC has two or three times that amount.

But, Mr. President, I repeat what I said the other day: Not one scientist, not one doctor, not one has ever raised the issue of pollution of the atmosphere because of those flights. It is amazing to me that all of a sudden these academic doctors fall in line. Some of them are the same ones who said that man cannot fly supersonically because the pressure of the shock would crush the fuselage. These are the same people who said we

could not create fission or fusion. These are the same people who opposed the ABM. These are the same people, Mr. President, these ultra-leftwing scientists, who want to stop progress in this country. Why, I do not know, because scientists are supposed to want to go forward.

One thing we keep hearing about is 500 of these aircraft in the air at one time. Again this is ridiculous, Mr. President. About 80 percent of every airline's fleet is in service at any one time; so this fact in itself knocks the 500 down quite a bit. Then, if we look at the fact that today we have to have an altitude separation of 2,000 feet over the Atlantic and Pacific, and that the suggestion—it has not become the rule, but with the suggestion that has come from the research on the B–70 that the suggested separation is going to be 10,000 feet, Mr. President, for supersonic flights, it does not take a lot of brains to figure out that the 3,200 miles across the Atlantic, with a 10,000-foot separation, cannot support, at one time, more than 10 to 12 supersonic flights across the ocean. So, for those people who argue that 500 aicraft will be in the air at one time, I say, Mr. President, that this is a stupid argument, and should have been laid down long ago. But it seems that facts just cannot prevail in this case.

Mr. President, the question is asked, Why? Let me go back a long time. It took my grandfather about a week to ride his horse or drive his team from Los Angeles to the Colorado River. An airplane now does it in about 12 minutes.

I can remember 42 years ago, just about this time, when I was getting ready to go home from where I attended school in Virginia to Arizona, and I had 5 days in a train ahead of me.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. GOLDWATER. I yield myself 2 more minutes.

Then came the Fokkers and trimotors, which did it in 1½ days. The DC–2's and DC–3's made it in 1 day, the DC–6's and DC–8's in 8 hours, and the jets in 4 hours. And, Mr. President, I am happy to be able to say that this afternoon at 4 o'clock I shall get on a jet, and 4½ hours later I shall be with my family in Arizona, where all of us, if we had a pint of brains, should have been a week ago.

Let us look at one or two more facts. We have heard much about the consumption of gasoline. This plane will carry 71,000 gallons. We have airplanes now that carry far more than that. The engines are 65 feet apart. Who can say that a 65-foot exhaust flow from 10 or 12 airplanes at one time is going to ruin the atmosphere of this world? At Ramey Air Force Base, they use 41 million gallons of fuel a month. On Okinawa, they use more than 41 million gallons a month.

As to the statement made about the air being stable at 65,000 feet—Mr. President, I have been there. No one else in this body has been there. I have been there not once but several times, and I can tell you, the air is anything but stable. It is very unstable.

I just wanted to bring these facts out, Mr. President, though facts do not seem to weigh in this debate at all. We are depending upon emotion and statements coming from psuedoscientists who will make a statement on anything.

These are the men I have referred to as prostitutes. I am glad to do it again.

Mr. PROXMIRE. Mr. President, I yield 4 minutes to my colleague from Wisconsin.

Mr. NELSON. Mr. President, I must say I am a little puzzled by the charges made by the distinguished Senator from Arizona (Mr. GOLDWATER) and the distinguished Senator from Colorado (Mr. ALLOTT).

My good friend from Colorado has charged that Dr. Garwin is professionally incompetent to make all these judgments. I rise to defend Dr. DuBridge, a very distinguished scientist who, at the request of President Nixon, appointed Dr. Richard Garwin. I do not think that the Senator from Colorado really wants to say that Dr. DuBridge, a distinguished professional who knows scientists all across this Nation, in representing the President of the United States chose an incompetent scientist to head the scientific committee which studied the SST. I do not think that the President and Dr. DuBridge are purposely appointing incompetents to office.

The distinguished Senator from Arizona (Mr. GOLDWATER) attacks the scientists who oppose the SST as "ultra-leftwing scientists, who want to stop progress in this country." I think the President and Dr. DuBridge would be surprised to know that they are appointing to office ultra-leftwing scientists. Is that what the Nixon administration is doing? If so, it is something new, to say the least.

I would be happy to yield a minute of my time to the Senator from Arizona and the Senator from Colorado to explain the scientific incompetence of Dr. Garwin and to explain where he got his ultra-leftwing credentials. More importantly, I will give them all the remainder of my time to just get up and tell the Senate and the country why it is that Dr. Garwin, who was appointed by Dr. DuBridge at the request of the President, is not permitted to reveal what he told the administration, and why the scientific report of the committee headed by Dr. Garwin, which the administration has in its hands, has not been released to this body.

Is the Senator from Arizona leaving the Chamber, or would he like to answer the question?

Mr. GOLDWATER. I want to get a cough drop.

Mr. NELSON. Well, I think the Senator needs more than a cough drop to explain this curious state of affairs.

The interesting thing is that we cannot get one Member of this Chamber to stand up and explain why the scientific report to the President by a committee commissioned at the direction of the President has not been released as of this date.

Mr. President, I suggest that I give up the remainder of my time and we have several moments of silence to see whether any proponent of the SST can tell us why the report has not been released, and why Dr. Garwin is incompetent, and by what standard is he an ultra-leftwing scientist who wants to stop progress.

I ask unanimous consent to have printed in the RECORD at this point a biographical sketch of Dr. Richard L. Garwin.

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

BIOGRAPHICAL SKETCH OF DR. RICHARD L. GARWIN

Dr. Garwin is an industrial physicist whose contributions range from elementary particles to new construction techniques, from low-temperature refrigerators to new kinds of lasers, from military aircraft systems to new types of space propulsion.

Dr. Garwin was born in 1928 in Cleveland, Ohio, to Mr. and Mrs. Robert Garwin. He attended public schools in Cleveland and in the suburbs. His brother Edward is a physicist at the Stanford Linear Accelerator Center, Stanford, Calif.

Dr. Garwin is married to the former Lois E. Levy. They have three children Jeffrey, Thomas, and Laura.

He received his B.S. degree in physics from Case Institute of Technology in 1947, the M.S. in 1948 at the University of Chicago, and the Ph. D. in physics under Enrico Fermi in 1949.

From 1949 to 1951 he was an instructor in physics and in 1952 assistant professor in the department of physics and at the Institute for Nuclear Studies at the University of Chicago. From 1952 to 1965 and from 1966 to the present, he has been a member of the senior staff of the IBM Watson Laboratory at Columbia University, and since 1957 adjunct professor of physics at Columbia. From 1965 to 1966 Dr. Garwin was director of applied research of the IBM Thomas J. Watson Research Center, Yorktown Heights, N.Y. Since 1967 he has been an IBM fellow at the IBM Watson Laboratory. During the year 1959–60 he was a Ford Foundation fellow at CERN (European Organization for Nuclear Research, Geneva, Switzerland). Dr. Garwin is a member of the National Academy of Sciences, a fellow of the American Academy of Arts and Sciences, a fellow of the American Physical Society. From 1962 to 1966 he was a member of the President's Science Advisory Committee under Presidents Kennedy and Johnson. In 1969 he was reappointed to that same committee.

From 1966 to 1969, he was a member of the Defense Science Board of the Department of Defense. At present he is a consultant to many departments and agencies of the Federal Government.

Since 1950, he has been a consultant to the Los Alamos Scientific Laboratory, where his involvement has ranged from the measurement of fundamental cross sections to the design and construction of thermonuclear and fission weapons, as well as to experiments for the observation of the performance of nuclear weapons. In addition, he has contributed to the work on controlled thermonuclear reactions.

He participated in a study at Massachusetts Institute of Technology (Project Lamp Light) sponsored by the U.S. Navy, September 1954 to February 1955. The study was directed toward the improvement of the effectiveness of the continental air defense of the United States.

In the early 1950's he consulted extensively with several industrial and Government organizations on topics concerned with intercontinental ballistic missile systems and reentry physics.

He has made many inspection trips, among them a long visit to Japan and Korea in May 1951 for the Department of Defense. He has been a consultant to the President's Science

Advisory Committee from May 1957 to the present.

He participated for the U.S. Government in the Conference on Prevention of Surprise Attack, Geneva, Switzerland, November and December 1968.

He is a consultant to the Institute for Defense Analyses and to several agencies of the U.S. Government.

Dr. Garwin has some 70 publications and 16 U.S. patents.

With the IBM Corp., Dr. Garwin has been active not only in research fields, but also in the development and use of advanced technology and in the scientific uses of computers. In 1956 he initiated and directed an IBM research effort in superconducting computers. In 1957 he participated in a well-known experiment demonstrating the nonconservation of parity as regards the mu meson. In 1959–60 at CERN, he led an experiment which measured precisely the anomalous magnetic moment of the mu meson. During 1965–66 he was responsible for Applied Research including advanced solid state electronics, memory, optics, and diversified work in materials physics and chemistry. He is now an IBM fellow with broad responsibility for contributions to technology and to society.

A substantial portion of his involvement for the U.S. Government over the last decade has been in the field of aviation, both military and civil. For example, he was a member of the Jet Aircraft Noise Panel of the Office of Science and Technology, which in March 1966 published the report "Alleviation of Jet Aircraft Noise Near Airports."

Mr. PROXMIRE. Mr. President, I yield 2 minutes to the Senator from Ohio.

THE SST CLOTURE SHOULD BE DEFEATED

Mr. YOUNG of Ohio. Mr. President, very definitely I will again vote against cloture to any motion that would limit debate on appropriations for the supersonic transport. The Senate has already worked its will in voting to save American taxpayers $290 million that would have been thrown down the drain like so many millions in the past for this wasteful boondoggle. That vote was 52 to 41. The conference compromise figure of $210 million is just as wasteful, just as useless, and just as pointless as was the administration's original request for $290 million. The Senate majority voted that environmental protection should be much more important than getting the jet set to Paris at a speed faster than sound—1,400 miles per hour. Moveover, ending unnecessary Government spending for useless frills and thrills would be a step toward ending inflation. This money could far better be spent to end hunger in America and beautify our cities.

Supporters of the bill claim that many now at work on this project would be denied jobs if the appropriation fails. This sort of argument has been advanced on behalf of every boondoggle since the construction of the great pyramids along the Nile. Actually, the administration has not chosen to emphasize this point to the fullest extent possible. Scientists have pointed out that the damage to windows and walls from the sonic boom would result in an estimated 500,000 claims per day. Think of the number of jobs that would be created by processing these claims and repairing the structural damages to private homes.

Mr. President, men employed in the military-industrial complex making planes and armaments that would need jobs in the event that this $290 million project is canceled could have jobs working in urban renewal projects, urban rapid transit construction or antipollution projects, ending pollution in our lakes and rivers and building homes desperately needed by families. Although a temporary dislocation of the work force might result, it would be just that, a temporary one.

If overland supersonic flight is permitted, 500 million persons in America, Europe, and Asia may be jolted every hour, day and night, by sonic booms from hit-and-run SST's. People working, relaxing, and sleeping will be ganged repeatedly without apology. Aviation designed to be man's servant would instead become his scourge. Why should the public, 95 percent of whose members would never fly in an SST, be forced to provide billions of dollars for an inefficient, unnecessary plane that could destroy peace and quiet throughout much of the civilized world?

I urge my colleagues to join me in voting against this motion to prematurely end debate on the SST. Let us save American taxpayers the burden of footing the bill for the SST.

Mr. BIBLE. Mr. President, I yield 1 minute to the Senator from Washington.

Mr. MAGNUSON. Mr. President, I want to suggest to the Senator from Wisconsin that I have listened four times to the testimony of Dr. Garwin, and I do not dispute his dedication. But all we know is that Dr. DuBridge made a statement about the SST, and I ask unanimous consent to have it printed in the RECORD.

Mr. NELSON. I have no objection.

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

DR. DUBRIDGE LETTER TO SENATOR PROXMIRE

(In his letter to Senator Proxmire on April 22, 1970 responding to his request for comments on the SST program, Dr. DuBridge strongly recommended proceeding with the SST program. His position was made after securing more information on technical aspects of the SST and also on a personal appraisal of the Concorde program.

(As is clearly indicated in this letter, Dr. DuBridge does not agree with Dr. Garwin's recent testimony, and Dr. DuBridge, not Dr. Gerwin, was the Science Adviser to President Nixon.)

APRIL 22, 1970.

Hon. WILLIAM PROXMIRE,
Washington, D.C.

DEAR SENATOR PROXMIRE: This is in response to your inquiry in regard to the views of the Office of Science and Technology with regard to the matter of the Supersonic Transport.

As you know, when the President establishes a committee or task force to make recommendations to him on matters such as this, he purposely selects representatives having a broad range of interest and competence in various fields encompassed by the overall program. In the case of the SST, this involved a number of areas of concern: economics, international trade, return to the federal investment, technological fallout, unsolved technological problems, environmental problems, and the overall technological strength of the United States and its position among the nations.

The various representatives on this committee examined the areas within their own fields of competence and submitted recommendations which emerged from their specific studies. It was then the task of the President to put all these matters in perspective and to take a long-range view of the overall best interests of the United States. Needless to say, the President has a broader view of the whole problem after he has studied all of the facts and opinions which have been brought together for his attention. Thus, while each several of us may have, from our own restricted points of view, recommended against further federal involvement in the SST project, I, for one, believe that the President, in taking a more comprehensive view than any of us could have, came to a sound decision.

My office now stands ready to assist the Department of Transportation in every possible way in trying to implement the President's decision and bring the best technological expertise we can command to bear on the problem of the successful development of this very important project.

On the basis of the knowledge then available to us, we would not change the statements which we submitted to the SST committee. However, I have since had the opportunity of securing more information on the technological problems, and I have also inspected the French Concorde and have been impressed by its promise. I now see more clearly than before the wisdom of the President's conclusion that the United States should not be without its own supersonic transport which, in the long run, will no doubt be superior to the French/British Concorde.

The President recognizes, as we pointed out, that there are still technological and environmental problems to be solved. But he has the faith, which I now share, that the ingenuity of the American industrial system can eventually solve these problems satisfactorily. It was naturally our duty to point up some of these technological difficulties so that we should all be aware of them. Surely these problems will never be solved if we stop our development work at this stage. Even more stupendous problems than those that lie ahead in the SST were solved in the space program.

Thus, on the whole, I would strongly recommend that your Committee endorse the President's proposal that the United States proceed with the SST project.

Very truly yours,

LEE A. DUBRIDGE,
Director.

Mr. NELSON. Would the Senator answer the question——

Mr. MAGNUSON. Dr. DuBridge says the SST should continue. He accepted Dr. Garwin's views and looked at them and reviewed them, and then he made a decision. He made a statement, which we had in the hearings, that the SST should continue.

Mr. NELSON. I wonder whether, on Senator PROXMIRE's time——

Mr. MAGNUSON. Anyway, we have so little time.

Mr. NELSON. We give the Senator from Washington 1 entire minute to answer this question: "Why has not the report from the scientific committee headed by Dr. Garwin, which is in the administration's hands, been released?"

Mr. MAGNUSON. Dr. Du Bridge reviewed it, and he came to a conclusion, and that has been placed in the RECORD. I do not want to get into these arguments between scientists, and neither does the Senator from Wisconsin, because neither one of us knows or has the scientific background to draw conclusions.

The PRESIDING OFFICER. The minute of the Senator from Washington has expired.

Mr. MAGNUSON. Will the Senator from Wisconsin yield me a half minute of his time?

Mr. PROXMIRE. I yield 1 minute of my time to the Senator from Washington.

Mr. MAGNUSON. There has been much discussion in recent days and weeks about priorities, especially in connection with the Department of Transportation appropriation bill and more specifically the appropriation for the SST.

I would be the last in this body to suggest that the Senate not address itself first to those issues of the highest priority. I believe the issue before us this morning is of the highest priority. We must decide whether a majority of the U.S. Senate will be allowed to work its will.

I have learned a few things about priorities in my years in Congress, and as chairman of the Labor-HEW Appropriations Subcommittee perhaps I have learned to place too high a priority upon saving human lives and educating our young people. It seems that every time I pass a HEW bill a veto message is forthcoming.

But one lesson I have learned about priorities, which I believe is absolutely true, is that the highest priority of the U.S. Senate is to address itself to and resolve the business of the Nation.

Allowing the U.S. Senate to break the current logjam which is holding up consideration of the Nation's business must have a much higher priority than filibustering the entire DOT appropriations bill because of an item that is only 3 percent of that appropriation and only one-eighth of 1 percent of the Federal budget.

Not only is it the clear priority and duty of the Senate to allow the majority of the Senate to vote and express its will, but also, just as important, it is clearly the priority that is demanded of this body by public opinion. Surely, we must look a little silly when we cannot even vote to allow ourselves to vote.

Mr. SCHWEIKER. Mr. President, last week, I voted for, and again today I intend to vote for, cloture in the Senate to terminate the filibuster over the SST, and to bring to a vote the conference report on Department of Transportation fiscal year 1971 appropriations, which includes appropriations of $210 million for the SST. Earlier this month, on December 3, 1970, I voted against continuation of the SST project by voting to delete all funds which were included in this appropriations bill for the SST.

Mr. President, I would like the record to clearly show that my vote for cutting-off the SST filibuster is solely a vote against filibusters, and in no way reflects a change of my opposition to the SST.

Shortly after taking the oath of office as a Senator in January 1969, I was in favor of lowering the number of Senators necessary to vote to invoke cloture and end a filibuster. The filibuster rule, Senate rule 22, currently requires a two-thirds vote to cutoff debate, and I favored lowering this margin to only three-fifths.

However, even this proposed rule change was filibustered. A cloture motion had to be filed to end the debate over changing the filibuster rule, and although a majority of us, 51 to 47, voted in favor of bringing the rule change to a vote, the two-thirds rule prevailed. I voted in favor of a ruling from the Chair that only a majority margin was necessary to end debate over a rule change, and regretted that the Senate, in rejecting this ruling, had ended any chance for modernizing our filibuster procedures in the 91st Congress.

The current Senate logjam, which both the majority leader and the minority leader have described as a disgrace to the Senate, is the extreme example of the inadequacy of the Senate filibuster, and dramatizes most vividly the need to reform this ancient practice.

However, the principle itself of the filibuster rule is not relevant to modern needs. With the press of urgent legislation, and with Congress now virtually a 365-day operation, we can no longer afford the luxury of unlimited debate. Because in actual practice, the rule does not operate to create refined and educated debate, but in fact only works to allow a handful of Senators, whether they be liberal or conservative, to impose their individual wills on the Senate and the Nation at large. Even worse, it circumvents our Democratic process by not allowing a proposal to be tested by a vote, the final measure of acceptance or disapproval in our legislative process.

All Senators have respect for our long history and our Senate procedures, including the positive principle of extended thoughtful debate, and a cloture rule allowing the ending of filibusters by a majority vote will not result in a rash of cloture motions. To the contrary, it will still be a rarely used measure, available in extreme situations, because of our respect for the traditions of the Senate and the advisability of letting each Senator be heard on matters of importance to him. In addition, the mere fact of a majority cutting off debate will help to discourage the practice of filibusters, and in itself will speed up and improve the discharge of our legislative responsibilities.

I will continue to vote to invoke cloture, whether I agree or disagree with the subject of the vote being blocked by the filibuster. My vote on the merits will then indicate my agreement or disagreement with the issue. However, I think each Senator should have the opportunity to make this judgment on the merits, and if a bill or amendment does not meet the approval of the Senate, then we should say so, and proceed to other business.

Thus I will today again vote to end debate on the SST appropriations, even though I continue to oppose this appropriation.

Mr. President, because of the confusion and delays, and the filibusters and counterfilibusters, of the lame-duck session, the public is concerned with our obsolete and ineffective procedures, which are no longer relevant to these crucial times. I hope we take this opportunity to take a hard look at our filibuster rule, and early next year, vote to change it.

Mr. PROXMIRE. Mr. President, I yield the remainder of my time to the Senator from Illinois (Mr. PERCY).

Mr. PERCY. Mr. President, as I look about this Chamber, I am not exactly sure that many Members are here whose minds have not already been made up. But possibly it is well to summarize the feelings of those of us who oppose the SST.

First, the distinguished Senator from Colorado has mentioned the balance-of-payments problem. Balance of payments is a function of two aspects: first, of sales of aircraft and, second, of tourism. The Department of the Treasury has indicated that, on balance, even if we went ahead with this and even if it were successful—a very large assumption—the balance of payments would be a deficit to the United States because of the tourism factor.

Second, I do not think balance of payments is the crucial point. The question is whether or not you can sell these planes at a profit, because even if you gain a little on the balance of payments—I do not think we would—I cannot conceive that we can sell these planes at a profit; and someone will have to underwrite the loss, and we know who generally is turned to when they are asked to underwrite a loss.

If the Concorde is successful, they will have to sell it for less than their cost. They cannot possibly amortize the $1.8 billion they already have in it. So they are going to have to write that off. If someone else wants to sell a plane to us at a loss, let them do it. Let us make the profit sales, and let them sell us the loss leaders.

Third, I think we have to give very careful consideration to the impact this has on the aircraft manufacturers and on the airlines. Let us not have the great Boeing Co., because it has undertaken something on which it cannot make a profit, be in line along with the Penn Central and Lockheed. Let us not have the airlines follow the railroads and come to the public till and say, "You have to bail us out." They are already in trouble.

Yesterday, the chairman of the board and chief executive officer of our largest airline, in Chicago—in fact, the largest airline in the world—United Air Lines resigned.

Mr. MAGNUSON. They have a good man to take his place.

Mr. PERCY. I am delighted to hear that. We welcome him to Chicago.

I do think that the airlines themselves, under terrific pressure, today are operating at a loss. I think that to impose this kind of huge burden on them when they have not been able to absorb the 747 itself is taking an undue amount of risk with an industry that has been in the private sector but in many other countries is in the public sector; and if we shove too much at them too fast, they are going to come right to the U.S. Treasury to bail them out.

Fourth, with respect to the problem of financing the SST, we have not even

seen a plan for it. We are being asked for $1.3 billion; but Dr. Garwin, scientific adviser to the President and an expert on the SST, said the day before yesterday that this is a $5 billion figure. As I said yesterday in response to that, the former chairman of the board of the largest airline in the world, the largest American carrier, said this is not a billion-dollar decision or a $5 billion decision. He said:

> You have to decide in the Congress of the United States, before we go ahead with this, where we are going to get the $15 to $20 billion or $25 billion to finance 500 of these, if it is successful.

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

Mr. GOLDWATER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Arizona has 2 minutes remaining.

Mr. GOLDWATER. I yield 2 minutes to the distinguished Senator from Mississippi.

Mr. STENNIS. I thank the Senator.

Mr. President, for the last 3 years, except for this year, I have held hearings, extensive hearings, on the SST matter. With all due deference to everyone, they have brought in an environmental issue, and it has played a big part in this vote. But I never have had, never have heard, very much of an issue made of the question of moving along to keep our supremacy and the cost of this project. It is true that the extent to which we have gone into it already is more than $800 million, on a program that could cost $1.3 or $1.5 billion.

Good progress has been made on the plane itself. To turn back now—I said before that I do not believe that a majority of this body wants to just totally stop this matter. In the conference, we learned that probably the lowest reasonable figure, if it is going to be continued at all, was $105 million of unspent money on which we agree. They said we capitulated.

Let me point out that this matter has been voted on by the two houses. If we total the votes of both houses, the SST has always had a majority. I just mention that in passing to show that certainly there is no overwhelming sentiment or opposition to it throughout the Nation because in vote after vote it shows, under these adverse conditions, that a majority of elected legislators have walked up to the line and voted for the project.

So this issue is another case where we have disagreements and we fight these things out in debate. We compromise and do the best we can in conference. Then it is up to the respective bodies to adopt or reject the conference. That is our system.

The House has overwhelmingly approved it and I hope that the Senate will as well.

CALL OF THE ROLL

The PRESIDING OFFICER (Mr. HUGHES). The hour of 11 o'clock having arrived, under rule XXII, the Chair directs that the clerk call the roll to ascertain the presence of a quorum.

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

[No. 442 Leg.]

Aiken	Gore	Muskie
Allen	Gravel	Nelson
Allott	Griffin	Packwood
Baker	Gurney	Pastore
Bayh	Hansen	Pearson
Bellmon	Harris	Pell
Bennett	Hart	Percy
Bible	Hartke	Prouty
Boggs	Holland	Proxmire
Brooke	Hollings	Randolph
Byrd, Va.	Hruska	Ribicoff
Byrd, W. Va.	Hughes	Saxbe
Cannon	Jackson	Schweiker
Case	Javits	Scott
Church	Jordan, N.C.	Smith
Cook	Jordan, Idaho	Sparkman
Cooper	Kennedy	Spong
Cotton	Magnuson	Stennis
Cranston	Mansfield	Stevens
Curtis	Mathias	Stevenson
Dole	McCarthy	Symington
Eagleton	McClellan	Talmadge
Ellender	McGee	Thurmond
Ervin	McGovern	Williams, N.J.
Fannin	McIntyre	Williams, Del.
Fong	Metcalf	Yarborough
Fulbright	Miller	Young, N. Dak.
Goldwater	Mondale	Young, Ohio
Goodell	Murphy	

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Georgia (Mr. RUSSELL) and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Oregon (Mr. HATFIELD) is absent on official business.

The Senator from Texas (Mr. TOWER) is necessarily absent.

The PRESIDING OFFICER (Mr. HUGHES). The Senate will please be in order. Senators will please take their seats and staff members take their seats or the Chair will have to enforce the rule.

Pursuant to rule XXII, a quorum call has been had and a quorum is present.

The Chair wishes to instruct the galleries that there will be no displays from the galleries, and again asks Members of the Senate to please be seated.

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

The yeas and nays are automatic.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Connecticut, (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Georgia (Mr. RUSSELL), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further anounce that on this vote, the Senator from North Dakota (Mr. BURDICK) has a pair with the Senator from Hawaii (Mr. INOUYE) and the Senator from Utah (Mr. Moss). If present and voting, the Senator from North Dakota would vote "nay" and the Senators from Hawaii and Utah would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Oregon (Mr. HATFIELD) is absent on official business.

The Senator from Texas (Mr. TOWER) is necessarily absent.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "yea."

On this vote, the Senator from Oregon (Mr. HATFIELD) and the Senator from Texas (Mr. TOWER) are paired with the Senator from Colorado (Mr. DOMINICK). If present and voting, the Senator from Oregon and the Senator from Texas would each vote "yea" and the Senator from Colorado would vote "nay."

The yeas and nays resulted—yeas 42, nays 44, as follows:

[No. 443 Leg.]

YEAS—42

Allott	Gravel	Packwood
Baker	Griffin	Pearson
Bellmon	Gurney	Pell
Boggs	Hart	Prouty
Brooke	Hartke	Randolph
Byrd, W. Va.	Hruska	Ribicoff
Cook	Jackson	Saxbe
Cooper	Jordan, Idaho	Schweiker
Cotton	Magnuson	Scott
Curtis	Mathias	Smith
Dole	McGee	Stevens
Fannin	McIntyre	Symington
Fong	Metcalf	Yarborough
Goldwater	Murphy	Young, N. Dak.

NAYS—44

Aiken	Gore	Muskie
Allen	Hansen	Nelson
Bayh	Harris	Pastore
Bennett	Holland	Percy
Bible	Hollings	Proxmire
Byrd, Va.	Hughes	Sparkman
Cannon	Javits	Spong
Case	Jordan, N.C.	Stennis
Church	Kennedy	Stevenson
Cranston	Mansfield	Talmadge
Eagleton	McCarthy	Thurmond
Ellender	McClellan	Williams, N.J.
Ervin	McGovern	Williams, Del.
Fulbright	Miller	Young, Ohio
Goodell	Mondale	

NOT VOTING—14

Anderson	Hatfield	Mundt
Burdick	Inouye	Russell
Dodd	Long	Tower
Dominick	Montoya	Tydings
Eastland	Moss	

The PRESIDING OFFICER (Mr. HUGHES). Will the Senate be in order. Will the staff be seated. Again the Chair announces that there will be silence in the galleries.

On this vote, there are 42 yeas and 44 nays. Two-thirds of the Senators present and voting not having voted in the affirmative, the cloture motion is rejected.

Mr. PEARSON. Mr. President, I am distressed that the Senate for a second time has refused to invoke cloture on the "extended debate" going on with regard to the conference report on the Department of Transportation appropriation bill which contains the $210 million for the SST.

As many other Senators have said, since this is a conference report and the

bill itself has passed both Houses with ample debate, the question is not whether more time must be granted to discuss the SST. This has been done.

This morning a very interesting letter came across my desk from an American citizen living in Paris. I do not know this man. In fact, I do not know from where this man comes here in the United States. His letter concerned the SST and the parliamentary situation here in the Senate at this time. But he is a man who is concerned about pollution, specifically the pollution which environmentalists fear from the SST. I call attention to the last paragraph of his letter.

There will be SSTs in this world, even though the Senate may pursue its course to ensure that none are American. And then, what a pity for those of us who are really concerned about pollution. For without U.S. participation in this market, there will be just that many more foreign SSTs operating in this world—under their own pollution standards (possibly not the same as ours!). Is it not far more advantageous for us, and the rest of the earth, to have the USA, which is deeply concerned about pollution, also build and monitor such an important aircraft?

In a P.S., this American calls attention to the postage stamp he used on this letter. It is a stamp of the Republic of France, showing a picture of the supersonic transport Concorde which is being built by the French and the British.

Mr. President, I ask unanimous consent that this entire letter be placed in the body of the RECORD at this point in my remarks, and commend it to the attention of my colleagues.

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

FRANCE, *December 18, 1970.*

HON. JAMES B. PEARSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: In light of the House vote not to scuttle the SST, I hope, as a concerned citizen, that the Senate will reconsider with an open mind just what is best for the United States in the upcoming debate on the SST funds.

The house recognized the economic importance of this project and the need of jobs and prosperity (today and in the future) over handouts on a withering tax base. The House opted for productivity and technological progress over technological stagnation; a favorable balance of payments over a broken export market; and a positive American image, both at home and abroad, over the pathetic spectacle of a former first-rate nation looking wondrously skyward at a Soviet-built TU-144—remember the Sputnik?

The House did not cast aside the many faceted economic advantages and accept, at face value, unproven environmental fears. It turned down the questionable contention that SST funds and an effective attention to "other national priorities" are mutually exclusive, rather than complementary. It has voiced its faith, and thrown open the challenge, to American technology and ingenuity to build a viable SST. Perhaps they saw as the international "jet set" (which, according to some, would be the sole beneficiaries of the quick-trip vehicle); Congressmen, government officials, members of the press, teachers, students, and especially businessmen (travelling the Pacific as well as the Atlantic) who as productive and valued citizens, find time is increasingly precious.

Is it now possible that Senate foes of the SST could justify in their own minds resorting to such tactics as a filibuster to deprive the U.S. people of this challenging and vital opportunity?

There will be SSTs in this world, even though the Senate may pursue its course to ensure that none are American. And then, what a pity for those of us who are really concerned about pollution. For without U.S. participation in this market, there will be just that many more foreign SSTs operating in this world—under their own pollution standards (possibly not the same as ours). Is it not far more advantageous for us, and the rest of the earth, to have the USA, which is deeply concerned about pollution, also build and monitor such an important aircraft?

Sincerely yours,

JOE PETRONE, Jr.

PROGRAM

Mr. SCOTT. Mr. President, will the distinguished Senator from Nevada yield without losing his right to the floor?

Mr. BIBLE. Mr. President, I yield to the distinguished minority leader.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I thank the Senator from Nevada. There is no intention of displacing the present business. I rise simply to ask the majority leader if he will concur in the statement that he and I will meet at this time for the purpose of seeking to determine the future order of business, and that is for the benefit of Senators.

Mr. PASTORE. Mr. President, may we have order?

Mr. STENNIS. Mr. President, may we have order before the Senator makes his statement so that all Senators can hear?

The PRESIDING OFFICER. The Senate will be in order. Members of the staff will be seated and Senators will be seated so that the leaders can be heard.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader, we intend to get together very shortly to consider means of facing up to this difficulty which confronts the Senate today on various matters, but most specifically the Department of Transportation appropriation bill.

I have requested the Senator from Louisiana (Mr. ELLENDER) and his group to get together once again, and I believe they will do so at approximately the hour of 12 o'clock.

I would like to appeal at this time to members of the other group, the distinguished Senator from Nevada (Mr. BIBLE), the distinguished Senator from Mississippi (Mr. STENNIS), the distinguished Senator from Wisconsin (Mr. PROXMIRE), and the distinguished Senator from Illinois (Mr. PERCY) to get together immediately if they can, to see if something can be worked out. If something cannot be worked out, the minority leader and I are discussing very, very seriously several possibilities which we may call to the attention of the Senate before the pending business is displaced at approximately 3 p.m.

We hope, and this is not an easy job for either of us, that the Senate conferees on the package proposal, and the Senate conferees on the DOT, having to do with only the SST, will be able to come up with a reasonable compromise which would foreclose the possibility of the leadership making motions and proposals which, speaking personally, I would rather avoid.

We will proceed to the other bill around 3 p.m. I refer to the conglomerate bill out of the Committee on Finance. We will stay in session tonight until 7 p.m. or 8 p.m. It is my understanding that the other body has not, as yet, agreed to the concurrent resolution seeking to bring about an adjournment or a recess beginning at the close of business tonight until noon on Monday. If there is no concurrence forthcoming, we will have a pro forma meeting Thursday, no business will be conducted—an in-and-out procedure—and then we will go over from Thursday until Monday.

I make this statement at this time so that if there is any difficulty in getting approval of the concurrent resolution, those Members who have made other arrangements can feel free to go ahead with them.

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

Mr. MANSFIELD. I yield.

Mr. SCOTT. I would like to point out that various Senators have said to me that transportation reservations—not under the Department of Transportation bill—are difficult to arrange and rearrange, and their convenience is always subject to the will of the Senate, naturally. But we are trying to find a way to meet that convenience, and I hope, having that in mind, that Senators would be good enough to remember that unnecessary adjectives and adverbs interpolated in their speeches may cause other Senators to miss a plane or reunion with their families, and that would be too bad.

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

Mr. MANSFIELD. I yield.

Mr. PASTORE. Mr. President, I make this statement not in the way of criticism but only to be helpful and only as a suggestion.

I think we are at a terrible impasse. There have been meetings before. The suggestion was made last weekend and nothing happened. The vote today is just about where we stood then.

I was wondering if it would not be advisable for the leadership, both the minority leader and the majority leader, to sit down with these litigants in these conferences we are talking about to see if we cannot come up with some sense.

This idea that these two factions, which are just about as far apart as the North Pole from the South Pole, are going to sit down and resolve this matter is naive. We are just kidding ourselves. I think what we need is the strong hand and the strong mind of the leadership of the Senate.

Mr. MANSFIELD. What we need is the strong hand and the strong mind of the Senate itself.

Mr. PASTORE. I know, but that is where we are now.

Mr. MANSFIELD. The conferees have been meeting. They have come reasonably close on one occasion and fairly close on another occasion, so far as the

second group is concerned. I have every confidence in the Senators. They have been reporting back to the leadership. They know our feelings. But we want to see that every Senator gets a fair shake, regardless of his views or the side he is on.

As far as "strong leadership"—and I put the term in quotation marks—the leadership does not rest with the Senator from Pennsylvania or the Senator from Montana, but with 100 Members of this body, and the Senator from Rhode Island knows that just as well as I do, because we exercise what little authority we have and it is very, very little and only at the sufferance of Senators.

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

Mr. MANSFIELD. I yield.

Mr. PASTORE. There is no man in the Senate who carries more influence than the Senator from Montana, and that is the only reason I said what I did. I think the good sense of MIKE MANSFIELD in these meetings will bear fruit. That is what I am talking about. I am not trying to minimize the Senator's influence; I think the Senator has tremendous influence, and if the Senator exerts it we will get results here today.

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

Mr. MANSFIELD. I yield.

Mr. STENNIS. Mr. President, I would like to say that while I do not resent the Senator's words, I wish to dispel any inference so far as we on the conference on the transportation bill are concerned. Four of us met in the most favorable atmosphere and exchanged ideas. I am not trying to blame anyone else. There are two branches to this department of Government, the Senate and the House.

I do not think the matter of someone exercising a strong arm or pleading with the conferees to get something done would be too effective. I did not want the inference left here with respect to stubbornness, or backing off, or glaring at each other.

Mr. MANSFIELD. The reason the minority leader and I are getting together is hopefully to come up with some sort of proposal, motion, or motions some time this afternoon before 3 p.m. But before we do that, if we do it, because I still have to get consent of the minority leader as to his thoughts and we have so expressed ourselves through a letter to one group, under the chairmanship of the distinguished Senator from Louisiana (Mr. ELLENDER) because most of the matters are tied up in three appropriation bills; and publicly we have just asked the four Senators who are conferees within the Senate on the SST proceedings if they would meet again.

If they can come up with a reasonable resolution, it means the leadership will not have to undertake the action which we will go into the office of the minority leader very shortly to consider.

Mr. SCOTT. I wish to point out that some of these meetings that are going on are the result of the closed session of the Senate and are at the instance of the majority leader and myself. All we can say to Senators is: "We would like to agree, we think you should agree, we just hope you will agree, and we believe the country will be better for it if you do agree." That is the extent to which one can go in addressing another Senator in this regard in any public forum. We might say a few more things privately.

Mr. MANSFIELD. May I say, Mr. President, that I have no fault to find with any of the conferees. They have all been meeting in good faith. They have come close to agreement. They are not quite at it yet, but my confidence in them is full and my trust in them is complete. I only hope it will be possible to take care of the few remaining roadblocks, so to speak, so the leadership will not be forced, on its own responsibility, to make proposals which it cannot avoid.

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

Mr. MANSFIELD. I yield.

Mr. FULBRIGHT. I want to say that the conferees the Senator mentioned, under the Senator from Louisiana (Mr. ELLENDER), did agree. It was the House conferees who would not agree. They were adamant. There was no disagreement among the Senators who were represented there under the chairmanship of the Senator from Louisiana (Mr. ELLENDER).

I want to go further and say I think the leadership is doing a very good job. It is the first time in 25 years in the Senate that I have seen the Senate really act like a Senate, and one that seems determined to play a responsible role as an institution. We have had three votes on the pending measure, one of them on the measure and now two cloture votes. It is quite clear to me what the opinion of the Senate as a whole is, and I think the leadership is to be commended for reasserting the role of the Senate in our Government. Certainly our country has never been in greater disarray.

I believe what the Senate is witnessing now is not anything to be ashamed of. It is a heartening and encouraging sign that, at long last, the Senate is discharging its constitutional responsibility to play a role in important national matters.

When the Senator, 2 days ago, said that the Senate had a reputation for capitulating to the House on all substantive matters involving money, I think the Senator was correct. I think what the Senate as a whole is trying to do is reassert its responsibility within its fundamental powers of Government. I congratulate them. I think they are doing exactly what the Senate was intended to do.

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

Mr. MANSFIELD. I yield.

Mr. MAGNUSON. The Senator from New York mentioned the other day that we are now on the horns of two dilemmas. There are many Senators who historically would not vote for cloture——

Mr. COTTON. Mr. President, can we get a little order here so we can hear the Senator?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MAGNUSON. Many Senators are willing to vote on the conference report. The distinguished Senator from Nevada has had a long, and a historical viewpoint on the question of cloture. Those Senators would, however, vote for the conference report even though they oppose cloture.

We are not performing the duty of the Senate. All we are suggesting is that we vote, that is all, and the Senate can work its will any way it wishes. Cloture is a matter that involves many issues—some very emotional and some involve regional politics. Many Senators voted against cloture just a few minutes ago who now would be perfectly willing to vote on the conference report up or down, right now.

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

Mr. MAGNUSON. No, I will not yield. I have not much time.

I think this is a fundamental question. The Senate should vote. That is what we are here for—to vote on issues not evade them.

The Senator from Arkansas has many times participated in some of these procedures. Everybody cannot have his own way. I do not expect that I am going to have my own way here, but I am certainly going to bow to the will of the Senate, if Senators will allow a vote. That is what we want here today.

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

Mr. MANSFIELD. I yield.

Mr. FULBRIGHT. We had a vote, an up-and-down vote, on the SST, and it was a very significant vote. What the Senator is trying to do is to utilize the very unusual procedure of a conference report where we give way what the Senate has voted for by using the pressure of the other items in the DOT bill to make us accept something that we do not want to accept.

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

Mr. FULBRIGHT. No.

Mr. MAGNUSON. The Senator has been around her long enough to know that is not true.

Mr. FULBRIGHT. I think it was a very fair proposal that the sponsors of the SST were offered—an opportunity that if they would allow the DOT bill to go through without the SST the Senate would have once again a clear opportunity to vote on the SST by itself. I do not see anything wrong in that. It is a fair compromise to allow the Senate once more, at a later date, to vote its will up or down on the SST.

What the sponsors are here trying to do is ride piggyback on a very necessary bill and make the Senate take something it does not want to take because of all these other considerations. I think that is a distortion of our regular procedures. It is a procedure aproaching one that stands in the way of a vote.

I am perfect willing to trust the Senate's judgment on the SST if it can be expressed on the SST itself, but what the Senator is trying to do is to force us to accept a matter which we think is not in the national interest, because of a great many related matters that are in the national interest. That is what it amounts to.

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

Mr. FULBRIGHT. The Senator had this bill for weeks and weeks. He did not

want to bring it up because he did not have the votes, and he wanted to bring it up at the last minute, and as a result it prejudiced a great many other items in the bill.

Mr. MAGNUSON. Mr. President, will the Senator from Montana yield to me?

Mr. MANSFIELD. I yield.

Mr. MAGNUSON. How many times has the Senator from Arkansas gone to conference and said afterwards: "We reached a compromise on the bill?"

Mr. FULBRIGHT. I did it yesterday.

Mr. MAGNUSON. That is the answer to that.

Mr. FULBRIGHT. It is before the Senate now. The bill relating to financial matters is ready for passage. It is all agreed to.

The PRESIDING OFFICER. The Senate will please maintain decorum.

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

Mr. MANSFIELD. I yield.

Mr. JACKSON. Surely one does not need to stand up in this body and remind some of his colleagues of the Senate rules? Apparently this is necessary, however, because some Senators now want to change the Senate rules, but for this bill only——

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will please be in order. Staff members will be seated in the rear of the Chamber. The Senator is entitled to be heard.

Mr. JACKSON. Some Members want to in effect change the Senate rules for this appropriation bill. The rules provide that if a Senator wants to vote down a specific item in a conference report, the Senate must vote down the whole conference report. Voting down the conference report is a condition precedent to such action. Once rejected, a new conference is in order. Every Senator knows that. What is proposed—separating the SST from the rest of the conference report—is contrary to tradition, precedent, and the Senate rules.

Mr. President, I would have more respect for some of these suggestions if some of my colleagues who oppose the prototype program would suggest a change in the Senate rules. The rules are there, however, and they are binding. And I note that they are being fully exercised by Senators who are opposing this conference report. They have an extended discussion going on as is provided for in the Senate rules.

I have always favored a change in rule XXII. I have taken a consistent position on this issue. But I think it gets a little silly when some of my colleagues propose what amounts to a tentative revision of the Senate rules which would apply only to this particular measure, but not to other measures. Now, if they want to change the Senate rules, then we can respond along the lines some Senators have suggested, but I want to remind my colleagues what the Senate rules are. I think it looks silly when some propose to change the rules for one purpose, but not for another.

Mr. President, I hope we could get a vote on this conference report.

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

Mr. MANSFIELD. I yield.

Mr. PASTORE. The thing that disturbs the Senator from Rhode Island is this: If what has happened this past week happens again next week and we come to the end of the session, which we will have to come to because of constitutional fiat, we are going to end up without a transportation appropriation bill. I want to remind the Senator from Wisconsin that no one fought harder in the conference than the Senator from Rhode Island to make sure that the Senate side was upheld. I want to say to him, and I want to say to all my colleagues in answer to the argument which has been raised on the floor time and time again, that if we had stayed longer the result might have been different, that is wishful thinking. I only wish they had been there. The House was absolutely adamant. We could have stayed there in conference for another 2 months, and I do not think it would have changed the attitude of the House.

Then, of course, we get down to the proposition. What are you going to do about it, anyway?

It was finally resolved that we would cut the figure down from $290 million to $210 million, because $105 million had already been spent. This would have been a very small amount to keep the program alive until we got a chance to take another crack at it.

I refused to sign the conference report insofar as it pertained to the SST; that is shown right in the conference report.

Now we are coming down to this very, very strange situation: If we do not have any kind of a bill at all, it means that everything in that appropriation bill will die. What is the result of that? Every man who works in a tower at any airport will have to go without pay beginning January 1. If we are not going to pay them, we cannot blame those men for not working. So if everyone moves off the job, and if every coastguardsman moves off the job, one can only imagine the havoc that will be wrought upon this Nation. We will come to a standstill.

Only a short while ago, we kept the railroads going through a very emergency session here, and we said to certain people, "You cannot exercise your statutory and constitutional right to strike because of the public interest."

Now we are in the position that unless we do something within the next few days, we are going to have the same situation insofar as airlines are concerned, and it will be our own fault.

I hope I have not offended the majority leader in any way. I know who MIKE MANSFIELD is. No one loves him more than I do. But he is a kind man. Sometimes he is too kind. He is too forebearing, and this situation has gotten to a point now that I think we have all become a little silly.

I made a suggestion a short while ago: Why do we not consult with the House of Representatives to see if we cannot get a continuing resolution, to expire sometime in March, just to keep this thing going for a short time, allowing them to come back and continue their debate on January 21, and then see what happens? We are going to have a new Congress. We are going to have 10 new Members in the Senate. I do not know how many new Members they are going to have in the House of Representatives. It is going to be a brand new ball game.

We cannot just drift the way we are drifting without somehow paying a severe price. That is all I have been trying to avoid.

I do not know what the majority leader has in mind with his motion today, but it would be most regrettable if we could not get together like reasonable men. You have to give a little bit in order to get a little bit, and there has got to be some resolution. This has almost become an insoluble problem at this point, and something needs to be done.

I have voted against cloture twice. I have almost always voted for cloture in the past, but I did it because I wanted to keep the door open for negotiation. I say to my fellow Senators, "I believe you gentlemen will have to begin to look at this thing reasonably. You will have to begin to consult with the House of Representatives."

As the Senator from Mississippi has said, this is not alone the problem of the Senate; it is the problem of the House of Representatives as well. I think that the leadership of the Senate ought to get together with the leadership of the House and see what we can work out, because I am telling you, the situation as of this moment is disgraceful.

I do not care who is right and who is wrong. I listened to the debate for 2 hours preceding the vote on cloture, and we are saying the same things over and over again. No one has raised the question. Where do we go from here?

Where do we go from here? That is indeed the question now. Are we going to let the bill die completely, are we going to resolve the situation in a reasonable way, or are we all going to go our own way, just to prove who is right and who is wrong?

Mr. President, I do not think anyone is right and I do not think anyone is wrong. Each man has his legitimate opinion. The House of Representatives looks at it one way, and the Senate looks at it another way. I hope the leadership in both the House and the Senate will get these people together and resolve this things for the benefit of the American people, because if our airplanes and our airports come to a stop, if the Coast Guard comes to a stop, if the $600 million in the bill for mass transportation comes to a stop, if air safety comes to a stop, we will be in an awful position; but I think if we are sensible and reasonable, we ought to bring it to a stop right here, today, and I think it can be done if the leadership will act—and I say this very kindly, because I know the power of MIKE MANSFIELD. When MIKE MANSFIELD wants something done, he gets it done.

Mr. MANSFIELD. Mr. President, my name is not Lola. I yield the floor and turn it over to the Senator from Nevada.

Mr. BIBLE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senator from Nevada has the floor, and may proceed.

Mr. BIBLE. Mr. President, I shall take just a few moments.

I think the stirring speech of the distinguished Senator from Rhode Island was a good speech. I think it indicated things that we have been trying to do. We are aware of the implications that will befall us if this problem is not resolved, and I am sure that those on the other side of the question feel and know the same implications.

I think it should be abundantly clear, as I said in my opening remarks, when there were few Senators present, at the beginning of our consideration of the pending business this morning at 10 o'clock, that we had met repeatedly, and we got along very well. There is no question about that. Either the Senator from Illinois or the Senator from Wisconsin can bear me out that we did make progress. We made headway; but the impasse does not lie there, as the Senator from Mississippi has so well indicated. The impasse is on the other side of the Capitol.

Mr. STENNIS. Mr. President, may we have order, so the Senator can be heard? I just cannot believe all these people in here are interested in this matter. They could be here for the 3 o'clock transition. The Senator from Nevada is entitled to be heard.

The PRESIDING OFFICER (Mr. HUGHES). The Senate will be in order. The Senator from Nevada will suspend until order is restored. The Chair orders all staff aides who are not currently needed by their Senators to leave the Chamber. The Sergeant at Arms will enforce this order. Senators will please maintain order on the floor of the Senate.

The Senator from Nevada may proceed.

Mr. BIBLE. I thank the Presiding Officer.

Mr. President, the Senator from Mississippi, the Senator from Wisconsin, the Senator from Illinois, and I have met many times. I think we have made progress. I know we have made progress. I think that the suggestions with which we could come forward and have come forward with would make some sense in getting us out of this dilemma. But our problem, again, is that the impasse is on the House side.

Senators may say, "If our problem is on the House side, why do you not do something about it?"

The distinguished Senator from Rhode Island, who has left the Chamber, made one suggestion which we have considered; that is a continuing resolution. But a continuing resolution must originate in the House of Representatives. It does not originate here; it must originate in the House.

We have made suggestions to the House of Representatives, but they are adamant. If we go to a further conference, we come right back to where we are here today, and it may well be that in the final analysis, a continuing resolution is the only answer to this particular problem. But the answer lies at the other end of the Capitol, and not here, because we cannot originate that continuing resolution.

I know we are all aware of the implications. The Senator from Rhode Island mentioned some of them. I said earlier and repeat now, it would be rather tragic if all the operations of the Coast Guard stopped—I do not know whether the Senator mentioned this—on January 4 or 5, whatever the date is. I do not think anyone intends to let us get into that situation.

We are doing the best we can to work out of an impasse, which I think lies, at this stage of the game, primarily at the other end of the Capitol. I have nothing further to add. We are perfectly willing to meet again with our friends from Illinois and Wisconsin. We have met before and we are still talking and will continue to talk, but I do not think our talking will really end the problem until we have some guidance from the other end of the Capitol.

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

Mr. BIBLE. I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, the Senator has made a statement that covers this situation. We four conferees agreed that we would not make statements to the press. We thought that doing so would jeopardize somewhat the chance to get the settlement that has to be achieved by both houses. Our silence here seems to have developed the idea that we were not doing anything, that we were divided among ourselves, or that it was just a standoff. The very opposite of that is true.

As the Senator has outlined, it takes some agreement from the other end of the Capitol. We are ready to meet. We plan to meet as soon as this colloquy can be completed.

Mr. President, I am one of the conferees on the Department of Defense appropriation bill. The controversy there is over language most of which pertains to Cambodia. The Senator from Louisiana has talked with me several times about this language. I believe it is a matter that probably can be resolved. I have some knowledge of the language, because the first language on the subject this year originated in the Committee on Armed Services, in the procurement authorization bill we debated in midsummer. That was the first language, and it was adopted, and it is the law today, with reference to aid and using United States troops in Cambodia, and so forth.

It has gotten into the appropriation bill in two or three places, but now the key part I think is in the military aid bill, the authorization bill, which we passed, and then the supplemental appropriation on that.

If the military aid bill is settled and finalized, we can rather quickly, in my opinion, settle the language in the appropriation bill. There are proposals to give and take which I believe will work out—a proposal to strike out the word "Cambodia" in one place, and so forth.

Frankly, I do not think that could be done today. My idea is that things have jelled here somewhat for today. I am not sure that the key Members of the House on this subject are in town. But I have an idea that when we return, that matter can be settled, if we can settle the military bill.

With respect to the Department of Transportation bill, frankly—I say this publicly—I think that today the matter has stagnated. We will meet further, but perhaps nothing can be worked out between the two Houses. I believe that when we return, there will be a better chance, a better atmosphere, next Monday, and things might start moving then.

I yield the floor.

Mr. PROXMIRE. Mr. President, I want to make it clear that Senator PERCY and I—and I think Senator STENNIS and Senator BIBLE, too—have done our best to discuss this matter. We have discussed alternatives. There was no adamancy on either side. I think we had a constructive discussion. I am looking forward to a meeting, and so is Senator PERCY, as soon as we possibly can get together, and we will discuss all alternatives.

I do think, however, that we ought to recognize now that there are certain hard, tough facts with which we have to cope. No. 1, there was a vote in this body up and down on whether SST funds should be included. In that vote, a majority of the Senators voted against it.

No. 2, there was a vote on cloture twice—two votes on cloture. How many times in the history of the Senate have there been three votes on cloture? Very rarely. The only time cloture has been invoked has been when less than a majority at any point favored cloture.

Under these circumstances, it is clear that we have to find some way of breaking through.

None of us is going to permit the Department of Transportation to be without funds after January 3. That would be wrong on the part of every one of the 100 Senators and 435 Members of the House.

We have to find a way to permit the Department of Transportation to function. We are determined to do that, and I am sure we will all agree that that is going to happen.

I think that within those limits, knowing the SST advocates are very determined to do their best not to permit it to die at the end of this year, and that those of us who oppose the SST are very determined to see that the Department of Transportation continues to have funds after January 3, that there will be no payless paydays, under those circumstances, I am sure we will be able to reach some agreement among Senators. In fact, I think we are pretty close to it.

However, there is a problem on the other side, and I would suggest that what is left now is for the House to take a look at what has happened in the Senate. We have had these votes. It is a matter of fact that the Senate has twice said, by majority vote, that it will not invoke cloture, and we all know that it takes two-thirds.

Under the circumstances, I would hope that the House would seriously consider some kind of compromise. It is my understanding that to date their position is that they do not want to compromise. I think they have to.

Mr. MAGNUSON. Of course, I do not consider the vote on cloture as a vote on the SST.

Mr. PROXMIRE. Of course it is not. I never said it was. There has been only

one vote on the SST—51 against and 41 for.

Mr. MAGNUSON. The Senator is a strong supporter, and historically he will not vote for cloture. I voted for cloture every time it was up. The Senate voted once on the SST and voted as the Senator has said, and the House voted on it.

Mr. PROXMIRE. The House never voted on the SST. The House voted on instructing the conferees. They voted on the conference report.

Mr. MAGNUSON. That is what the vote was about.

Mr. GRIFFIN. Mr. President, in order that there can be no misunderstanding as a result of the vote on cloture, let me make it clear that the junior Senator from Michigan opposed the appropriation for the SST and would oppose the conference report. Nevertheless, as a Member of the leadership I believe the Senate ought to be allowed to vote on the conference report. On such an important appropriations conference report the Senate should be permitted to exercise its will.

Frankly, without pointing the finger at any colleague, I am disappointed and surprised that so many Senators voted against cloture in the situation which confronted the Senate today. The matter before us is an appropriations measure and it involves all the functions of the Department of Transportation.

The distinguished Senator from Nevada indicated that the impasse was on the other side of the Capitol. I respectfully disagree. The impasse is here on this side of the Capitol.

The House and the Senate, as often happens, passed different versions of this legislation; conferees were then appointed; and they met and struck a compromise. The Senate should now have the opportunity to accept or reject that compromise. Accordingly, the impasse is here.

Mr. BIBLE. Mr. President, will the Senator yield on that point?

Mr. GRIFFIN. I yield.

Mr. BIBLE. I am perfectly willing to break that impasse, with the distinguished Senator from Michigan, and have a straight vote. I have always agreed to voting with time limits, under any conditions imaginable, to have a straight up and down vote. But when it is impossible to get cloture, how do we do it?

Mr. GRIFFIN. I would agree. It is unfortunate that a number of Senators will never vote for cloture. I suggest that there are times when it is absolutely necessary to vote for cloture if the Senate is to conduct its business. The situation we face now is a good example of that.

Mr. MAGNUSON. I think there are approximately 15 Senators who would not vote for cloture but who would vote for the conference report. So this is the impasse.

Mr. BIBLE. Mr. President, I do think that this probably has gone on long enough, with all the possibilities and probabilities and the suggested solutions. Obviously if we were able to get cloture, and it looks as if that will be difficult, it would solve the problem. We would have to vote it up or down. If we cannot get cloture and cannot vote it up or down, then the only place we can go is somewhere inbetween.

Mr. GRIFFIN. It might not solve the problem. The conference report might be rejected and then we would have to go back to conference again. Then, of course, the impasse would not be here. We would have to act, one way or the other.

Mr. BIBLE. It might be rejected. That is unlikely. I believe it would be accepted. In fairness to those who take the opposition vote on the SST, they do not want to chance that because they feel it would be a straight up or down vote. with all the other items in their for transportation, and so forth, and that it would be accepted. I personally think that they are right. If that is true, then they will feel they have lost the SST battle at least for the next 6 months.

Mr. PROXMIRE. If the Senator will yield there, the difficulty is that the conferees were in favor of the SST, and the Senate was not. The trouble is, under the circumstances, it is our feeling that the House should have gone back with the conference report in disagreement. If they had done that, then it seems to me the House of Representatives would have had to vote specifically on the SST. They did not do that. They went back and approved a conference report. It took action on the part of the House to reject the conference report with instructions. Under the circumstances, if there was a strong feeling on a major issue of this kind on the conference report, why did not the conferees consider the possibility of going to the House in disagreement?

Mr. BIBLE. I am not going to repeat all the conference matter, but as the Senator from Wisconsin knows——

Mr. MAGNUSON. The House would not do it.

Mr. BIBLE. That is right.

Mr. PROXMIRE. Of course not if the Senate can do it in one day. Why in the world should the House agree to go back in disagreement.

Mr. BIBLE. Mr. President, I have the floor. We have until 3 o'clock today to have this extended discussion. The fact remains that those conferees who were against the SST, in the spirit of compromise, signed the conference report on the Senate side, with certain reservations.

But, be that as it may, that does not solve anything. The distinguished Senator from Wisconsin constantly says that what he means is to kill the SST. I do not know that it means that at all, because of some indications on the floor here that they wanted it reduced, so we say reduced, some say killed, and the Senator from Wisconsin says killed. The SST proponents say to keep it alive. The alternative is to attempt to let the problem go over to February or March when we will be back to the same old exercise, but it is put temporarily over for the next Congress. Maybe that is the only answer. The shortest answer would be another cloture vote, which seems unlikely. I do not know how that would come out. Perhaps over Christmas there could be some visions of some kind for various people, and when we come back, and we have another cloture motion, it might be different. But if it is not different, then we are right back where we started.

So, we are trying to work out of this dilemma. Everyone knows—the press particularly—what we are trying to do. We cannot do it without concurrence of the other side on continuing resolution, which may be the only answer, originated there and sent over to us. Those are the options available to us. We are about to recess and talk with our Senate conferees on the problem of resolving these differences.

I repeat, we have gotten along well. We think we can come up with something that would be palatable to us. Our problem is that we do not know whether it will be palatable to the House. We will try to do the best we can to work it out.

Mr. STEVENS. Mr. President, will the Senator from Nevada yield?

Mr. BIBLE. I yield.

Mr. STEVENS. I have been listening to this debate concerning the continuing resolution. Not being a part of this conference in any way, I am interested to know whether the Senator is talking about continuing at the current levels of expenditures for the whole Department or just on the SST.

Mr. BIBLE. I am afraid, under the rules, if I understand them correctly, that we would have to put in a continuing resolution, to be drafted on the House side. It might be drafted in such a way that we could embody in the resolution all the items except the SST, and they can make that a second item and continue it for a period, say, to March 3. They might be able to do that. I do not know. But that is one of the possibilities we are exploring. We have checked them out with the Parliamentarians on both sides and we do not have a firm answer to that yet.

Mr. STEVENS. I am interested in the new program. I just received a letter this morning urging our support of the moneys for the antihijacking activities in the Department of Transportation. The air controllers are contacting us wanting to know what is going to happen to their pay increase. If we go along with a continuing resolution on all these items, will all these have to wait until next year?

Mr. BIBLE. No. If a continuing resolution, this would be stated so that they would be carried forward. New items would not be carried forward until we came back into agreement in February or March, unless they drafted in effect a new item—and the antihijacking is a new item—they would have to redraft that, in effect putting it into a continuing resolution.

Mr. PROXMIRE. Would it not be possible for the House, if the House wished to do so, to take the conference report and leave out the SST, and then put into a continuing resolution everything that is in the conference report—everything—hijacking—everything. Then have another continuing resolution for the SST. Is that not possible as an alternative?

Mr. BIBLE. They are all alternatives. We have discussed them, in attempting

to work something out of what is obviously an impasse. We will confer on that in a few minutes.

Mr. PROXMIRE. The point might be that it could have new money and the conferees would agree to continue it through June 30 so that it would meet the objectives which the Department of Transportation wants.

Mr. BIBLE. In addition to that, if I might make a further suggestion, we are probing all the possibilities and we might make the SST continue until a date certain within that same resolution, so that it all comes over as part and parcel of one package. That is another possibility.

I think the Senator from Wisconsin recognizes that we have touched base on this with the Parliamentarian on this side and we are attempting to move it forward. We will soon be meeting to see whether we cannot come forward with something that will get us out of this present problem. I repeat, the impasse is not among the four of us. I thought we came very close to an agreement.

I yield the floor.

PRIVILEGE OF THE FLOOR

Mr. GOODELL. Mr. President, I ask unanimous consent that members of my staff be permitted on the floor of the Senate.

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

Mr. ALLOTT. Mr. President, I ask unanimous consent that Jack Ware, a member of my staff, may be permitted on the floor of the Senate for necessary purposes.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 173) authorizing a grant to defray a portion of the cost of expanding the United Nations headquarters in the United States.

The message also announced that the House had passed the bill (S. 11) to reinforce the federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities to facilitate the temporary assignment of personnel between the Federal Government, and State and local governments, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H.R. 14233. An act to modify ammunition recordkeeping requirements; and

H.J. Res. 1420. Joint resolution authorizing the Honorable JOHN W. MCCORMACK, Speaker of the House of Representatives, to accept and wear the Cavaliere di Gran Croce, of the Order Al Merito della Republica, an award conferred by the Government of the Republic of Italy.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 4571. An act to amend the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, and for other purposes;

H.R. 8933. An act to provide that the lock and dam referred to as the "Jackson lock and dam" on the Tombigbee River, Alabama, shall hereafter be known as the Coffeeville lock and dam;

H.R. 13676. An act for the relief of certain retired officers of the Army, Navy, and Air Force;

H.R. 13806. An act for the relief of Irwin Katz;

H.R. 13862. An act to authorize the naming of the reservoir to be created by the Little Goose lock and dam, Snake River, Washington, in honor of the late Dr. Enoch A. Bryan;

H.R. 19436. An act to provide for the establishment of a national urban growth policy, to encourage and support the proper growth and development of our States, metropolitan areas, cities, counties, and towns with emphasis upon new community and inner city development, to extend and amend laws relating to housing and urban development, and for other purposes;

H.R. 19877. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes;

S. J. Res. 173. Joint resolution authorizing a grant to defray a portion of the cost of expanding the United Nations headquarters in the United States;

S. J. Res. 249. Joint resolution to extend the time for the proclamation of marketing quotas for burley tobacco for the 3 marketing years beginning October 1, 1971; and

H.J. Res. 1162. Joint Resolution to amend Public Law 403, 80th Congress, of January 28, 1948, providing for membership and participation by the United States in the South Pacific Commission.

HOUSE BILL REFERRED

The following bill was read twice by its title and referred, as indicated:

H.R. 14233. An act to modify ammunition recordkeeping requirements; to the Committee on Finance.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. CRANSTON). The Senator from New York (Mr. GOODELL) is recognized.

ORDER OF BUSINESS

Mr. GOODELL. Mr. President, I ask unanimous consent that I be permitted to make a speech on Vietnam.

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

RETURN TO ESCALATION IN INDOCHINA

Mr. GOODELL. Mr. President, my term of office in the Senate is drawing to a close.

During my 2 years as a Member of this body, I have devoted much of my energies to seeking a definitive end to the Indochina war.

Fifteen months ago, I stood here and proposed the first legislation requiring the complete, safe, and orderly withdrawal of all American forces from Vietnam by a fixed date. At that time, I stood alone. Less than a year later, 40 Senators went on record in support of the essentially same legislation—the amendment to end the war.

I remain as deeply convinced as ever that the legislation I proposed is the best, perhaps the only way of extricating our Nation with honor and decency from this cruel and unjust war. When I leave the Senate next month, I shall continue to work for its adoption.

Despite our efforts, the war continues without foreseeable end, and the President's words and actions suggest that he is prepared to sacrifice all prospects for peace in order to preserve the existing order in South Vietnam; and that he even contemplates a new course of escalation, perhaps more devastating than ever before.

Many say the war is all but over, save for the parting shots. Yet, I fear a new phase of the war is just beginning.

Many say the war is no longer a national issue. Yet, I fear it infects our country like a disease whose outward manifestations may temporarily fade, only to break out again with renewed virulence.

I. AIR ESCALATION OVER THE NORTH

The scenario has now been set by the administration for the resumption of an extended air war over North Vietnam.

This means that the United States is prepared to reescalate the conflict, ignoring the tragic lessons of the sixties.

It means the administration intends primarily to rely upon the direct use of American air power to maintain the military status quo in Vietnam.

It involves still graver risks to peace than the unsuccessful bombing campaign conducted over North Vietnam for 3 years by the Johnson administration.

1. THE ADMINISTRATION'S BOMBING THREATS

President Nixon has decided to use the threat of escalation in the air over North Vietnam in order to prevent the enemy from building its capacity to launch offensives in South Vietnam. He has made this threat explicit in his most recent press conference, saying:

> Now if as a result of my conclusion that the North Vietnamese, by their infiltration, threaten our remaining forces, if they thereby develop a capacity and proceed possibly to use that capacity to increase the level of fighting in South Vietnam, then I will order the bombing of military sites in North Vietnam, the passes that lead from North Vietnam into South Vietnam, the military complexes, the military supply lines. That would be the reaction that I shall take.

The President has previously implemented these threats in practice—witness

the bombing raids of the North in May and November.

The President has also announced that he will continue U.S. "reconnaissance" flights over North Vietnam; and that he intends to conduct major retaliatory bombing attacks if our planes are fired upon. At the same press conference, he said:

I must insist that there be continued reconnaissance over North Vietnam, because if we are withdrawing our forces I have to see whether or not there is any chance of a strike against those forces that remain. And we have to watch for the build-up.

If our planes are fired upon, I will not only order that they return the fire, but I will order that the missile site be destroyed and that the military complex around that site which supports it also be destroyed by bombing.

The enemy has already stated that it will not be deterred by this threat, and will continue firing upon American reconnaissance planes. This makes the resumption of the bombing on a regular basis a virtual certainty.

The Secretary of Defense has taken the final step—of asserting that the lack of substantive progress at the Paris talks would be reason alone for air escalation over the North. In the last 2 years, there has been no substantive progress whatever at Paris. As long as the enemy insists on the complete American presence, there can be no progress. Thus, the Secretary's theory provides a carte blanche justification for bombing the North at any time and for any purpose.

The President speaks of protecting American lives. This purpose, however, will not be achieved by adopting a new course of escalation: As every expansion of the war places additional lives in jeopardy.

Were the administration's primary concern the safety of American men, it would adopt the course of action we have been urging: The complete withdrawal of all American forces from Vietnam, allowing sufficient time for their removal in a safe, orderly fashion. That is the way to protect American lives—to get our men out of Indochina.

Only one certain result can come from any attempt to conduct renewed air attacks over North Vietnam: The deaths of tens of thousands of Vietnamese civilians.

American airpower in Indochina has always fallen short of expectations, in destroying its intended military targets. It has always exceeded the worst expectations, in its impact on the civilian population. This will hold true if bombing of the North is resumed. Perhaps a limited number of antiaircraft batteries, supply depots, and staging areas will be knocked out. But hundreds of villages and thousands of acres of farmland certainly will be. The civilian "body count"—to borrow a repellent phrase of this war—will be staggering indeed.

To this civilian carnage will be added the loss or captivity of still more American airmen.

2. OUT-ESCALATING JOHNSON

It is a matter of history that the bombing of the north was tried for 3 years by the Johnson administration. It failed. While inflicting enormous loss of life, the bombing did not effectively prevent the infiltration of men and supplies from the north. It did not stop the Communists from mounting the devastating Tet offensive of 1968. It did not weaken Hanoi's willingness to fight nor strengthen its desire to make concessions.

Thus, the new plan for air escalation would be almost certain not to work, were it to entail nothing more than a return to the old Johnson bombing strategy. If it were to have any potential effectiveness at all, the threat would have to be substantially greater—especially so as we have about 200,000 fewer troops in the field in South Vietnam.

The President has given indications that he is aware of this problem, and may be considering a more "decisive" response. In his Cambodia press conference last May, he endeavored to explain how his theory of escalation differed from that of President Johnson. Speaking of the Cambodian invasion, the President said:

However, the difference is that he did move step by step. This action is a decisive move, and this action puts the enemy on warning that if it escalates while we are trying to de-escalate, *we will move decisively and not step by step.*

Applying this theory of "decisive" escalation, some experienced observers—such as Morton H. Halpern, who served as a senior member of President Nixon's national security staff—have predicted that the President is prepared to launch, if necessary, a massive attack on all military targets in North Vietnam, coupled with a blockade of Haiphong Harbor and the bombing of the rail lines to China.

3. ILLUSION OF DECISIVENESS

It is easier, however, to talk of decisiveness than to take actions which are, in fact, decisive.

It is the experience of the last three decades that no military move in the Indochina war has even proven conclusive.

It is difficult to conceive of any bombing strategy—short of nuclear attack—that can truly be decisive. And, as the administration surely perceives, nuclear attack would be disastrously decisive.

It may sound impressive to speak of bombing Hanoi, mining Haiphong Harbor and destroying the rail lines to China. Yet it is worth recalling that during the entire course of the French Indochina War, the French actually controlled Hanoi, Haiphong Harbor, and the China rail lines—and still the enemy was able to conduct a successful guerrilla war throughout Indochina. It is hard to conceive how bombing of these targets will succeed where French control of them failed.

4. RISK OF GREAT POWER CONFRONTATION

A still more fundamental objection to any strategy of "decisive" escalation is that it involves the risk of a great power confrontation that rises directly in proportion to its potential effectiveness.

The Johnson bombing policy was, as the President points out, not "decisive"—and it was not effective. But precisely because of these qualities, it did not attract a major intervention by the great powers, China and Russia, on the other side. Because the bombing did not materially injure the political or military base of North Vietnam, no intervention appeared necessary.

The Soviet Union does not supply nearly the quantity or quality of sophisticated weaponry to North Vietnam that it regularly sends to Egypt. According to U.S. intelligence sources, the air defense of North Vietnam consists chiefly of SAM–2 surface-to-air missiles, Mig 15's, 17's, and 21's, and radar controlled antiaircraft guns. In 1969, Russian military aid to North Vietnam was an estimated $120 million and, in the first half of 1970, it dropped to an estimated $50 million. Soviet military aid to Egypt has been immeasurably greater—several billions a year. And it has included much more advanced and sophisticated weaponry—such as SAM–3 missiles and Styx-type antishipping missiles.

Last June, the Soviet Union announced an increase in military aid to North Vietnam, in response to our invasion of Cambodia. Any further bombing raids of the North are likely to induce the Soviet Union sharply to increase the quantity and the quality of the military aid it gives to North Vietnam.

This, by itself, could change the complexion of the war. The introduction of more advanced Soviet antiaircraft missiles could make deep air strikes and reconnaissance operations vastly more risky than they are at present—and call for still more drastic countermeasures. It is not pleasant to imagine American pilots facing this kind of weaponry.

The Soviet Union last week issued an unusually sharply-worded warning against expansion of the air war into the North, saying that this "will lead to even greater complication of the situation in Southeast Asia and the Far East." The Soviet leaders do not give this kind of admonition lightly, and it should not be taken lightly. If ignored, it could lead—at the very least—to a major new arms aid pledge by Moscow to Hanoi.

Widening the scope of the bombing will increase the prospects of direct confrontation by the United States with the Soviet Union or China.

Any "decisive" attempt to halt the flow of supplies would, for example, require the mining or blockade of Haiphong—and this means direct interference with Soviet shipping. Such interference, alone, could create a great power confrontation of the magnitude of the Cuban missile crisis.

The more massive any U.S. escalation becomes in quest of "decisiveness," the more likely a direct intervention by Russia or China becomes.

In this regard, the recent history of the Middle East is instructive.

The Soviet Union confined its role in the Middle East for many years to that of supplying equipment and technical advisers to its Egyptian ally, notwithstanding three unsuccessful wars conducted by that ally.

Then, last spring, the Israelis commenced a series of deep penetration raids into Egypt that were so effective—so "decisive" in the President's words—as to leave Egypt's internal defenses largely debilitated.

When that occurred, the Soviet Union commenced a direct military involvement in the war—flying defensive combat missions for Egypt with its own pilots and manning SAM–2 and SAM–3 missile sites with its own crews.

A strategy of "decisive" air retaliation in North Vietnam is, I believe, likely to attract similar Soviet or Chinese involvement. I think we could then expect to see Soviet or Chinese pilots flying defensive combat missions over the North Vietnamese cities; or else see Soviet or Chinese-manned antiaircraft missiles surround key North Vietnamese military installations and population centers.

Any such development would convert the Vietnam tragedy into the one thing that it has not been thus far—a theater for a direct military confrontation of the great powers.

II. ABANDONMENT OF AMERICAN PRISONERS

1. ADMINISTRATION POLICY MEANS PERMANENT INCARCERATION OF PRISONERS

A fortnight ago, the Secretary of Defense stated that the United States will leave a residual force in South Vietnam until American prisoners of war are released by the North. In so doing, he was confirming earlier indications by the administration that it was planning to maintain a residual force on an extended, perhaps, permanent basis.

As a justification for the administration's plan for a residual force, the Secretary's statement was an ingenious exercise in public relations. As an admission of the administration's real attitude toward the prisoner issue, however, it was the worst possible news, promising only one thing for the captives: Permanent captivity in North Vietnam.

The North Vietnamese evidently are using the prisoners as hostages for the removal of all American troops, and have insisted that they will not release the prisoners as long as the United States maintains any residual force in South Vietnam. Judging from past experience, it is extremely doubtful that the North Vietnamese can be forced by our military pressure to make significant concessions on this point. They have complete control of the prisoners, so, whether we like it or not, their view is decisive.

So the administration's position is classic political doubletalk. If we keep a residual force in Vietnam until the prisoners are released, then they will languish in their prison camps forever—because they almost certainly will not be freed until the administration abandons its plan for a residual force.

2. THE SONTAY RAID: MISSION IMPOSSIBLE

Evidently aware that its Vietnam plan holds no hope for the prisoners, the administration resorted to a desperation move: The Sontay raid.

Despite the admirable bravery of the individual soldiers who participated, the decision to make this raid was grossly irresponsible. Hollywood-style commando tactics do not aid our prisoners of war—but only place their lives in deeper jeopardy.

Had there been American POW's at Sontay, it is likely that they and many of their rescuers would have been shot by the North Vietnamese guards.

Had the raiders been pinned to the ground by North Vietnamese forces in the area, the situation would have been still worse: Our only options would have been to abandon them or else launch an American expeditionary force into North Vietnam, and risk still more lives and the most drastic international repercussions.

If, against all odds, the raid had succeeded, it would have been a simple matter for the North Vietnamese to take harsh reprisals against other American prisoners located in other camps. North Vietnamese reports that some American prisoners were "injured" in the bombing associated with the raids serve as a chilling reminder of the possibility of such reprisals.

Surely, the administration must have been aware of these obvious risks. The fact that the administration chose to disregard them makes one wonder whether it was as concerned with the actual welfare of the prisoners, as it was with the domestic politics of the POW issue. The manner in which the administration exploited the incident for its publicity value hardly allays these suspicions.

III. FATE OF LAOS AND CAMBODIA

On April 24 of this year, 6 days before the invasion of Cambodia, I addressed the Los Angeles World Affairs Council and warned that the administration's policies could entail the virtual loss of Cambodia and Laos. In that speech—reprinted in the CONGRESSIONAL RECORD on April 30—I said:

> Historically, the prime objective of the enemy has been South Vietnam. The North Vietnamese can, however, easily shift the initiative to Laos and Cambodia, if they are momentarily blocked in South Vietnam, and if such a shift will embarass the United States. This appears to be the current enemy strategy.
>
> If that is the enemy strategy, how has Vietnamization deterred the Communist "aggression" in Southeast Asia of which the President so often speaks?
>
> What have we achieved if Vietnamization can at best create no more than an isolated South Vietnamese bastion in a hostile Indochina, and at worst collapse from the internal weakness of the South Vietnamese army and government?
>
> * * * * *
>
> What is the point of squandering thousands more American lives, hundreds of thousands more Vietnamese lives, and billions more American dollars in the elusive pursuit of military success in South Vietnam, if the rest of Indochina is at the mercy of the enemy?
>
> What is the point of huge efforts to capture this or that Communist hamlet in South Vietnam, when the enemy can so easily respond by seizing the capital of Cambodia?

The facts today grimly bear out these warnings.

The North Vietnamese now have seized roughly two-thirds of the countryside of Cambodia, and have virtually surrounded the capital. There is little doubt that the enemy could, if it chose, complete its conquest of that once-neutral nation.

Meanwhile, the situation in Laos continues to deteriorate as the enemy enlarges its control over the southeastern sector of the country and expands its supply routes. Two days ago, for example, it was reported that key CIA outposts on the Bolovens Plateau overlooking the Ho Chi Minh Trail are being imminently menaced.

None of the alternatives available to the President enable him to deal with this threat.

Local Cambodian and Laotian forces are in no position to resist significant enemy offensives, even if they receive additional U.S. arms and air support. South Vietnamese forces may have greater degrees of effectiveness for this purpose, but the more they are used outside of South Vietnam, the greater the internal vulnerability of South Vietnam becomes.

More drastic steps would be still less promising. Dispatch of another American expeditionary force into Cambodia or Laos would raise U.S. casualties, once again inflame opinion at home, and at best, provide only temporary relief. Reliance upon threats of air retaliation against the North entails all the dangers of escalation and great power confrontation discussed earlier.

Our fundamental error in Cambodia and Laos is that our involvement in the internal affairs of these nations did not, as we believed, prove a deterrent to Communist intervention—but on the contrary, proved to be a magnet for it. As long as we respected the neutrality of these nations, the other side did not try to control them, save the sanctuaries bordering on Vietnam. Once we broke that neutrality, the competition for control began—and the other side had all the military advantages.

It is my prediction that if the administration's present policy is continued, the enemy will consolidate its grip upon Cambodia, and widen its conquest of Laos. Then, the President's own policy will hardly have deterred Communist "aggression." On the contrary, it will have made reality of his worst fears of an isolated South Vietnam, surrounded by hostile neighbors.

IV. PERMANENT RELIANCE ON U.S. MILITARY POWER

In the preceding remarks, I have endeavored to describe three of the most dramatic risks of administration policy: Open-ended air escalation in the North; permanent imprisonment of American POW's; and the vulnerability of Cambodia and Laos.

These risks are symptomatic of a more fundamental flaw of the administration's policy: The permanent reliance upon U.S. military power in Indochina.

One obvious sign of the permanence of our military commitment is the administration's plan for maintaining a residual force in Vietnam.

A still more disturbing sign is that the administration evidently intends to apply direct U.S. military force, whenever necessary, to try to make sure that Vietnamization is never seriously tested by the enemy. South Vietnamese forces apparently are expected to take over

from our troops only the more routine combat duties, such as pacification. The major burden of deterring large-scale enemy attacks will continue to rest upon our military power. By thus continuing our own involvement, the administration presumably hopes to guarantee that no "defeat" in South Vietnam can ever occur.

The Cambodian invasion was a prime example of this strategy. The United States was reluctant to "Vietnamize" southwestern South Vietnam, as long as Cambodian sanctuaries existed, from which the enemy could attack ARVN forces. It also saw the sanctuaries were momentarily vulnerable, because enemy troops were moving toward the interior of Cambodia. So the United States used its own forces in a preemptive strike to "clear out" the sanctuaries. Then, because the enemy threat from Cambodia was momentarily eliminated, Vietnamization could proceed apace.

The strategy is also apparent in our air escalation over the north. The May and November air strikes were launched in "response" to reported enemy buildups. The President now threatens to bomb the north whenever the enemy, by its infiltration, develops a significant strike potential.

In each case, the President sought to justify these moves on the theory that they were necessary to protect American lives. But no American units were reported to be in imminent danger of major attack. The real objective, it seems, was to protect Vietnamization itself by preventing any potential enemy challenge.

The strategy is designed as a rather ingenious exercise in domestic public relations, intended to convey simultaneously the impression that we are winning the war and getting out of it. By direct application of American military power, the administration seeks to make sure things run smoothly for the Vietnamization program. By concentrating principally upon air power and selective strikes, it seeks to minimize American casualties and thus permit continuance of the process of troop withdrawals.

In purely public relations terms, the strategy has met with at least momentary success—as can be seen from the absence of significant public protest over the President's recent threats to resume the bombing of North Vietnam.

As I stated last February in testimony before the Senate Foreign Relations Committee, however, the war is not a public relations problem. There is a real war going on over there in Indochina, and the current administration strategy will only assure our perpetual involvement in it.

Ten, 20, or 30 American boys now die in Indochina every week. This may not seem many compared to the hundreds that were dying weekly a few years ago. Even a few is to many, however. And this will be a continuing drain of lives, going on for years to come. It will mount up to thousands more deaths in a war in which 53,000 have already died.

More devastating still, will be the carnarge of the Vietnamese people.

To date, the war has killed three quarters of a milliion Vietnamese soldiers on both sides, as well as over a million Vietnamese civilians. It has made refugees of one-third of the population of South Vietnam, and about one-fourth of the population of Laos and Cambodia. It has made much of the countryside uninhabitable, and converted the cities into huge, teeming slums.

Mr. President, we are destroying Indochina in the name of preserving it. We are destroying it in order to maintain the rule of a corrupt and dictatorial regime, committed to endless war, over an unwilling populace that, above all other things, wants peace. This is a moral disgrace—and a mockery of the principles of freedom, justice, and humanity upon which our own great Nation was founded.

Moreover, I do not believe the strategy will work in Indochina. For reasons I explained earlier, actual or threatened U.S. air escalation will not effectively deter the North Vietnamese from building their capacity to launch a strike against the South—and will only create risks of a great power confrontation. The same holds true of other escalatory tactics designed to prevent an enemy challenge to the Vietnamization program.

Sooner or later, the brutal realities of the war will obtrude through the layer of cosmetics that the administration has so carefully applied to Vietnam.

V. THE AMENDMENT TO END THE WAR

Mr. President, the amendment to end the war developed credibility last summer because it was backed by a solid, bipartisan coalition in the Senate, that transcended the political aspirations of particular Senators.

That credibility would be lost if legislation to end the war were "politicized" at this time—particularly if it were to become embroiled in 1972 presidential politics. That could result in a return to the confusing situation of late 1969, where several Senators were fruitlessly competing for public recognition of their own varying legislative proposals on the war.

I believe the Senate should enact the amendment to end the war in the coming session.

This will require that there be one such amendment, not several; that it be sponsored by a strong, bipartisan group; and that it have the full support of all Members who believe in a legislative timetable for ending the war.

Realistically, I realize that such legislation has little chance of passage in the House. But its passage by the Senate would, by itself, have a profound impact on the Nation and, hopefully, on the administration.

Mr. President, I have been very proud to serve as a Member of this body. I shall be prouder still if, next year, the Senate takes the Nation's first definite step to bring about an end to this ugly and unjust war.

Mr. President, I have concluded my prepared speech. I wish to make one further point before I yield the floor.

One of the major arguments that was made in 1968 and 1969 against the peace movement and against those of us who spoke out in opposition to the war was that Hanoi reads the CONGRESSIONAL RECORD, that the negotiators in Paris would be undercut if there were a major movement in opposition to the war. And, Mr. President, when I stood here 15 months ago and offered the first legislature proposal to end the war, the immediate reaction from the White House and in the Governor's mansion in Albany was that Senator GOODELL was undercutting the President and his authority to negotiate.

I have heard that song again in recent days. I studied a report recently, given to some Senators, that the negotiators in Paris were reading the CONGRESSIONAL RECORD back to our negotiator.

Mr. President, none of us wants to weaken our country. We all want peace. We differ on the manner of achieving that peace. For almost 5 years, this country fought in Vietnam with our population unified behind their President. We did not achieve any progress toward negotiations. We are not going to get progress toward negotiations simply by punishing and pummeling the enemy. If we have not learned that lesson by this time, I wonder if we will ever learn it.

Apparently President Nixon is now going to launch a further escalation, based upon the concept that punishing the enemy with bombing or threatening to do so will bring them to their knees, and that they will roll over, cry "uncle," and exclaim, "Victory is yours."

Mr. President, it is not going to happen. It is not in the cards. This is a guerrilla war that has been going on for three decades. And as I mentioned earlier, when the French controlled Hanoi and Haiphong and the rail lines into China, the war went on and the North Vietnamese, the Communists, won it. The French had to get out.

I recognize that, in terms of domestic politics, American casualties play an important role. If American casualties come down, as we all want them to, domestic opposition to the war tends to diminish—or at least that is the administration's theory.

Mr. President, American casualties are down, yet the situation generally in Southeast Asia is worse. We have virtually lost Cambodia and Laos. As we continue to withdraw, we have the real danger that a diminished American force there, facing a hostile enemy, will be jeopardized and put under attack. We know that the North Vietnamese still have the power to launch major attacks and probably will.

We also should be concerned about a policy that is going to bomb to death, from 50,000 feet, thousands and thousands of civilians. Is that what our country stands for? We have adopted that as our strategy today—in order to prevent testing of Vietnamization—the bombing of the North, cannot have real military impact and it cannot prevent infiltration; it largely will just kill civilians.

I do not yield to anybody in this Chamber when it comes to a question of patriotism. In World War II, I graduated from high school and was declared 4–F. I questioned it and got my own doctors, and finally I was admitted to the

service. And I also served during the Korean war.

Mr. President, I believe in my country. I want to improve that country. But I do not believe in this war. I do not believe that an individual, whether he is a Senator or a private citizen, has to remain silent when he believes that the leaders of this country are promoting an immoral cause, and that is what the war in Vietnam is.

The opposition to that war will not cease. It is merely at a momentary lull. In the future I intend to have a role in bringing this issue to the forefront once again, so that we can finally and completely disengage ourselves from a war in which we never should have been involved and which we never have understood.

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

The PRESIDING OFFICER (Mr. PEARSON). Does the Senator from New York yield?

Mr. GOODELL. I yield.

Mr. FULBRIGHT. I commend the Senator from New York for his courage in stating his opinion so plainly. Of course, it goes without saying that I share his sentiments about the wisdom of this war. He has made many speeches on the subject. I think his reasoning is correct and is in the national interest.

One of the greatest tragedies, it has seemed to me, is that a man with the courage of the Senator from New York—and, I may say, the good judgment on matters of the most profound importance—was not returned to the Senate.

I do not know enough about the Senator's State to say whether this particular issue was a determining factor or not. But, looking at it from afar, I know how prominent he has been on this issue; and it is a source of great regret that his voice, in behalf of what I believe to be the most important and profound public interest, will no longer be with us after the first of the year.

I wish to associate myself with the thrust of the Senator's arguments and to commend him for the very effective and forceful way he has presented them, not only here today but also on numerous occasions in the past. I think history will certainly justify the wisdom with which the Senator has viewed these matters. I congratulate him on the contribution he has made to the public thinking on this matter during the years he has been in the Senate.

Mr. GOODELL. I thank the Senator from Arkansas for his comments.

May I say that the Senator has been carrying this torch for many years before I joined him. As a private citizen, I shall continue to work with the Senator from Arkansas to try to promote this cause.

I am very grateful that the Senator from Arkansas remains here as chairman of the once powerful and, hopefully, once again powerful—Senate Foreign Relations Committee.

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

Mr. GOODELL. I yield.

Mr. CRANSTON. Mr. President, it has been a priceless privilege to preside over the Senate during all except the closing moments of the Senator's great speech on the tragic war in Southeast Asia. I will not refer to it as a valedictory speech or a final address, because I know that the distinguished Senator from New York is only in the early stages of a great career in public life and in politics in our country.

He was the first Senator to introduce a measure which would have compelled the United States to get out of the war in Vietnam on a declared, announced time table. I am one of those who believe that that is the only course or the most likely course to end our involvement in the war.

It was a great privilege for me later to work with the Senator from New York in pursuit of a similar measure, the so-called amendment to end the war, that did wind up with 40 votes in the Senate; and it was very close, as the Senator from New York and I know, to substantially more votes in the Senate.

I assure the Senator from New York that that amendment, as he suggested, will be introduced in the next session of Congress, again with strong sponsorship, except for the weakness that we will feel because we will not have him as a cosponsor of the amendment in the Senate. But we know that we will have his support behind it in the country, in this battle, and we know that that will be of great significance and a great source of strength in this struggle.

I share the Senator's sharp forebodings about the present course of American policy in Southeast Asia. I share his fears as to where that may lead us. I share his doubts as to what can be the positive results, and I share, unhappily, the negative beliefs he expressed so eloquently that it will lead to greater slaughter and greater destruction, involving both Americans and citizens of Vietnam and neighboring lands, in the bloodshed in Southeast Asia.

Also, it has been a great pleasure and a great privilege for me to find, in working with the Senator from New York, that it was possible to work across the aisle so effectively on many matters—on the war, most of all, and on others. That is the strength of our Nation, the strength of this body, the hope of democracy—that people of different parties can work so closely and effectively and develop such trust and faith in one another despite differences as to party.

I thank the Senator for his great contribution throughout the years and today, and for what he will do in the future.

Mr. GOODELL. I thank the Senator from California for his very generous remarks. I am very proud of my association with him. We took some very difficult positions at times, when they could easily have been misunderstood.

When the pressure is on, we see the kind of people with whom we are associated—the Senator from California always stands straight and tall. He is always one whose word can be trusted—no trickery, just straight talk, a man of great understanding, in my opinion.

I thank the Senator from California for his help and I salute him for the work he has done and will do in the future in providing leadership on this and many other issues.

Mr. President, I would conclude by saying that if I have performed a role in this great issue of war, perhaps most important is that I, as a Republican, was the first to make this proposal. It is very important that this issue not be partisan, at least until it inevitably must become partisan.

I am sure that the Senator from California and the Senator from Oklahoma, who are good loyal Democrats, would agree with me that they would prefer this not be a political issue at this time.

Most of the potential Democratic candidates for President, supported the amendment to end the war. So we have given the President, if he chooses to use it, the option of removing all of our forces from Vietnam with relative political immunity.

It would be very difficult for any of the candidates who are now rumored to run for the Presidency against Mr. Nixon to say that by pulling all our troops out, he lost the war in Asia. To the contrary, would hail such course of action.

I intend to remain a Republican, because it is important that the type of viewpoint I hold be represented in the Republican Party, and be represented by other colleagues here, who are Republicans who, I am sure, will continue to speak out and provide bipartisan leadership in the struggle for peace.

I thank my colleagues for their cooperation and for their help during these two exciting and valued years in the U.S. Senate.

VALUE-ADDED TAX REGRESSIVE

Mr. HARRIS. Mr. President, it is becoming apparent that the Nixon administration is seriously considering proposing a value-added tax. As a member of the Senate Finance Committee, I say that such a proposal should be rejected.

It appears that the administration wants this new tax in order to provide funds for revenue sharing. I do not quarrel with the need to give States and local governments fiscal relief. But, the price should not be the enactment of a regressive tax that will fall unfairly on the middle- and lower-income taxpayer and would also have an adverse impact on our economy, which is already in serious trouble.

The appeal of revenue sharing has been that new funds needed by the States and local governments would come from funds raised by the Federal income tax system, which is more progressive than most of the taxes imposed by State and local governments. However, if the Federal Government were to obtain funds for revenue sharing through a value-added tax, it would simply be substituting one set of regressive taxes for another.

A value-added tax is appropriately characterized as a "national sales tax." The tax under consideration would be a 2-percent tax. As a product passes through each stage of manufacture or distribution, the value-added tax would be applied. Eventually, when the product

reached the market, the taxes would be passed on to the consumer in the form of higher priced goods.

The American consumer can expect the costs of all manufactured products to be increased if a value-added tax is enacted.

The current sad state of our economy clearly indicates that an additional tax would be especially ill-advised right now. For the third quarter of this year, actual gross national product is $47 billion less than potential gross national product. This means that, if we had a near full employment economy now, as we could have, the Federal Government would realize an additional $16 billion in revenue this year. This sum would have gone a long way toward meeting our urgent domestic problems. It would have provided funds needed for the relief of the State and local governments.

Unemployment is much too high at a time when inflation is also much too high. A regressive tax now which would be inflationary because of it would push the costs of goods even higher, just does not make any sense.

I serve notice on the President now, as one member of the Senate Finance Committee, that he should abandon the idea of this regressive tax. He should concentrate, instead, on getting this country back on its feet and its people back to work.

POTATO AND OTHER COMMODITY PROMOTION PROGRAMS—CONFERENCE REPORT

Mr. YOUNG of North Dakota. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 1181) to provide for potato and tomato programs. I ask unanimous consent for the present consideration of the report.

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

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

(For conference report, see House proceedings of Dec. 21, 9170, pp. 43113–43115, CONGRESSIONAL RECORD.)

Mr. YOUNG of North Dakota. Mr. President, the conference substitute is identical to the bill as last passed by the Senate except that title IV of the House amendment has been included as an addition to it. Title IV extends section 8e of the Agricultural Adjustment Act to raisins, olives—other than Spanish-style green olives—and prunes. This section already covers tomatoes, avocados, mangoes, limes, grapefruit, green peppers, Irish potatoes, cucumbers, oranges, onions, walnuts, dates, and eggplants. It provides that whenever a domestic marketing order regulates the grade, size, or maturity of any commodity covered by it, imports of that commodity must meet the same requirements as to grade, size, and maturity. It is necessary to provide the same regulations for imported commodities as for domestic commodities in these cases because the importation of inferior foreign commodities would otherwise defeat the purpose of the domestic marketing order to maintain these standards.

Mr. President, I move adoption of the conference report.

The motion was agreed to.

U.S. PARTICIPATION IN RESOURCES OF INTERNATIONAL FINANCIAL INSTITUTIONS—CONFERENCE REPORT

Mr. FULBRIGHT. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 18306) to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the exchange stabilization fund by the General Accounting Office, and for other purposes. I ask unanimous consent for the present consideration of the report.

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

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

(For conference report, see House proceedings of Dec. 21, 1970, pp. 43134–43135, CONGRESSIONAL RECORD.)

Mr. FULBRIGHT. Mr. President, we met yesterday afternoon with the House conferees. The House conferees agreed to accept the changes that the Senate incorporated in the bill, which meant the elimination of the soft loan funds of $100 million for the Asian Bank and the elimination of the authorization for the second 2 years of $900 million for the Fund for Special Operations of the Inter-American Bank. It does authorize the $100 million for the first year. Actually, that first year was all they had programed under their agreement to take us through at least calendar year 1971. So, the Fund for Special Operations will have enough money for lending next year. The effect would be, for the present at least, to defer authorization, and of course appropriation, of the $900 million for the Inter-American Bank and $100 million for the Asian Bank.

There were a few slight changes, with which the administration did not quarrel, concerning audits of the Exchange Stabilization Fund, reporting by the NAC, and benefits for a handful of employees. Those were the only substantive changes, I believe, other than the amounts. Actually there is no very important difference about anything other than the amounts.

It is substantially the Senate's bill. The House was very agreeable. I congratulate the House. They do not always insist upon our capitulation. It is only in the military field and the related fields that the House feels it must do that.

I think it is a good bill. It takes care of the IMF as presented and the World Bank as presented. I think it will serve the country very well.

Mr. JAVITS subsequently said: Mr. President, while I was in a conference trying to do what the leaders want us to do about a particular measure, the Senate adopted the conference report on the international financial institutions bill.

Mr. STENNIS. Mr. President, will the Chair stop the conference in the well of the Chamber so that Senators can hear the speaker?

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. Mr. President, I wish to protest what was done about dropping the $100 million provision for the Asian Development Bank. I do wish to protest because I believe that the strengthened operations of the Asian Development Bank are critically essential to the future of Asia. If we are ever to have an effective peace, that we have the Asian bank. In the Asian Development Bank we have the unusual example where another country matches us dollar for dollar in support for development. That country is Japan. Japan is growing so rapidly it is important that this partnership in economic development be maintained, if there is to be hope for the future development of Asia.

I would like to ask the Senator from Arkansas, who is chairman of the Committee on Foreign Relations, whether he would receive sympathetically my request that at the earliest possible moment in the new Congress—and the chairman, happily, will be with us as chairman of the Committee on Foreign Relations in the new Congress——

Mr. FULBRIGHT. The Senator cannot count on that, but I shall reply on the hypothetical assumption it might be so.

Mr. JAVITS. I hope he will. This is my request. I request that the Foreign Relations Committee have early hearings and give early consideration to this vital question of our contribution to the Asian Development Bank.

Mr. FULBRIGHT. I can assure the Senator his requests are always given most sympathetic consideration. I believe the Senator will attest to that. Certainly we will give it consideration.

We stated to the conferees that both of these matters are not foreclosed in the future, but this is the best that we could accomplish.

We will certainly be willing to consider any suggestion the Senator wishes to make.

Mr. JAVITS. I thank the Senator.

The PRESIDING OFFICER (Mr SPONG). The question is on agreeing to the conference report.

The conference report was agreed to.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

Mr. FULBRIGHT. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the conference report

on the Department of Transportation appropriations bill.

Mr. FULBRIGHT. Mr. President, I move that further consideration of the bill be postponed until Monday next.

Several Senators addressed the Chair.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Will the Senator yield for that purpose?

Mr. FULBRIGHT. Mr. President, I yield for a question without losing my right to the floor.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. Mr. President, if I might inquire of the distinguished Senator, what was his motion?

Mr. FULBRIGHT. Mr. President, I moved that further consideration of the pending business be postponed until next Monday.

The motion is debatable, as I understand it. I wish to talk to the motion.

Mr. MANSFIELD. Mr. President, may I express the hope that the Senator would not push that motion, but would use it as a vehicle for debate.

Mr. FULBRIGHT. Mr. President, I assure the Senator from Montana we will not take sudden action without the leadership being properly notified and advised.

There are rules of the Senate which sometimes are enforced and sometimes are not enforced. It, therefore, necessitates on occasion motions of this kind.

Mr. President, before I discuss directly the matter at hand, I point out that in an exchange earlier this morning, especially participated in by the leadership, the Senator from Montana, the Senator from Pennsylvania, and others, there seems to have developed recently a feeling that some way or other the leadership is not as positive and as powerful as it ought to be and that in some way the Senate is not performing as it ought to perform.

I said then that I do not believe that the leadership or the Senate should be criticized for the present situation. I think that the Senate for the first time in my memory has stood up to its responsibilities.

THE ACTIVIST BIAS

Mr. President, at a time when the Senate is showing more than ordinary determination to meet its constitutional responsibilities, it has come under attack for its unwillingness to adopt great reams of administration-proposed legislation in the hectic, closing days of the session. The assumption seems to be that any legislation—even bad legislation—is better than none; that the record of a Congress should be measured by the number rather than the merit of the laws it enacts; and that noncompliance with the wishes of the administration is the ultimate form of irresponsibility.

This is not to say that criticism is deplored. Even the administration and its editorial camp followers on the Washington Post approve of criticism—provided that it is harmless and ineffectual. Responsible criticism, as the term is commonly used, is an activity of amiable gadflies, who get it all out of their system and then obey orders. Irresponsible criticism is something else again. It sometimes results in bills being defeated, or significantly altered. It often takes the form of extended debate, which might, God forbid, give Senators a chance to think about legislation before enacting it.

Thus, for example, Mr. Evans and Mr. Novak expressed shock and horror at the temerity of the Senator from Alaska (Mr. GRAVEL) in taking up "the best part of 2 precious days" talking about the supplemental aid authorization[1] of $255 million for Cambodia which the administration rushed up to the Congress with such haste as to suggest a belief that the 91st Congress was going to be the last. Surely it would have pleased Messrs. Evans and Novak better—to say nothing of their friends in the administration—if the Senate had just howled the measure through. After all, those "2 precious days" could have been used for such constructive purposes as howling through the SST and other legislation essential for the public welfare.

What after all did this Cambodian aid bill amount to which could justify critics of the administration in examining its policy implications before approving of it? It is not as if it were something which the administration disliked, such as the Cooper-Church amendment on which administration supporters treated us to 7 weeks of "educational" debate last summer. It is not as if it involved an actual commitment to Cambodia. We have the word of the Washington Post itself that providing arms and funds is not a "commitment" as long as you do not call it a commitment.[2] All you have to do is tack on an amendment stating that "under no circumstances may this commitment be called a commitment." And then it is not one.

In the old days we were told that the power of Congress was the power of the purse. Well that is all obsolete now. We should not write a "blank check," we are told, but, as to the fusty, reactionary idea of not writing any check when a program seems dangerous like Cambodia, or unnecessary like the SST, or just plain premature for lack of study and debate—why that notion just boggles the up-to-date, on-the-move, never-say-die, wave-of-the-future mind.

In foreign policy at least, as the Washington Post tells us:

> The Senate must assert its constitutional duty to approve foreign commitments.[3]

Approving commitments is our sacred right. But disapproving them is something else again—it is petty, spiteful, cranky, and irresponsible.

Implicit in this view of things is a touching faith in the goodness of human nature, especially when the human involved is the President of the United States. Just as Henry VIII explained that his desire for a divorce had to be the will of God, or else he would not have desired it, we are now supposed to believe that a foreign policy proposal by the President of the United States has got to be in the best interests of the American people, or else the President would not have proposed it, or even thought of it.

Enlightened as we now have been by the advocates of a streamlined up-to-date Congress, it is time for Senators to stop their petty bickering and filibustering, put their shoulders to the common wheel and work in harmony with the administration for air pollution, sonic booms, restraint of trade, and a wider war.

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[1] Rowland Evans and Robert Novak, "The Congressional Malaise," Washington Post, December 21, 1970.

[2] "Unsnarling the Cambodia Aid Tangle," Washington Post, December 21, 1970.

[3] Ibid.

ORDER OF BUSINESS

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

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that I may yield to the Senator from New York for 2 minutes, without losing my right to the floor or without sacrificing my position with regard to more than one speech on that particular motion.

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

The Senator from New York is recognized.

(By unanimous consent the remarks of Senator JAVITS appear earlier in the RECORD under "U.S. Participation in Resources of International Financial Institutions—Conference Report.")

Mr. MANSFIELD. Mr. President, will the Senator yield to me under the same provision so we may receive a message from the House?

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that I may yield for that purpose without losing my right to the floor or my subsequent remarks being counted as a second speech.

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

The Senate will receive a message from the House.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed a bill (H.R. 19446) to assist school districts to meet special problems incident to desegregation, and to the elimination, reduction, or prevention of racial isolation, in elementary and secondary schools, and for other purposes, in which it requested the concurrence of the Senate.

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

Mr. FULBRIGHT. Mr. President, I yield under the same conditions I just yielded.

Mr. DOLE. Mr. President, I ask that the message just read from the House on H.R. 19446 be laid before the Senate and read for the first time.

Mr. JAVITS. Mr. President, will the Senator from Arkansas yield for a parliamentary inquiry?

Mr. FULBRIGHT. Mr. President, I am glad to yield for a parliamentary inquiry.

I was going to ask also what the situation is. I understood there was to be a conference report.

Mr. DOLE. It is a message.

Mr. FULBRIGHT. I yield under the conditions mentioned.

The PRESIDING OFFICER (Mr. SPONG). The Chair will state the parliamentary situation. The Senator from Arkansas yielded the floor under certain conditions in order that a message might be received from the House, and attached to it was the right of the Senator from Kansas to have it laid before the Senate.

Mr. ALLEN. I object to that.

The PRESIDING OFFICER. If the Senator will suspend, the Chair wishes to make a further statement.

The Senator from Kansas has the right to ask to have the message laid before the Senate for its first reading. An objection is not in order at this time but would be in order when request is made with regard to a second reading.

Is there a further parliamentary inquiry?

Mr. JAVITS. Mr. President, I wish to pose a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Assuming an objection, as the Senator from Alabama (Mr. ALLEN) certainly indicates he, and probably others, will make to a second reading, at that time is it a fact that the bill is required to lay over for 1 legislative day?

The PRESIDING OFFICER. Under rule XIV, the Senator is correct.

Mr. JAVITS. Is it a fact also that if on that legislative day when the time expires and second reading is again objected to, the bill may be motioned?

The PRESIDING OFFICER. Second reading is then in order.

Mr. JAVITS. And at that point the bill may be motioned to a committee and if the motion fails to carry it goes to the calendar.

The PRESIDING OFFICER. If somebody objects to further proceedings it would be placed on the calendar under rule XIV, paragraph 6, or someone at that time could move to refer the bill.

Mr. JAVITS. That motion may carry instructions to report back forthwith or other instructions. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

The clerk will read the bill by title.

Mr. ALLEN. Mr. President, this is the first reading?

The PRESIDING OFFICER. Yes.

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

An Act (H.R. 19446) to assist school districts to meet special problems incident to desegregation, and to the elimination, reduction, or prevention of racial isolation, in elementary and secondary schools, and for other purposes.

Mr. ALLEN. Mr. President, I interpose an objection to a second reading of the bill.

The PRESIDING OFFICER. Under that objection the second reading of the bill will go over 1 legislative day.

Mr. DOLE. I need not make my request.

Mr. MANSFIELD. Does it go to the calendar?

The PRESIDING OFFICER. In accordance with the previous ruling stated by the Chair, it will go over for 1 legislative day for the second reading.

The Senator from Arkansas has the floor.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that I may yield to the Senator from Alabama (Mr. ALLEN) without losing my right to the floor or its being counted as a second speech on the pending measure.

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

AMENDMENTS NOS. 1173 THROUGH 1178

Mr. ALLEN. Mr. President, I offer, on behalf of the distinguished Senator from North Carolina, a series of amendments to the bill that has just been received by the Senate from the House. I would like to have them printed and ordered to lie on the table, and to have them printed in the RECORD.

The PRESIDING OFFICER. The amendments will be received and printed, and will lie on the table; and without objection the amendments will be printed in the RECORD.

AMENDMENT NO. 1173

At the end of the bill insert the following:

DISCRIMINATION ON ACCOUNT OF RACE, CREED, COLOR, OR NATIONAL ORIGIN PROHIBITED

"SEC. 17. (a) No person shall be refused admission into or be excluded from any public school in any State on account of race, creed, color, or national origin.

"(b) Except with the express approval of a board of education legally constituted in any State or the District of Columbia and having jurisdiction, no student shall be assigned or compelled to attend any school on account of race, creed, color, or national origin, or for the purpose of achieving equality in attendance or increased attendance or reduced attendance, at any school, of persons of one or more particular races, creeds, colors, or national origins; and no school district, school zone, or attendance unit, by whatever name known, shall be established, reorganized, or maintained for any such purpose: *Provided*, That nothing contained in this Act or any other provision of Federal law shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian."

AMENDMENT NO. 1174

At the end of the bill insert the following:

LIMITATION

SEC. 17. No court, department, agency, officer, or employee of the United States shall have jurisdiction or power to deny to any child the right to attend the public school nearest his home which is operated for the education of children of his age and ability.

AMENDMENT NO. 1175

At the end of the bill insert the following:

LIMITATION

SEC. 17. No court, department, agency, officer or employee of the United States shall have jurisdiction or power to require any State or local public school board to assign any member of a public school faculty to any public school other than the school in which such member contracts to serve.

AMENDMENT NO. 1176

At the end of the bill insert the following:

TITLE II—BUSING LIMITATION

SEC. 201. No department, agency, officer, or employee of the United States empowered to extend Federal financial assistance to any program or activity at any public school by way of grant, loan, or otherwise shall withhold, or threaten to withhold, any Federal financial assistance from any such program or activity at such public school to coerce or induce the school board operating such public school to transport students from such public school to any other public school for the purpose of altering in any way the racial composition of the student body at such public school or any other public school.

SEC. 9202. No court of the United States shall have jurisdiction to make any decision, enter any judgment, or issue any order requiring any school board to transport any students from one public school to another public school or from one place to another place or from one school district to another school district in order to effect a change in the racial composition of the student body at any school or place or in any school district.

AMENDMENT NO. 1177

At the end of the bill insert the following:

LIMITATION

SEC. 17. No court, department, agency, officer, or employee of the United States shall have jurisdiction or power to require any State or local public school board or any other State or local agency empowered to assign children to public schools to transport any child from one place to another place, or from one school to another school, or from one school district to another school district to alter the racial composition of the student body at any public school.

AMENDMENT NO. 1178

At the end of the bill insert the following:

TITLE II—FREEDOM OF CHOICE IN STUDENT ASSIGNMENTS TO PUBLIC SCHOOLS

SEC. 201. The Civil Rights Act of 1964 (42 U.S.C. 1971, 1975a–1975d, 2000a—2000h–6) is amended by adding at the end thereof the following new title:

"TITLE XII—PUBLIC SCHOOL—FREEDOM OF CHOICE

"SEC. 1201. As used in this title—

"(a) 'State' means any State, district, Commonwealth, territory, or possession of the United States.

"(b) 'Public school' means any elementary or secondary educational institution, which is operated by a State, subdivision of a State, or governmental agency within a State, or any elementary or secondary educational institution which is operated, in whole or in part, from or through the use of governmental funds or property, or funds or property derived from a governmental source.

"(c) 'School board' means any agency or agencies which administer a system of one or more public schools and any other agency which is responsible for the assignment of students to or within such system.

"(d) 'Student' means any person required or permitted by State law to attend a public school for the purpose of receiving instruction.

"(e) 'Parent' means any parent, adoptive parent, guardian, or legal or actual custodian of a student.

"(f) 'Faculty' means the administrative and teaching force of a public school system or a public school.

"(g) 'Freedom of choice system' means a system for the assignment of students to

public schools and within public schools maintained by a school board operating a system of public schools in which the public schools and the classes it operates are open to students of all races and in which the students are granted the freedom to attend public schools and classes chosen by their respective parents from among the public schools and classes available for the instruction of students of their ages and educational standings.

"SEC. 1202. No department, agency, officer, or employee of the United States empowered to extend Federal financial assistance to any program or activity at any public school by way of grant, loan, or otherwise shall withhold, or threaten to withhold, such financial assistance from any such program or activity on account of the racial composition of the student body at any public school or in any class at any public school in any case whatever where the school board operating such public school or class maintains in respect to such public school and class a freedom of choice system as defined in section 1201(g).

"SEC. 1203. No department, agency, officer, or employee of the United States empowered to extend Federal financial assistance to any program or activity at any public school by way of grant, loan, or otherwise shall withhold, or threaten to withhold, any such Federal financial assistance from any such program or activity at such public school to coerce or induce the school board operating such public school to transport students from such public school to any other public school for the purpose of altering in any way the racial composition of the student body at such public school or any other public school.

"SEC. 1204. No department, agency, officer, or employee of the United States empowered to extend Federal financial assistance to any program or activity of any public school in any public school system by way of grant, loan, or otherwise shall withhold or threaten to withhold any such Federal financial assistance from any such program or activity at such public school to coerce or induce any school board operating such public school system to close any public school, and transfer the students from it to another public school for the purpose of altering in any way the racial composition of the student body at any public school.

"SEC. 1205. No department, agency, officer, or employee of the United States empowered to extent Federal financial assistance to any program or activity at any public school in any public school system by way of grant, loan, or otherwise shall withhold or threaten to withhold any such Federal financial assistance from any such program or activity at such public school to coerce or induce the school board operating such public school system to transfer any member of any public school faculty from the public school in which the member of the faculty contracts to serve to some other public school for the purpose of altering the racial composition of the faculty at any public school.

"SEC. 1206. Whenever any department, agency, officer, or employee of the United States violates or threatens to violate section 1202, section 1203, section 1204, or section 1205 of this Act, the school board aggrieved by the violation or threatened violation, or the parent of any student affected or to be affected by the violation or threatened violation, or any student affected or to be affected by the violation or threatened violation, or any members of any faculty affected or to be affected by the violation or threatened violation may bring a civil action against the United States in the district court of the United States complaining of the violation or threatened violation, and the district court of the United States shall have jurisdiction to try and determine the civil action irrespective of the value or the amount involved in it and enter such judgment or issue such order as may be necessary or appropriate to redress the violation or prevent the threatened violation. Any civil action against the United States under this section may be prosecuted in the judicial district in which the school board aggrieved by the violation or threatened violation has its principal office, or in the judicial district in which any school affected or to be affected by the violation or threatened violation is located, or in the judicial district in which a parent of a student affected or to be affected by the violation or threatened violation resides, or in the judicial district in which a student affected or to be affected by the violation or threatened violation resides, or in the judicial district in which a member of a faculty affected or to be affected by the violation or threatened violation resides, or in the judicial district encompassing the District of Columbia. The United States hereby expressly consents to be sued in any civil action authorized by this section, and hereby expressly agrees that any judgment entered or order issued in any such civil action shall be binding on the United States and its offending department, agency, officer, or employee, subject to the right of the United States to secure an appellate review of the judgment or order by appeal or certiorari as is provided by law with respect to judgments or orders entered against the United States in other civil actions in which the United States is a defendant.

"SEC. 1207. No court of the United States shall have jurisdiction to make any decision, to enter any judgment, or issue any order requiring any school board to make any change in the racial composition of the student body at any public school or in any class at any public school to which students are assigned in conformity with a freedom of choice system as defined in section 1201(g) of this Act, or requiring any school board to transport any students from one public school to another public school or from one place to another place or from one school district to another school district in order to effect a change in the racial composition of the student body at any school or place or in any school district, or denying to any student the right or privilege of attending any public school or class at any public school chosen by the parent of such student in conformity with a freedom of choice system as defined in section 1201(g) of this Act, or requiring any school board to close any school and transfer the students from the closed school to any other school for the purpose of altering the racial composition of the student body at any public school, or precluding any school board from carrying into effect any provision of any contract between it and any member of the faculty of any public school it operates specifying the public school where the member of the faculty is to perform his or her duties under the contract."

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1971

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17755) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

Mr. FULBRIGHT. Mr. President, one of the disturbing aspects of the debate over the supersonic transport is the attitude on the part of some of the proponents of the SST that by invoking national prestige or technological progress, the expenditure of millions of our tax dollars should be unquestioned.

The vote in the Senate against further Government funding for the SST was a most encouraging sign that the public and the Senate are no longer going to accept projects of this kind simply because we are told that prestige and technological advancement are involved. As columnist James Reston of the New York Times recently wrote in a very perceptive and pertinent column, the vote in the Senate on the SST indicates a change in the long-prevalent "public be damned" attitude.

Mr. Reston points out:

> The vote in the Senate against giving the President the funds he requested for the development of the American supersonic transport airplane is the first evidence that an organized campaign by the people can be effective in challenging the power of the Government and the industrialists.

It is, as Mr. Reston says, "a challenge to the notion that the Government can get anything it wants merely by asking for it in the name of technological progress or national prestige."

Mr. Reston makes a comparison to the Government's attitude concerning the use of several island areas around the country for military firing ranges and target practice. One of these is Nomans Land Island off Martha's Vineyard. Two others are in Hawaii and a fourth is Culebra, a municipality of Puerto Rico, about which I have spoken at great length. Despite the desires of the people of the island, the Pentagon takes a hard line—they do not want to give up their target range, and that is that. Mr. Reston writes:

> During the last war, when there was a clear and urgent need for training facilities, no question was raised about the military use of these areas, but increasingly in recent years, newspapers, politicians and conservationists have been asking why these beautiful places must be used for such purposes.
>
> The Pentagon's reply to this is interesting. There are no alternative sites, they say, anywhere within the jurisdiction of the United States. Though they are being used less and less they are still essential to the Navy's "readiness posture." And finally—get this—the range areas, says the Navy, have been studded with unexploded bombs and have thus been ruined for public use.

Mr. Reston has cited these examples. There are many others besides the SST which could be mentioned.

In commenting on the Senate's action in disapproving the SST, President Nixon called it a "devastating mistake." The Director of the Office of Supersonic Transport Development called it an "incredible act of hyprocrisy." President Nixon's press secretary was quoted as saying the Senate vote was a "very, very bad decision" and that environmental considerations did not "at this time" dictate cancellation of the project.

Yet, despite its charges of "hypocrisy"—and I am uncertain of the basis for Mr. Magruder's polemics—and, despite its insistence that there are no environmental problems—the administration has withheld several reports dealing with this subject.

The Washington Post reported on December 8 that the administration has fought an effort to obtain release of a report by a group of scientists, prepared last year at the request of Dr. Lee A. DuBridge, former director of the President's Office of Science and Technology.

According to the Post, the report "is understood to predict serious harm to the environment if the SST is developed and used in the United States."

As the Post article stated, the Justice Department's fight to prevent release of the report "indicated that the administration is unwilling to see any information critical of the SST released in its own name."

Jeffrey Axelrad, representing the Justice Department, told the U.S. Court of Appeals panel that the President has the constitutional power "to withhold this document from anyone he thinks should not have it."

I was very interested in the comment of Judge Francis L. Van Dusen, one of the three judges hearing the case, who said that under the Justice Department theory, the President might "just adopt as his document" any information he did not want to be public.

As one who has encountered considerable difficulty with the executive branch over "classified" information in another domain, I am keenly aware of this problem.

The administration has also withheld from Congress and the public critical comments on the SST prepared by scientists in the Department of Health, Education, and Welfare. The two Senators from Wisconsin have commented on this matter, which was subsequently reported in the New York Times of December 11, 1970.

The comments to which the Senators referred were contained in a four-page attachment and five-page appendix intended to be appended to a letter prepared on November 30 for the signature of Dr. Roger O. Egeberg, Assistant Secretary for Health and Scientific Affairs.

The letter and the attachments were drafted as the Department's comments on the preliminary "Environmental Impact" statement sent to other agencies in September by Mr. Magruder of the Department of Transportation.

As we all know, the National Environmental Policy Act requires that all environmental impact statements, and the "comments and views" of other agencies with special interest in the environment, be made available to the public and to the President's Council on Environmental Quality. The Council did not receive the comments prepared by various sections of HEW.

Russell Byers, an aide to John G. Veneman, Under Secretary of Health, Education, and Welfare, told the New York Times that the November 30 letter and attachment had not been sent because they were "too specific" and "needed extra work."

Mr. President, it would appear that despite all its talk, the administration is not really willing to have all this information made public.

In his press conference of December 10, President Nixon was asked about these reports and his support for the SST.

The President said:

> I have satisfied myself after long deliberation and considering both of these reports, that the arguments with regard to the environment could be met, that this prototype should be built.
>
> What is involved here is not just the 150,000 jobs which will be lost if we don't build it, not just the fact that billions of dollars in foreign exchange will be lost if we do not build it; but what is lost here is the fact that the United States of America, which has been first in the world in commercial aviation from the time of the Wright brothers, decides not just to be second but not even to show.
>
> Not out of any sense of jingoism but because it is going to bring, for example, Asia, not only Japan but China, in the last third of this century three hours from the West Coast to Asia—I think the United States should build it and I believe that we can answer the arguments of the conservationists.

I would like to offer a few comments on the President's justification for supporting the SST.

To my knowledge, the administration has never really confronted the question of priorities. The President does not tell us why he has vetoed five bills on grounds that they were inflationary—including funds for schools, hospitals, and public housing—yet is so dedicated to spending more than a billion dollars on a project of such questionable public interest.

Mr. President, in that connection, I call the attention of the Senate to certain articles concerning my own State. One that is extremely appealing to me was published in the December 18, 1970, Arkansas Gazette.

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

Mr. FULBRIGHT. I yield for a question.

Mr. DOLE. Yes. I wanted to clear up a point just made with reference to the President spending a billion dollars. As I understand the program, that amount is the total cost, and since the program was initiated by President Kennedy, there has been a considerable portion of that billion dollars already spent. I would not want it all charged to the incumbent President.

Mr. FULBRIGHT. May I say to the Senator from Kansas that I recognize that in debate here, we sometimes lose the Presidents, and maybe I ought to take the trouble to clarify it. I am not always talking about this President.

This program, the Senator is quite correct, was initiated under President Kennedy and was pursued by President Johnson. Speaking for myself, those two Presidents, who both used to be Senators, did not become infallible just by moving to the other end of the avenue. I think they were both wrong. I think President Kennedy and President Johnson were just as wrong in their sense of priorities as the present President is in urging us to continue the program.

I would say there was this difference, that when President Kennedy proposed this program, this country was not running a deficit of $15 billion, we were not confronted with turmoil all over the country, and we were not confronted with a continuing enlargement of the war. In other words, many circumstances today make the propriety of having regard for our necessities and essentials even more urgent than then.

But I would certainly agree with the Senator that all of this program is not to be attributed to this President. President Kennedy pledged, insofar as a President can, by public statement, that this program would involve about $750 million. I believe that was the total amount. We have already spent more than that. I think the latest figure I saw was $786 million, or very close to that—already more than President Kennedy said was to be involved in it altogether.

I might say to the Senator that I opposed this program in the previous administration. It is not just since President Nixon has come in that I have suddenly decided it is a bad program. I cite to the Senator the fact that I opposed it before, and I am sure that was not just because this President is supporting it.

Mr. DOLE. Will the Senator yield further?

Mr. FULBRIGHT. I yield for a question.

Mr. DOLE. I wanted to make certain that the point was clear, because the Senator had cited the facts that the President had vetoed certain bills and had spent $1 billion on the SST as evidence that he did not have any order of priorities. So the record is clear, now, that this was a program that has been carried on by President Nixon, but it was not initiated by him?

Mr. FULBRIGHT. That is correct.

Mr. DOLE. That is the only point I wish to make.

Mr. FULBRIGHT. I should have made that clear. I am sure everyone knows it.

And I say the same thing about the war. This President did not initiate the war in Vietnam. I, to the best of my ability, tried to persuade him that since he did not, he did not have the responsibility nor should he have the feeling of responsibility that goes with undertaking a bad adventure, and that it would be in the national interest, his interest, my interest, and the interest of my constituents if he would conclude it early in his regime. I had such conversations with him during the first 2 or 3 months after he came into office.

But he has chosen otherwise. He has chosen to carry on the war. He has chosen to pursue the SST. So what am I to do otherwise? I opposed the war long before the present President came into office, as the Senator knows. I have advised the White House that I think these are ill-advised ventures and I am opposed to them. This question of priorities is another matter. I refer the Senator to specific bills which the Senator knows that the President has vetoed on the ground that they were inflationary. I cannot for the life of me see that spending money on the SST is not just as inflationary as spending the equivalent amount on education, health, or a number of other things.

One item I was about to refer to was that of supplying water systems to small

towns in this country, and especially in my State, where I feel a strong sense of responsibility. That was the point I was about to make.

I think that the preceding President had a similar failure in his judgment as to what was of first importance to this country.

The article to which I have referred especially appeals to me because only recently, in connection with another bill, I made a motion to increase the amount of money available for water and sewer systems. These are programs which often go together in small towns.

This article was published in the Arkansas Gazette December 18, just a few days ago.

Okolona is a small town in my State, to which the article refers. I wish to read a part of it, because I think it is a very moving statement and a real grass-roots illustration of this problem, which is not just some imaginary or hypothetical situation. The article is by Miss Sue Sanders, special to the Gazette from Okolona, Ark. It reads as follows:

What do you do when a dry spell hits? If you lived in Okolona this week, you might be carrying buckets and if you were one of the few residents with indoor plumbing, you'd be using the outhouse again.

The problem is water and the residents' only hope is the Farmers Home Administration.

They've been trying unsuccessfully since 1964 to get a 50 per cent loan and 50 per cent grant from the FHA for a water system. Every year Mayor Bob Winfield asks for a review. Every year it's the same story. Winfield said: "We just can't get any action. We don't get any reply, everybody here has just about given up on FHA."

FHA officials explain that the town is one of 50 or 60 which stand a chance of getting funds reserved for next fiscal year.

Ninety to 95 per cent of the town's 253 residents get water from cisterns—a few modern metal-covered types with pipes bringing cold water into the house, the rest, board-covered concrete pools from which residents haul buckets of water.

The town has 18 deep wells, only some of them working, and, the mayor said, none of the water—including that from the deep wells—is approved by the State Health Department.

The cisterns get water from drains which carry rainwater from the roofs of the homes.

SOME RESIDENTS HAUL IN WATER

Those who can afford to haul water in from nearby towns refuse to drink or cook with local water. The rest just drink the local "bitter water," whose unpleasantly high content of magnesium, salt and sulphur rusts the pipes. "Imagine what that does to your insides," one resident said.

Except for the few residents who have house pipes from their cisterns, the townspeople simply have no running water. Bathwater is hauled in buckets and even the 2 per cent of the residents with indoor plumbing keep their outhouses for occasions like now, when the cisterns dry up because of the lack of rain.

There's no use forming a volunteer fire department. "What would we do for water?" The possibility of fires makes residents shudder.

The town of Okolona is united in its struggle for water, members of the state's congressional delegation have written letters urging FHA officials to help, officials from the Office of Economic Opportunity have given moral support and FHA officials agree "they sure need a water system down there."

LACK OF MONEY IS THE PROBLEM

It's all a matter of money, according to Lewis Robertson, chief of the Community Programs division of the State FHA office.

The FHA, which still hasn't officially received appropriations for the fiscal year starting last July, has helped 266 Arkansas towns finance water and sewer systems since the program was set up in 1964.

It has about 35 projects currently in the works. Fifty to 60 towns are on the waiting list with Okolona and "three or four times that many towns and rural areas still need water systems," Robertson said.

And money is tight everywhere.

Priority is given to towns which have industries ready to locate and employ local people if a water system can be built.

Towns such as Jacksonport in Jackson County and Hatfield, in Polk County which have had hepatitis cases related to bad water, are given emergency consideration.

For towns like Okolona with limited means to repay the 50 per cent loan, even assuming that the FHA could provide a full 50 per cent grant, there's the waiting list, Robertson said.

However, he said, most towns can get an acceptable plan approved in two or three years.

Until last year, when a system was completed at Antoine, 15 miles across the Clark County line in Pike County, the only possibility for a water supply for Okolona was to build a water treatment plant and pipe water in from Little River.

Now, Robertson said, there is a possibility of a hookup with the Antoine system.

The town has submitted a project proposal for $132,000 for a hookup with Antoine to the FHA.

With a water system, Mayor Wingfield thinks that Okolona could attract small industry. He said the town had been approached by small businesses, which later settled in towns which had water systems. If the town could attract small business and industry, the young people might not leave, the mayor said. The town lost 90 residents from the 1960 population of 343, the current census reports.

Meanwhile, this week, as a woman loaded her clothes in the car to take them to a laundromat at Delight, a pickup truck bumped by with 50-gallon oil barrels full of drinking water for those who could afford to buy it at 50 cents a barrel, and a little boy and girl plodded toward home with two open buckets of water from one of the deep wells.

Mr. President, I do not know how one could dramatize more the utter idiocy of having to spend hundreds of millions of dollars upon a fantastic gadget that might be used by a few supermillionaires to cross the ocean in 3 hours instead of 5.

I am quite sure that what I have said about Arkansas is also true in a number of other States, because the Western and Southern States have small rural communities without sewers and water supplies.

I cannot reconcile myself to the extravagant gadgets designed not really to improve the quality of life for anyone but simply to give a few highly sophisticated technicians an opportunity to prove that they can do it.

The only real argument about this is that "we think we can do this, and therefore we ought to be allowed to do it," regardless of what effect it has upon the atmosphere or what purpose it serves.

This was an argument, I recall, that was made most forcefully in the argument on the Test Ban Treaty for the atomic weapons. One of the scientists used to make the argument that we could not afford to interfere with the progress of science. We have to find out about this. We have to go on testing these outrageous bombs. There should be no interference with it at all, because you cannot interfere with science. Scientists had set out to prove what can be done, how big a bomb they can make, what the effect would be upon the atmosphere, and said it would be bad to put any restrictions upon the progress of science. It seems to me that this is the ultimate degradation of the scientific era, if we can call it that.

The SST is not unlike that. It is interesting, of course, to specialists, just to see whether they can make one fly without its wings falling off.

Think of how many projects we have had. We have put $5 billion or more into the C–5A, and its wings still fall off. We have had the F–111, and this is not unlike the F–111. I believe that a report of Senator MCCLELLAN's subcommittee, published last week, indicated that that interesting little gadget had cost in the neighborhood of $9 billion, and no one now feels that it is a good machine.

I reported not long ago that a Member of the Australian Parliament who was here on a private visit came to me and spoke about the prospects of various things, and he asked me about the F–111. It seems that Australia, before they realized that it was a faulty machine, had ordered some. Our Government required them to make a downpayment. I do not recall exactly how much it was, but it was in the neighborhood of $150 million. In view of the experience of the F–111, the Australians now have asked that they be relieved of their contract. As of that time, he told me that the American Government refused to relieve them of the contract. The American Government is going to hold them to the contract, whether the machine is any good or not. This, it seems to me, is an outrageous attitude.

I predict that this machine could be made to fly. The F–111 will fly. But it will not perform what the services consider to be adequate performance; therefore, as is well known, most of them, I think, have been grounded from time to time. I am not sure how many are grounded today, but most certainly, according to the Senate Committee headed by the distinguished senior Senator from Arkansas, this gadget, again, was a $9 billion mistake.

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

Mr. FULBRIGHT. I yield for a question.

Mr. DOLE. As I understand the SST program, there have been no cost overruns, as in the case of the F–111. The Senator from Kansas also understands that if we do not proceed with the SST, there will be cancellation costs of $160 million.

The Senator from Kansas also understands that, what we are really talking about is the next logical step in air transportation and a substantial increase in air traffic productivity—what they refer to as seat miles.

I am informed that the SST would be twice as productive in seat miles as the 747 and, in effect, the result would be to lower the cost of air transportation, in face of increased costs to the airlines, which could mean a saving to millions who fly.

So this aircraft is not a toy; it is not an F–111. There have been no cost overruns. But there will be cancellation costs.

I certainly share the view expressed by the Senator from Arkansas with respect to FHA loans. We have similar problems in the State of Kansas, and I would suppose they are of the same gravity. But I see no direct connection between the SST—in the event there were a saving of money—and this FHA program, any more than I see a direct relationship with any other Federal program, whether it be in the area of space or some other field. Nor can I see any relationship, frankly, between the program mentioned by the Senator from Arkansas and the situation in Wichita, Kans., and elsewhere, to the hundreds and perhaps thousands of people who will be out of work if the SST is not approved. I am not suggesting that we build the SST to keep people employed.

Mr. FULBRIGHT. Why does the Senator mention it, if he is not suggesting it? That is clearly the implication.

Mr. DOLE. No. I see no more relationship between that and the example just cited by the Senator from Arkansas. If we are going to say that with the SST money we could do this and with the SST money we could do something else—there are cancellation costs, to the tune of $160 million, and that is the point I wish to make.

Mr. FULBRIGHT. The Senator is quite right about that, but if we do not take the loss here, then we will spend $2 or $3 billion that is down the drain. The ultimate justification should be, is it essential, is it necessary? It is not whether there is a cancellation cost for this gadget, this plane that will fly 1800 miles an hour but, is it right and is it of primary importance to the welfare of the American people? There is just as much a direct and indirect relationship between this as there is to the F–111, the C–5A, or the ABM. It is quite true that we are not proposing the same money that would go to this gadget would go into the sewer and water projects, but the overall budget of the United States is a unified budget. Whenever we take all the money out of it and send it abroad as they did in Cambodia—I opposed Cambodia—I could have said the same thing about giving $255 million to Cambodia as I do about this bill. I think that is even a considerable expenditure, because it promises to create a situation that will engulf us far beyond even the SST. But this has been the history of these involvements in foreign countries.

We are in the process now of undertaking to completely support another country in the Middle East. Never before in the history of this country have we ever given to any country—in World War I or World War II or NATO—a complete blank check upon our economy as we have given to Israel in the past few weeks. Never before have I ever seen an unlimited—in time or in amount—authorization such as was put on by the Senator from Washington on the Defense authorization bill. There is no precedent for that. I believe the Speaker of the House said he knew of no precedent for that. It had not been considered by any authorization committee or having been recommended even by the administration; yet this body adopted it.

All I am saying is that this involvement with these countries indicates to me a lack of sensitivity to the needs of our own people. A high on priority should go to the people of the little town of Okolona in Arkansas or similar towns all over this country.

After we have satisfied that, if we have any money left, then let us consider the SST; but no, we are not doing that, we are giving the priority to the SST. But I do not pick it out alone. The other day, the amendment I offered was to another item. I would say the same thing about the ABM, about its technologically being very questionable. I think that the debate on that and the authorization has interfered with the progress of the SALT talks, as other things have done. I regret very much that the administration did not follow the advice of the Senate when it passed the Brooke resolution last spring; but, anyway, the purpose of these debates and the purpose of the Senate is to determine these questions of priorities.

What is more important to the life of our constituents? For the life of me, I cannot believe that a majority of the people—it may be that the employees working on the SST at Boeing in Kansas are for the SST, and I can understand that, and I accept it, and I do not quarrel with it—but if we take the people of Kansas and Arkansas and say, "Do you think it is more important to have an SST or a water system for your town?" I do not have any doubt in my mind where the clear majority will be and what they would say.

Mr. DOLE. If I could interject there, we could ask them the same question, whether it is more important to have a Senator or provide a new water system. We might get the same answer.

Mr. FULBRIGHT. I had not thought of that, but I would say that this, Senator, does not cost anything like the SST. Besides that, I have, to the limit of my ability, had something to do with obtaining quite a number of projects for the people of my State, which I consider one of my prime responsibilities, as well as to try to serve just such people in other ways.

I assume they believe I have done that or they would not have returned me, 2 years ago, to the Senate. If they had thought or agreed with the Senator, they had a very good opportunity 2 years ago to do just that, because I had a very strong and rich Republican opponent running against me. They could have elected him. They believe that what I am doing I am doing on their behalf, that as one Senator I am trying to reverse the priorities of SST's, the war in Vietnam, and ABM's.

Mr. DOLE. I share the views expressed by the Senator. Had it been otherwise, I believe the Senator would have gone down the drain in the last election.

Mr. FULBRIGHT. That is correct.

Mr. DOLE. But we are talking now about the SST, not about the $290 million or the $130 million, or the $700 million already invested. We are talking about an investment of $860 million on the one hand, counting the cancellation costs, and on the other hand $130 million for the prototype program, extending that, perhaps, to a profit for the Government of $1 billion or more, depending on how many SST orders there are. So the discussion is not about spending $1 billion now. The question as the Senator from Kansas understands it, is whether we should spend another $130 million for the prototype program. If that is the judgment, that is one thing. If that is not the judgment, then we have wasted the American taxpayers' money. We have invested $700 million which will be wasted, plus another $160 million in cancellation costs for an $860 million total—more or less.

Mr. FULBRIGHT. I am quite prepared to say that we have wasted $700 million to $860 million on a bad venture, but goodness knows, that is not as much as we have wasted on the F–111. This Government has made some serious mistakes. It has wasted, I think, a great deal of money on the C–5A if it is not a better plane than it has so far proved to be. It is my best information that the contractual termination cost on the SST, which is really involved, is $85 million, and the other $105 million has already been spent—that is, that it will be lost. There is an additional cost of $85 million, but I would not make too much of a point on that. The real point here is not the $105 million on even the $290 million, but that we clearly have reached the point of no return. A fight has been made. The Senator from Wisconsin has made, I think, an outstanding contribution to the information of this country on this subject, as he has on other subjects such as the C–5A. With the cooperation of such courageous men as Mr. Fitzgerald, who lost his job because he was willing to tell the country what goes on in the Pentagon and the way they keep books, with his help, and that of his staff, the Senator from Wisconsin has brought before the Senate information which we did not have before. Maybe we should have had it, but anyway, those things start out almost as Kennedy said, only $750 million at that time and we thought we were pretty well off. We were not in the hole as we are now. So we were led down the garden path. But now we have come to the point of no return.

If the Senator approves this amount, I predict there will be no further effort to curtail it because everybody will give up. We either cut it down or cut the request, as we do when we make any particular investment, or we go forward with it. The Senate has already voted once, 52-to-41, against going on with it, and it was not to go half-way, or two-thirds, it was against it. The Senate made up its mind it was against it; but now, by political maneuvers which are perfectly proper in the sense that they are legal, it

is now tied in with an enormous bill involving things that are essential. No one quarrels with that. They are trying to force the Senate to accept this in order not to disrupt the transportation system of the country.

The Senator from Rhode Island graphically made the point this morning that if we do not give in and accept this item, we will then cause havoc. That is not correct. All we have to do is separate this and have a continuing resolution, if nothing else, for the Department of Transportation, or arrive at an agreement.

Mr. DOLE. Mr. President, will the Senator yield at that point for a question.

Mr. FULBRIGHT. I yield for a question.

The PRESIDING OFFICER (Mr. CASE). The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, one question has crossed the mind of the Senator from Kansas. Does the Senator from Arkansas see any relationship between the further funding of the SST and the bailing out of the Pennsylvania Railroad with Federal funds. Is there any relationship?

Mr. FULBRIGHT. They are very similar. The Senator raised a complicated question. I was opposed to the proposal which the Representative from Texas stopped.

I think we are faced with a most serious question. I am fundamentally opposed to bailing out bad management, whether it be the Penn Central Railroad or Lockheed Aircraft. I think we are a private enterprise system. I think we either ought to let it go through the wringer and have a private enterprise system or we ought to nationalize it.

I think the worst thing is to keep on subsidizing bad management. In most industrialized countries in the world the railroads are nationalized. The railroads of Germany, France, England, Spain are nationalized. In Canada and Japan they have both. They have a nationally owned railroad and a private railroad. So they have kind of a mixture. But most of the industrialized countries of Europe, countries that have much more experience in running a private enterprise system than we have, have good railroads—much better than ours—and they have nationalized the railroads. I am not an expert in that field, but they are much better than ours.

I do raise a serious question on the matter of the $100 million. I do not think it ought to be done without serious consideration of where we are going, particularly if we are going down the road of subsidizing bad management, a company which apparently has diverted larger sums to other activities.

I think the railroad put $30 million into some kind of executive aircraft company. It seems absurd. It only proves again that the ICC has been completely asleep. They have been doing nothing by way of supervision.

I think this raises a serious question. It is a big question. I did not intend to discuss it here. If I had an opportunity to vote on the question of giving them $100 million, I would vote against it, the same as with Lockheed. I do not know why Lockheed cannot be organized. McDonnell seems to get along well under similar circumstances. They evidently have better management. They have not been getting a handout so far as I know.

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

Mr. FULBRIGHT. Mr. President, I yield for a question.

Mr. DOLE. Mr. President, I think there probably is one basic difference. As I understand it, in the case of the Penn Central, the sum involved would be a loan; in this case, it would be an investment.

There is another difference. In the case of the SST, the Government went to the industry and said, "Can you develop an SST?"

In the case of the Penn Central, the railroad came to the Government and said, "Can you bail us out of a bad situation?"

I share the views expressed by the Senator from Arkansas. They involve the same general question of whether the Government should be involved.

The Senator's position is certainly consistent, and he has made it quite clear.

Mr. FULBRIGHT. Mr. President, if we are going to have the kind of an arrangement they are coming to, concerning cost plus, I would not be surprised if the Government would be much better off if it were not to do it.

We used to build ships. We had a lot of shipyards. I think that private enterprise subsidized by the Government is the worst thing imaginable. If it is a private company, it should be efficient or it should be governed by regulations.

This is a kind of an incentive to waste, because they have a pipeline into the Public Treasury and they are without much supervision. I admit that the Government requires a lot of paper work and that sometimes it botches some of the jobs. But I do not think the Government is inadequate to supervise activities.

I do not believe that the Germans, French, and Swedish are any smarter than we are. They have been doing it for years. While I have not been over there in a long time, in my younger days I used to ride on their trains. They were just as good as or better than our trains. So, it can be done.

As a matter of fact, the Japanese publicly owned train is the best train I have ever been on in my life. So it can be done. But I think that when we subsidize bad management without restriction, we have the worst of both worlds. It is the least defensible way to do it.

Mr. President, coming back to Okolona, Ark., I have a letter addressed to me under date of December 15 from Okolona, Ark., the same town.

It reads:

DEAR SIR: Mr. Fulbright this letter is in regard to getting city water for the town of Okolona, we need your help in this matter. The water supply here is critical. Some of our people are having to haul water. We are trying to get loan from FHA but it is slow. They had meeting in August if they did anything about our loan we never knew about it. They are to meet again in January. Would appreciate it if you would try and get them to approve this loan.

I. D. MAY.

This kind of matter strikes me as having the very highest priority. While I agree that there is no guarantee that if we do not approve this additional money, Okolona will get it, nevertheless if we push this through, along with a great many other programs which have been approved, particularly in the military field, if we put them together, I am quite sure the availability of funds would be reflected in the capacity of the FHA to make available money for these purposes.

Mr. President, I have before me a very perceptive editorial from the Saturday, December 12, 1970, Arkansas Gazette, entitled "Lay On" concerning the SST.

The editorial follows:

LAY ON!

If it will require a Senate filibuster to kill off the SST, then by all means let Senate opponents of the project start planning now to filibuster on into the adjournment of the present (91st) Congress if it comes to that.

The filibuster has been used often enough in the past in defense of a narrow sectional view, so let it be used now in support of a position upon which most of the country is agreed; the filibuster has been used often enough in defense of the indefensible, let it be used for once as a weapon against the indefensible.

We can still hope that it doesn't come to that, that the conference committee report can be rejected in a straight vote without the necessity of a filibuster. But the filibuster, if it does come, could serve not only as the agency for sealing the defeat of the SST development program that the Senate already has voted by a "comfortable" margin, but also could serve to demonstrate anew for the edification of the general public some of the atrocities that are emerging these days from conference committees.

The $210 million for further development of two SST prototypes that was so quickly voted out of conference, by no coincidence whatever, is precisely the amount needed to allow this transparent make-work project to keep on making work for the people currently engaged in research and development against the day that they may, possibly, get the monster off the ground. More, every new appropriation that can be cozened out of Congress by any means also helps build up the total investment already made in the project, and so, in theory, boosts along the specious argument that we have reached what would be called "the point of no return" if we were dealing with anything but an aircraft development project; that is, that it would cost more now to turn back than to go ahead.

Our own view is that even if the whole project should be eventually funded, it still would be better if no SST were ever permitted to leave the ground. That is the real point though when you are talking of $1.3 billion, which would be the estimated end cost of developing even two SST prototypes, you are talking about quite a lot of money even by the swollen standards of the American aerospace industry.

If the SST ever *should* leave the ground, it will be to the general fear and dismay of all of us but the employees of the Boeing Company and its subcontractors, the still disproportionate number of members of the United States House of Representatives who think that the aerospace industry ought to be given anything its heart desires, and, of course, our distinguished president, the former Orange Countian, who was in considerable measure invented by the Southern California aerospace industry left over from World War II.

I have another editorial entitled "Notes and Comment," published in the Baltimore Sun of December 17, 1970. The Baltimore Sun covers a metropolitan area on the east coast that has quite a different point of view than Okolona, Ark., but they share some of the same feelings. The editorial states:

NOTES AND COMMENT

To change the subject, we have been puzzled by the continuing use of the word "compromise" in reports on what the House-Senate conference did with the supersonic transport bill. What happened was, the House voted to spend $290 million in fiscal 1971 on developing the SST. The Senate voted to spend nothing. The conference voted to spend $210 million. Everybody kept calling this a compromise.

Our dictionary lists three definitions for "compromise" as a noun. The first is "a settlement by arbitration or by consent reached by mutual concessions." That doesn't fit. Maybe if the conferees had agreed on spending $145 million, you could argue there was a compromise, but not $210 million. This view is upheld by the third definition of compromise in our dictionary: ". . . a thing intermediate between or blending qualities of two different things."

The second definition of compromise in our dictionary is "a committal to something derogatory, hazardous or objectionable." That's the way a lot of people feel about the SST, but supporters of the SST called the conference action a compromise, so we don't guess that's the definition they had in mind.

We don't even believe that $145 million is a compromise between zero and $290 million. If the Senate had been willing to spend anything on the SST, then a figure representing an "intermediate point" between the two figures would be a compromise. If the Senate were for spending $1 and the House $289,999,999, then $145 million would be a compromise figure. But the Senate was against the SST altogether. It isn't a question of money.

It's as if a used car dealer were to say to you, "I'll sell you this auto for $2,000," and you said to him, "I don't want it," and he said, "Fine, let's compromise, you can have it for $1,000."

Mr. President, that is the situation in which we find ourselves here. The Senate has said, "We do not want it at any price."

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

Mr. FULBRIGHT. I yield for a question.

Mr. STEVENS. I have been listening to the debate here for a week or so. I wonder where everyone has been for the last 4 years when the $708 million was being appropriated that we have already spent on the SST. That will be lost if we do not spend the $210 million to finish the job.

Mr. FULBRIGHT. I say to the Senator, as I said to the Senator from Kansas, that this is not the first time I have opposed the SST. I have opposed it previously, as have a number of other Senators.

When President Kennedy took office, he was the first, as far as I remember, to initiate this project. He made a commitment that it would not cost more than $750 million. He was a new President and he carried the majority of the Senate and Congress. As I said, it was a relatively small amount. But because this country is big, it often takes time to inform the people and, therefore, Congress about the facts of life. This is not the only case. There have been many others.

I would say this is a case of mistaken judgment. It did not originate with this administration, but they insist on carrying it on. The Senator is quite right. The same thing could be said about the F–111. Where was everyone at that time? The Senator from Arkansas (Mr. MCCLELLAN), the chairman of the subcommittee, tried his best to enlighten the Senate and others about the F–111. The Senator will remember that, but he had a hard time doing it. He had a good deal of support, but, nevertheless, the power of the military overrode him. They wasted about $9 billion on the F–111. It turned out to be inadequate and a mistake.

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

Mr. FULBRIGHT. We have the same repetition here. Just because we made a mistake I do not think we should go down that line indefinitely. We should recognize it and cut our losses.

The Senator from Wisconsin has given long hours working on this project, along with others—such as the C–5A—and fortunately he was able to get the assistance of some remarkable and courageous men who were willing to sacrifice their jobs in order to inform the public.

It took all these things to finally bring out into the open what we are faced with, and when they did and the people got their minds on it and focused attention on it, they decided they did not want it. That is their privilege.

The Senate, in performing its proper function, discussed the matter and voted on it. The Senate said, "We do not want it."

Mr. STEVENS. Would not the Senator agree that there are several Members of this body who got a free ride on this vote, knowing full well the conference committee would restore part of the money and that it would be back here, and it is feared that these people are going to vote for the SST and that is why we are not permitted to vote on it because it will pass. Is that not correct?

Mr. FULBRIGHT. I beg the Senator's pardon. I do not question motives. That is against the rules. They voted their convictions. Second, this is not a vote on the SST alone. This is a bill providing for $2.6 billion. The bill includes a great many things that I would say 90 percent or more, or perhaps all Senators are for.

The proponents are trying to ride this poor little orphan in on the back of this bill. They are trying to have a piggyback operation. They want it voted on as part of the transportation bill.

Mr. STEVENS. Does the Senator know of any project with which Congress has gone so far as to spend $708 million and then to stop it less than 10 percent short of completion and completely waste a total of $800 million of taxpayers' money before we even know if the prototypes will assist us in finding the answers to some of the problems involved?

Mr. FULBRIGHT. I do not have it at my finger tips, but I could supply the names of a great many projects. The Defense Department has had one after another of its ideas—rather exotic ideas—for this kind or that kind of weapon. One name that comes to me is BOMARC. They had a DEW line. They have a great many ideas like that. They spend $5 million or $6 million, and then decide it is a bad idea and abandon it. This has happened again and again. This is a big country, and that happens frequently. We have done a great many things like that.

I did not anticipate that question, but I think I could look up a great many such projects, especially those that the Defense Department has pursued, that have been equally as wasteful as this one.

Take the F–111. It is my impression from the report filed the other day that we are not going forward with it. We have wasted $9 billion before we have decided to cut our losses. How much better it would have been to stop at $1 billion. I am sorry they did not take the advice of the Senator from Arkansas and cut our losses at $1 billion. We would have been $8 billion better off.

Mr. STEVENS. With all due respect to the Senator, this is not a military project; it is a civilian project. It is the first time that this Government has attempted to initiate a major change in its air transportation through the civilian branch of government. The Senator mentioned a minute ago the problem of compromise. Over $100 million has been spent this year. So we had $290 million in the budget. That left $190 million. They came back with $110 million of that. It seems to me that is a pretty fair compromise—$100 million out of the $190 million necessary to finish it.

We read the editorials about how the filibuster in this instance is on the side of righteousness, but as a matter of fact, they fear that we will vote for the SST.

Mr. FULBRIGHT. No; the fear is the Senate will vote for the DOT operations. It is my feeling that in the negotiations over this matter a genuine bona fide offer was made that we drop the SST, pass the DOT appropriations—this has been discussed among those who are interested in this question, as I am—and allow, at a later date, say in February or March, an up or down vote on the SST standing alone. That is a fair proposition, but the proponents of the SST do not want that.

They want the DOT bill to pull this project along at the same time making arguments about the disastrous results to the country if we do not vote for the SST along with the DOT appropriation. It is the other way, in my opinion.

Mr. STEVENS. Would not the Senator agree that almost any appropriation bill, if we took any single item standing alone, that item might not pass; but, taking it as a part of the overall appropriation bill in the legislative process, it would have to go through?

Mr. FULBRIGHT. I will say that, in my experience, conference committees take advantage of the special role of the conference and they do not always reflect the views of the body which they represent. I do not think they did in

this case. That is a part of our system. I do not know any cure for it. The only cure for it is to argue it back in the Senate, and try to defeat it.

I would not say that the conferees have not done this before. It is not unprecedented that they bring back an item which is not in accordance with the Senate's views.

Mr. STEVENS. The Senator mentioned the F–111 and the problem there. What harm is going to come to this country if we finish two prototype SST's, when the Concordes are flying, when the British are building them, when the Russians are building their plane? What harm is going to come if we build two scientifically equipped SST's to ascertain the problems of the SST as they effect the world? What harm would there be in that?

Mr. FULBRIGHT. The first harm is the waste of our money. The British are very dubious about the Concorde. I do not know about the Russians. If the Senator is really interested in the technological findings, I am quite sure the British would not keep secret what they have learned about the effects on the ecology or how fast the plane is, and so forth. I do not think there would be any real problem in observing the effects of the Concorde, if the Senator is interested in that. I would not be surprised if the Concorde caused great problems.

Look at our airlines. Someone said yesterday that it is estimated that our own domestic airlines will lose $180 million this year. United Airlines just yesterday changed its management because it is losing so much money. TWA is losing money. Pan American is losing money.

One of the reasons for it is that the industry has forced on these airlines prematurely too many big jets before they have the capability to absorb the costs, or before they have amortized the 707, which is a very good airplane. They bring in the jumbo jets, which have a greater capacity than the airlines now need.

I could put the question the other way: What harm can come to the country by waiting a few years and seeing what others experience? We could observe what the performance does. We could certainly observe what the effect on the ecology is. We do not have to do it all ourselves. We never have had to do it all ourselves.

Take the original jet engines. The Germans had jet engines before we did. We developed them later, but we did not think of them before. We did not even develop the first buzz bombs, our missiles. The Germans, during the war, used the first ones, goodness knows, I wish they had not done it, but we followed them and developed them. There was no harm done in that case. In fact, I think we saved the cost of developing it.

What was the name of the weapon that followed the buzz bomb, the prototype of the missile?

Mr. MANSFIELD. The V–1.

Mr. FULBRIGHT. The V–1. I am talking that kind of development. The Germans did it first.

Does the Senator think we would have been better off it we had developed it before them?

Mr. STEVENS. I would like to answer what harm would come to us if we do not go ahead with it. It will put people out of work as a result of paying termination costs instead of employees to work to finish the job.

The Senator previously talked about water and sewer projects. How many water and sewer projects could have been built in the State of Arkansas or the State of Alaska for $850 million? We made a decision a long time ago to go ahead with the SST. Now we are deciding to wash out it and the $850 million that has been lost won't build water and sewer projects.

Mr. FULBRIGHT. I did not make it. This is a matter of majority rule. I have already done the best I could to explain why the majority of the people of the Senate do not always grasp the full significance of every program that is submitted to us. They are submitted usually by a new President. Nobody knows much about it. It sounds good, and we fall for it. That is human nature.

Mr. STEVENS. I thank the Senator for his courtesy.

Mr. FULBRIGHT. I thank the Senator.

Mr. President, I ask unanimous consent that there be printed in the RECORD two telegrams that I have received from Little Rock, one signed by a number of my constituents and one signed by Don Wylie, of Tyronza, Ark., together with a letter to me from Vernon D. Smith, of Pine Bluff, Ark., all relating to the SST.

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

LITTLE ROCK, ARK.,
December 15, 1970.

Senator J. W. FULBRIGHT,
New Senate Office Building,
Washington, D.C.:

The Arkansas Aubudon Society, the Arkansas Ecology Center, the Arkansas Wildlife Federation, and the Citizens for Life are in full sympathy with the United States Senate in recent overwhelming rejection of the SST. We support the filibuster which will seek to maintain the Senates expressed policy of environmental concern.

H. H. SHUGART,
PRATT REMMEL, Jr.
ROBERT E. APPLE,
STAN BRADSHAW.

LITTLE ROCK, ARK.,
December 15, 1970.

Senator J. W. FULBRIGHT,
Washington, D.C.:

I strongly support your stand against the SST. Save our Arkansas tax dollars.

DON WYLIE.

TYRONZA, ARK.

DECEMBER 13, 1970.

DEAR SIR: This note is to support the action of the Senate is voting to stop the spending on the SST and to urge that they stand firm against any house move to write the money back into the bill. I think the SST is a huge waste as it is and should stay dead.

We must cut the federal spending to the level of income. I can't see how anyone could expect to spend more than is taken in forever without suffering the consequences.

The SST is one of the several things we don't need to throw millions away on.

Sincerely,

VERNON D. SMITH.

PINE BLUFF, ARK.

TRIBUTE TO SENATOR YARBOROUGH

Mr. FULBRIGHT. Mr. President, I shall yield the floor in a few moments. There are two items to which I wish to call the attention of the Senate.

First, I wish to make a comment about the distinguished Senator from Texas (Mr. YARBOROUGH).

Mr. President, one of the most vigorous and hard-working men ever to serve in the Senate is RALPH WEBSTER YARBOROUGH. A man of strongly held convictions, RALPH YARBOROUGH has never hesitated to speak out and stand up for his beliefs. I have been proud to serve in the Senate with him.

He has been an extremely active legislator. His name is probably attached to more legislation than that of any other Senator in Texas history. He has made a particularly noteworthy contribution in an area of utmost importance—education. He was the author or a principal cosponsor of many of the landmark laws providing for Federal aid to education. The Senator also was the moving force behind the cold war GI bill, the Bilingual Education Act, and numerous other significant educational programs.

He has also taken the leading role in preserving some of the great natural scenery of his State—Padre Island, Guadalupe Mountain, and the Big Thicket. He has a great interest in the history and folklore of our Nation and his region.

As an Arkansan, I have always been proud to have RALPH YARBOROUGH as a neighbor. We Arkansans have some claim on him too because his wife was the head of the home economics department of the Pine Bluff, Ark., High School at the time of their marriage and he has always said that he considered Arkansas as a second home.

I know that when RALPH YARBOROUGH leaves the Senate he will continue to make a vital contribution to the Nation. I wish him the very best.

AMERICAN PRISONERS OF WAR

Mr. FULBRIGHT. Mr. President, through its representatives in Paris the Government of North Vietnam has done me the courtesy of responding to my letter of June 24, 1970, to Premier Pham Van Dong requesting information on American prisoners of war held in North Vietnam. The North Vietnamese reply, which I am told consists of a letter and a list of names, has been transmitted through a member of the Foreign Relations Committee staff whom I asked to go to Paris to receive it. I personally appreciate the courtesy of the North Vietnamese reply. The families of the prisoners and the American people will appreciate this humanitarian gesture coming at the Christmas season.

The list, which I am told contains the names of 339 American prisoners of war, will arrive here tonight. The list will be turned over to the Department of State as soon as it is available. I am advised, however, that the list appears to contain no additional names beyond those which have been previously made available. The new information which the North

Vietnamese reply is said to contain is that the Government of North Vietnam now declares this list to be final and definitive. I have asked the Department of State to provide an evaluation of the North Vietnamese reply by comparing the information it contains with its own prior information. I have also asked the administration to convey all pertinent information to the families of the prisoners as quickly as possible.

I am advised that the North Vietnamese reply may also contain information about American prisoners who have died. Until this information has been received and evaluated I think it inappropriate to comment on it in detail.

Should a careful study of the North Vietnamese reply confirm that men who we had hoped might be alive in fact are not, it will be tragic news both to the families of the men involved and the American people in general. It will nonetheless put an end to the doubt and uncertainty which have preyed on the minds of the families of American fighting men missing in action. For that humanitarian gesture on the part of the North Vietnamese we will all be grateful. It is my sincere hope that this step will be followed by further humanitarian initiatives by both sides.

Nothing, in my opinion, would do more to advance the objective of a negotiated, compromise peace than a policy of magnanimity by both sides with respect to the prisoners they now hold. Should the North Vietnamese Government at any time see fit to release the prisoners it now holds, in exchange for the prisoners held on our sides, there can be no doubt of the favorable and appreciative reaction of the American people. That reaction in turn could conceivably have a constructive effect on the policy and negotiating position of the U.S. Government.

In expressing once again my appreciation of the North Vietnamese reply to my letter of June 24, of which a copy is appended to this statement, I take the liberty of expressing the hope that the Government of North Vietnam, the Government of South Vietnam, and the U.S. Government as well, will give their thoughtful consideration to further humanitarian actions which might hasten the coming of peace.

I ask unanimous consent that my letter to Premier Pham Van Dong be printed in the RECORD.

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

JUNE 24, 1970.

His Excellency PHAM VAN DONG,
Premier of the Democratic Republic of Vietnam, Hanoi.

MY DEAR MR. PREMIER: A year ago I wrote President Ho appealing to him to make public the names of those Americans your Government is holding as prisoners of war. I now make the same appeal to you to publish an official list of those American military personnel held prisoner by your Government.

In his reply to me, President Ho stated: "With regard to captured American military men, the question will be solved at the same time as the whole of the 10-point solution, it cannot be taken as a separate issue . . . ."

The terrible plight of prisoners should not be involved in a dispute over political and military issues. Irrespective of the nature of the Geneva Convention of 1949, in the hands the conflict, a prisoner is, in the words of of detaining power "as a result of circumstances independent of his will." He should be promptly identified, afforded an adequate diet and medical care, permitted to communicate with other prisoners an with the exterior, promptly repatriated if seriously sick or wounded, and at all times be protected from abuse and reprisals. These are purely humanitarian considerations, not political or military.

We know that the war has brought tragedy, sadness, hardship and uncertainty to the people of your country, as well as to people of mine. I am, in my official capacity, doing everything I can to end this tragic affair, and believe that any humane action on your part in regard to American prisoners of war would have an important beneficial effect in hastening this objective.

Sincerely yours,

J. W. FULBRIGHT.

Mr. FULBRIGHT. Mr. President, I yield the floor.

THE FINANCIAL PLIGHT OF THE AIRLINES

Mr. MAGNUSON. Mr. President, the severity of the economic condition of the airlines of this Nation merits the deep concern of this body and of every citizen of the United States. The gravity of their financial plight exceeds even the most pessimistic of forecasts and it is now anticipated that 1970 will be the worst financial year in airline history.

For the 12 months ended September 30 of this year, the scheduled airlines had a net loss of $66.2 million. It is estimated that the 11 trunk airlines plus Pan American, whose combined operations accounted for 90 percent of total ton miles flown by U.S. scheduled airlines in 1969, will experience a loss before taxes of approximately $123 million for the entire year 1970.

The future earnings outlook for these 12 major carriers is even bleaker. Even assuming an upturn in the economy in early 1971, the Air Transport Association projects a loss of $192 million in 1971 and $279 million in 1972.

The dimensions of this crisis are magnified by the commitments the airlines have made to reequip their fleets with new and advanced technology aircraft and thus insure the continued preeminence of the United States in world air transportation. Working closely with aircraft manufacturers, the airlines are investing some $5.5 billion in bigger, more powerful, yet cleaner and quieter aircraft. Thus while sustaining U.S. aviation leadership, the airlines are also making an investment in improving the quality of the environment.

The airlines have not been idly wringing their hands while their losses spiral upward. On the contrary, they have fought back to overcome the mounting cost pressures which lie at the root of their dilemma. These pressures come not only from labor costs, now rising by more than 11 percent a year, but from the rising costs of nearly everything the airlines must buy to provide service to the public. Such costs, coupled with the depressed state of the economy which has so seriously frustrated the anticipated growth of airline traffic, have placed the industry in a serious financial bind. How are the airlines fighting back against these cost pressures? First, they have undertaken a program of general belt tightening, including such cost-cutting steps as reductions in advertising and the elimination of certain refinements in passenger services. Then they have furloughed about 7,000 employees so far this year, in addition to which thousands of jobs have been lost by attrition, thus bringing the total level of employment for many carriers below the 1969 level.

But perhaps the most severe measure to which the airlines have had to resort to cut costs has been the reduction of service to the public. According to a recent survey embracing the Nation's top 1,000 city pairs, which represent 75 percent of the Nation's air service, there were 340 fewer daily airline flights operating in those markets in November than during the same month a year ago. Actually, the number 340 is understated because it is known that there are other cutbacks in the smaller markets that must be added to this total.

I cannot overemphasize to this body and to the entire Congress the seriousness of these cutbacks, representing as they do a material reduction of the very service the airlines are in business to provide. What these cutbacks mean is the erosion of a vital national asset. Yet, despite these and other measures to improve their earnings, the airlines still face mounting losses.

What, then, are the remaining possible solutions?

To help the airlines get started on an economic turnaround, I urge that the Government agencies responsible for developing a viable national air transport system bring to their decisionmaking process a sharpened awareness of the serious financial plight of the airline industry.

The airlines at their peak of productivity could not have kept pace with the increase in labor costs—costs which exceed the general average for all U.S. industry. I would urge that ways be found to reduce such costs.

Finally, the sharp decline in the growth rate in domestic airline traffic from 1968 to date is compelling testimony of the dependence of improved airline earnings on an upturn in the U.S. economy as a whole. I strongly urge that administration policies now proposed or underway to bring about such an upturn be given all possible support.

This country cannot afford to see another transportation system go the way of the railroads or the merchant marine. It should not happen and it need not happen.

With proper remedial measures now, it will not happen.

PROHIBITING PRIVATE PENSION REDUCTIONS AS SOCIAL SECURITY INCREASES (AMENDMENT NO. 1117 TO H.R. 17550)

Mr. JAVITS. Mr. President, last week I introduced amendment No. 1117 to the pending social security bill and requested that it be printed in the RECORD. I now wish to withdraw this amendment be-

cause I have received a letter from the Treasury Department which makes it unnecessary.

The amendment I proposed would provide that employers having pension plans under which benefit payments are correlated with social security would have the allowable amount of their deductions under the Internal Revenue Code for private pension contributions, reduced in cases where increases in social security benefits resulted in a deduction of the benefits paid by the pension plan to retired employees.

Last year the Congress voted a substantial increase in social security benefits: At the time I was troubled by complaints that were received from retired persons indicating that the retirement benefits they were receiving from private pension plans were being watered down by reason of the increased amount of social security benefits they were entitled to receive. It was appalling to me that in these inflationary times, the result of voting social security increases was to deprive the retiree by reduction of his other pension income of the very money he needed to cope with the rising cost in living. So this year, I submitted an amendment to the pending social security bill to impose strict penalties as the means of putting an end to this unjust practice.

I have received a letter from the Deputy Assistant Secretary of the Treasury, John S. Nolan, which states that the Treasury Department has changed its position and will no longer permit this practice to take place. I am informed that this change in position is based on the revised regulations of the Treasury which expressly limit social security deductions to an amount based on the Social Security Act of 1968 or the Social Security Act in effect at the time at which the deduction is first applied—generally, when the employee first becomes entitled to receive his retirement benefits. Because of this change in the Treasury Department position, and on the expectation that the Treasury will take whatever steps are necessary to see to it that no retired employee unjustly suffers as a result of social security increases the Congress may provide, I have determined that it is unnecessary to press for the adoption of my amendment.

Mr. President, I ask unanimous consent that the letter of Deputy Assistant Secretary of the Treasury, John S. Nolan, as well as the letter of former Assistant Secretary of the Treasury, Stanley S. Surrey, referred to in the Assistant Secretary Nolan's letter, be printed in the RECORD at this point.

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

THE DEPARTMENT OF THE TREASURY,
Washington, D.C., December 16, 1970.

HON. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: This is in reply to the request of Mr. Gordon of your office for the present position of the Treasury Department concerning the effect of increases in Social Security benefits upon benefits paid to retired employees under so-called offset plans.

Revenue Rulings 69–4 and 69–5, copies of which are attached, provide specific rules for determining whether a pension, annuity, profit-sharing or stock bonus plan is properly integrated with Social Security benefits. Section 7 of Revenue Ruling 69–4 provides that an offset plan (i.e., a plan under which an employee's retirement benefit is reduced by a stated percentage of his Social Security benefit) is properly integrated only if the rate at which the offset is computed does not exceed (1) 83⅓ percent, if the offset is computed on the basis of the benefit to which the employee would be entitled under the Social Security Act as in effect in 1968, or (2) 75 percent, if the offset is computed on the basis of the benefit to which the employee is or would upon application be entitled under the Social Security Act as in effect at the time at which the offset is first applied. Thus, increases in Social Security benefits cannot result in an increase of the amount of the Social Security offset. This represents a change from the position in former Assistant Secretary Surrey's letter of April 28, 1967, to the Honorable Jennings Randolph, Chairman of the Subcommittee on Employment and Retirement Incomes of the Senate Special Committee on Aging.

In light of the foregoing, I believe that the amendment you have proposed to the pending Social Security bill is unnecessary. As you may have been informed, we have submitted to the Office of Management and Budget a proposed report opposing the amendment.

Sincerely yours,

JOHN S. NOLAN,
Deputy Assistant Secretary.

TREASURY DEPARTMENT,
Washington, D.C., April 28, 1967.

DEAR SENATOR RANDOLPH: This has reference to our prior correspondence concerning the hearings your subcommittee has held on the subject of "Reduction of Retirement Benefits Due to Social Security Increases." This letter is intended to provide the subcommittee with a discussion of the relevant tax provisions and appropriate background information.

Pension plans which meet the requirements contained in the Internal Revenue Code qualify for favorable tax treatment. One of the principal conditions that must be met is that contributions or benefits under the plan must not discriminate in favor of officers, stockholders, supervisors, or highly compensated employees.

However, the code specifically provides that, for the purpose of these requirements, a plan may qualify even though it excludes employees whose entire compensation is not in excess of the maximum wages subject to social security contributions. Alternatively, the plan may provide different rates of contributions or benefits for these employees than are provided for other, or higher paid employees. In general, by these provisions Congress intended to permit the qualification of plans which are designed to supplement the social security program. Therefore, under the code, if plan benefits are satisfactorily integrated with benefits under the Social Security Act, the plan will qualify, notwithstanding differences in coverage or benefits as between employees whose earnings are below the maximum social security wage base and those whose earnings are in excess thereof.

There are various types of integrated pension plans, each supplementing social security in a different manner. One type, commonly referred to as an "excess" plan, provides a retirement benefit equal to a specified percentage of the employee's average earnings in excess of the wage level at which the plan integrates with social security, frequently the maximum social security wage base. In order to qualify under the code, the pensions which these plans provide may not be relatively greater than the retirement benefits which the lower paid employees receive under the social security laws attributable to the employer's social security contributions. Under this type of plan, plan benefits are not subject to modification by reason of increases in social security benefits payable to a retiree which occur subsequent to his retirement.

Under another type of integrated plan, the benefits provided by the employer's plan supplement the benefits provided by the social security program by an offset type of benefit formula. This type of plan provides the employee with the difference between a total amount specified in the plan and his social security retirement benefit, or a designated percentage thereof. Thus, the employee is granted a total pension of a fixed amount, with the excess over the portion furnished by the social security system being furnished by his employer's plan. These plans may qualify under the present code provisions if the amount of the reduction for social security benefits is not as great as to include any portion thereof which may properly be considered attributable to employee contributions to the social security system.

However, the offset for social security benefits may be adjusted following retirement by reason of increases in social security benefit schedules. Thus, the effect of such a plan may be to reduce plan benefits as social security benefits increase. However, in some cases employers have amended the pension plan to restore the reduction in plan benefits so that the retiree realizes the full increase in social security benefits.

The Internal Revenue Services advises that their statistical compilations do not reflect the number of tax qualified offset type pension plans. Accordingly, I am unable to furnish you with data indicating the incidence of these plans or the total number of present and retired employees covered by such plans.

I trust the foregoing will be assistance to the subcommittee in its consideration of this important subject.

Sincerely yours,

STANLEY S. SURREY,
Assistant Secretary.

DOSSIERS OF DEFENSE DEPARTMENT OF OFFICEHOLDERS

Mr. JAVITS. Mr. President, one of the points with respect to this controversy which is going on in the country regarding records the Department of Defense is keeping on officeholders, if any, there was a voluntary statement made by the Secretary of Defense in testifying before the Committee on Foreign Relations, of which I am a member, on December 11, 1970, page 97, in which he offered to give any dossier on personal lives and ideological views to the chairman of the committee if he wanted it. As I wanted to find out whether the same thing that has been alleged is going on in Illinois is also going on in New York, I asked the Secretary of Defense by letter delivered last night, if he had any such dossier on me.

I ask unanimous consent to have printed in the RECORD that letter, to which I hope to get an early reply.

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

DECEMBER 21, 1970.

HON. MELVIN R. LAIRD,
Secretary of Defense,
The Pentagon,
Washington, D.C.

DEAR MR. SECRETARY: Recent disclosures that Army Intelligence activities have been directed toward civilian office holders and political candidates in the State of Illinois are most disturbing. If true, this practice

is to be condemned in the strongest terms and corrected without delay.

I am particularly concerned because more than a year ago I contacted the Department of the Army about just such invasions of civilian privacy—specifically the data bank at Fort Holabird—and was assured by the General Counsel of the Department, Robert E. Jordan III, that the Army has been "keenly sensitive to the longstanding American tradition separating the military from involvement in domestic politics." Though undoubtedly sincerely observed by the officials of your Department, as Mr. Jordan stated, this tradition may not have guided the actions of some local military commanders who may have ordered these investigations.

Accordingly, pursuant to your offer made to Senator Fulbright at the Foreign Relations Committee on December 11, 1970, I would appreciate your forwarding to me for my personal reference only, a copy, if any, of any dossier (other than of my military record or official acts) relating to me which is in the possession of the Department of Defense; that seems to me to be the best way to find out if any such practice exists as to office holders in New York.

Thank you for your courtesy and cooperation.

With best wishes,

Sincerely,

JACOB K. JAVITS.

Mr. JAVITS. Mr. President, I have no particular need to have an interest in what anyone in the Pentagon may think of me, but I am interested in whether the practice is being pursued about officeholders in New York.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator may proceed.

FUELS AND ENERGY STUDY AND POLICY DEVELOPMENT

Mr. RANDOLPH. Mr. President, on July 16, 1970, for myself and 62 other Senators, I introduced S. 4092, to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure that U.S. requirements for low-cost energy will be met, and to reconcile environmental quality requirements with future energy needs. The Commission would have been composed of six Members of the Congress, and 15 members appointed by the President—nine of them from departments, offices, and agencies of the executive branch—and six of them from among members of the public who have particular knowledge and expertise with respect to fuels and energy.

In the House of Representatives, several generally similar measures were introduced. But the House did not hold a single hour of hearings on any of its bills and has not shown an inclination to act on them.

The Senate Committee on Interior and Insular Affairs, chaired by the distinguished junior Senator from Washington (Mr. JACKSON), through its Subcommittee on Minerals, Materials and Fuels, chaired by the able Senator from Utah (Mr. Moss), held timely hearings last summer on S. 4092, during which no oppositon was voiced. In fact, the hearings and subsequent written testimony provided positive evidence of the need for a study of the energy demands and of the fuels and energy resources, requirements and policies of the United States. Those hearings further produced evidence of urgency for an evaluation of all possible alternative methods of energy production and of the relative merits of all energy sources, including fossil fuels, synthetic fuels derived from natural fossil fuels, nuclear, and any other practical sources.

Based on such studies and evaluations, S. 4092 would have required that the Commission recommend those programs and policies which are most likely to insure, through maximum use of indigenous resources, that the Nation's rapidly expanding requirements for low-cost energy will be met, and in a manner consistent with the need to safeguard and improve the quality of the environment.

But the Nixon administration has rejected the legislative-executive-public partnership proposed as Commission composition in S. 4092. It is officially on record in a letter from the Office of Budget and Management as being opposed to the bill. The communication from OBM to Interior Committee Chairman JACKSON was delivered during the postelection recess of the Congress. The executive establishment seems to feel it has sole jurisdiction and responsibility, including that of recommending and structuring legislation. I do not agree that Congress can or should wait for the executive branch to ask for specific actions and authority.

In view of the administration's reluctance to participate in a joint executive-congressional study along the lines proposed in S. 4092, Senator JACKSON and I have reviewed alternatives. We are in agreement that the most feasible vehicle for an urgently needed congressional effort would be a resolution empowering the Senate Committee on Interior and Insular Affairs to make a detailed fuels and energy study and to report its recommendations during the 2-year life of the next Congress, beginning in January 1971 and extending to January 1973. No other means is known that can activate this vital effort without further lengthy delay.

The Interior Committee has primary jurisdiction in the Senate for fuels and energy policy, even though other committees have some degree of jurisdiction. With the requisite funding and with cooperation by other committees, and by the executive branch, our Interior Committee can effectively undertake the mission originally intended for the Commission proposed by S. 4092.

Senator JACKSON and this Senator are preparing a draft resolution for introduction early in the 92d Congress to authorize a fuels and energy study and for the development of policy guidelines. The draft resolution is patterned in substantial degree after Senate Resolution 105 from the 87th Congress, which authorized the last major study of this important segment of our economy undertaken by Congress. When the proposed resolution is completed it will be circulated for review and cosponsorship soon after the 92d Congress is convened and organized.

Mr. President, I commend the junior Senator from Washington (Mr. JACKSON) for his cooperation in seeking to launch an objective and far-reaching study and evaluation of the Nation's critical fuels and energy problems. As sponsor or active cosponsor of much of the Nation's important legislation on environmental protection and public resource development, Senator JACKSON is uniquely qualified to perform a major role in the review of existing policies and, where appropriate, the development of new national fuels and energy policies or policy guidelines.

Mr. JACKSON. Mr. President, I compliment the senior Senator from West Virginia (Mr. RANDOLPH) on his fine statement. I want to assure the chairman of the Public Works Committee and other Members of the Senate that I share his views on the critical need for an indepth review of the Nation's fuels and energy situation. I want also to state that this subject will receive the careful and considered attention of the Senate Interior Committee during the next Congress.

It is my view, after consultations with other committee chairmen and Members of the Senate, that the goals, purposes, and objectives of S. 4092 can best be achieved by a direct congressional study of the Nation's fuels and energy policies. As Members of the Senate are aware, the Nation's energy policies have important ramifications for the consumer, for the quality of our environment, for national security, and for our economy. Because of this I believe it is very important that the Congress be involved, with full opportunity for public hearings and participation, in any effort to review present policies and, where appropriate, the recommend new policies.

It has been 9 years since the adoption of Senate Resolution 105, which was sponsored by the senior Senator from West Virginia. In my judgment, it is time for Congress to exercise its responsibility and to undertake a study and review along the lines of that proposed by the Senator in S. 4092.

As the distinguished senior Senator from West Virginia has said, we are preparing a measure to authorize and to finance the fuels and energy effort by the committee of which I am chairman. Provision will be made for direct cooperation with other Senate committees and joint committees.

SENATE RESOLUTION 498—A CONTINUING RESOLUTION

Mr. MANSFIELD. Mr. President, I just heard the remark, "This is the first I have heard of this resolution," which will be presented at the desk shortly. I am delighted that that remark was made, because the joint leadership has tried to keep clear of all the interested people, so that what it did, it did on its own; and what the consequences are, it will accept as its own.

Mr. President, on behalf of the Republican leader and myself, I send to the desk a resolution and ask for its consideration.

The PRESIDING OFFICER (Mr. CASE). The resolution will be stated.

The assistant legislative clerk read as follows:

S. RES. 498

Whereas, the conference report on H.R. 17755 has been before the Senate for six days and the Senate has refused to limit debate thereon, and

Whereas, there is no likelihood that the Senate will be able to resolve this issue before the termination of the 91st Congress: Therefore be it

Resolved, That it is the sense of the Senate that the final disposition of funding for the development of the supersonic transport be deferred, and that the conference committee on H.R. 17755 be reconvened; and be it further

Resolved, That it is the sense of the Senate that the level of appropriations for the Department of Transportation for fiscal year 1971 be as prescribed in the conference report on H.R. 17755 with the exception of the funding for the supersonic transport which shall be continued at the level of $290 million per annum until March 30, 1971; and be it further

Resolved, That it is the sense of the Senate that prior to March 30, 1971, the Senate will have the opportunity to vote on the funding for the remainder of the fiscal year 1971 for this program.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

Mr. STENNIS. Mr. President——

Mr. JACKSON. Mr. President, reserving the right to object——

Mr. MAGNUSON. Mr. President, reserving the right to object, is this a unanimous-consent request?

Mr. MANSFIELD. Not unanimous consent.

The PRESIDING OFFICER. It takes unanimous consent to consider the resolution.

Mr. JACKSON. Reserving the right to object, Mr. President——

The PRESIDING OFFICER. The Senator from Washington reserves the right to object.

Mr. STENNIS. Mr. President, has a request been made for its immediate consideration?

The PRESIDING OFFICER. The Senator from Washington has the floor on his reservation.

Mr. JACKSON. I yield to the Senator from Mississippi.

The PRESIDING OFFICER. Is there objection to the Senator's yielding?

Mr. STENNIS. I thank the Senator.

I just ask whether there has been a request for immediate consideration.

Mr. MANSFIELD. For its consideration.

The PRESIDING OFFICER. Such a request has been made and is now pending before the Senate.

Mr. STENNIS. Reserving the right to object—I ask unanimous consent that I may yield to the Senator from Nevada. He has held the hearings.

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

Mr. BIBLE. Mr. President, if the Senator will yield——

Mr. JACKSON. I yield.

Mr. BIBLE. This is the first I have seen of this resolution. I do not know what the full import or the full impact of it is. I certainly think we are going to be required to study the resolution. As I understand it, however, it still puts us back into a rather direct confrontation with the House of Representatives. We have found the House to be unyielding to date.

We are looking for the various alternatives to work this out. We met, in accordance with the request or directions of the distinguished leaders of both the majority and the minority. We conferred further with our counterparts on the House side. I could not see that there was any give in their position. The House feels that if the conference report is agreed to, it goes to the White House. If it is rejected, it will result in the appointment of new conferees, and we would seek a further conference. It seems to me that that is the orderly procedure by which we must attempt to come out of this impasse.

I would say to the distinguished Senator from Mississippi that my impression is that this proposal does not move us very much farther down the road, because it still does not bring us to grips with the problem with our counterparts on the House side.

I believe that this does not get at the problem. The conference report should be voted up or down. If it is rejected, a new conference can be called for, and new conferees or the former ones can go back into conference with the House of Representatives. Every indication we have had so far is that after that we will be right back where we are. We have done our best to try to work out a solution, but so far we have hit an impasse, or at least a rather unyielding attitude on the part of the other body.

Mr. JACKSON. Mr. President——

Mr. STENNIS. Mr. President——

Mr. PASTORE. Mr. President, reserving the right to object——

Mr. JACKSON. I have the floor.

The PRESIDING OFFICER. The Chair has the control of the time, if the Senator will permit the Chair to make that observation. But the Chair wants to be agreeable to everyone and wants to hear everyone, within reason.

Does the Senator from Mississippi have something to say?

Mr. JACKSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. This is on a reservation, but the time is under the control of the Chair.

Mr. JACKSON. Is the reservation still in effect?

The PRESIDING OFFICER. The Chair considers it still in effect.

Mr. STENNIS. Mr. President, if I may be recognized, I reserve the right to object, and I shall be quite brief.

I have no complaint whatever about this resolution. I want to make that clear. But, as one conferee, I certainly was not consulted about it. I think that is correct, also, of the Senator from Nevada. I am not certain.

Mr. BIBLE. I think the majority leader will indicate that.

Mr. MANSFIELD. No one was consulted except the leadership.

Mr. STENNIS. It is new, and I can give my reaction quickly.

As a procedural matter, I do not believe that this is a correct approach, at this stage, for the House. There is a reference in the resolution to a continuing funding of the SST until the end of March. That is a matter that would have to arise in the House. They would pass on that, it being in the nature of an additional appropriation bill; and, under their prerogatives, it would have to originate there. Certainly, they should be consulted fully about a matter such as this before the Senate agrees to a sense of the Senate resolution.

It is contrary, I respectfully submit, to the procedure and to the way to persuade them to do something different from their present position. So I strenuously object, Mr. President. Until this thing has sunk in and is understood in the House more than it is now, I object to its immediate consideration.

The PRESIDING OFFICER (Mr. CASE). Is the Senator from Mississippi objecting?

Mr. STENNIS. Yes, Mr. President.

Mr. PASTORE. Mr. President, are we going to be able to say something, too?

Mr. JACKSON. I have not said a word yet.

Mr. MANSFIELD. I want to reiterate again that the joint leadership deliberately kept this away from the conferees who were carrying on the meetings to see if some solution could not be achieved. We did so, so that they would be perfectly in the clear on what they have all said about not being consulted; and they are absolutely correct. But I repeat, that was a deliberate move on the part of the joint leadership.

So far as the rights of the House are concerned, may I say to the Senator from Mississippi that they have not been infringed on one bit. This is a sense of the Senate resolution, an attempt on the part of the leadership to face up to a difficulty which seems to be almost impossible to solve at the present time. The clock is running out. We think that this is the proper procedure. We think that the Senate should have the right to express itself, if it so desires, on a compromise proposal which I believe goes a long way toward meeting the objections on both sides, with the only limitation being a limitation on time.

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

Mr. MANSFIELD. Yes, indeed.

Mr. JACKSON. Is this resolution not the same as the previous proposal of the

Senator from Wisconsin (Mr. PROXMIRE) except for the difference of 30 days?

Mr. MANSFIELD. I do not know. If the Senator from Wisconsin is in the Chamber, I would appreciate his answer to that on the basis of time and amount.

Mr. PROXMIRE. No. This was not the proposal of this Senator. We discussed several alternatives. The $290 million amount was never at any time, to my knowledge, considered, that we would go that far. The date was certainly not in mind. We did have the notion that there would be some kind of continuing resolution.

Mr. JACKSON. Was it $285 million in your proposal instead of $290 million?

Mr. PROXMIRE. No. What we were discussing was the possibility of having funding for the SST at a rate—the Senator from Illinois might help me on this.

Mr. BIBLE. $20 million.

Mr. PERCY. May I reply to that? If the Senator from Montana would yield——

Mr. MANSFIELD. I yield.

Mr. PERCY. We have an understanding between us that we would not discuss any proposal, one proposal against another, but if my colleagues will free me to do it, I shall be happy to do it.

Mr. MANSFIELD. We have had no idea——

Mr. PERCY. I did not know about the resolution until it was handed to me this moment.

Mr. JACKSON. I would like to ask the Senator from Nevada (Mr. BIBLE) or the Senator from Mississippi (Mr. STENNIS) what the proposal was. We should know exactly what we are talking about now, in view of the fact that the Senate is discussing this continuing resolution, and in view of the fact that this is now contained in the resolution.

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

Mr. MANSFIELD. I yield.

Mr. BIBLE. It has not been contained in the resolution. It has been thoroughly aired in the newspapers. I read it Sunday morning myself. I thought we had come to an agreement. It was pretty well aired around. I do not think it is any violation of what we are attempting to do. We are attempting to get this resolved. One possibility we considered was funding it for an additional 2 months at the rate of $24 million a month. I think that is correct, that this—for 2 months—was proposed. That was proposed and there was also a proposal with the possibility of funding it for 3 months.

This is all in the area of the agreement. The resolution is in the same rough area of the agreement we had, give or take $1 or so.

Mr. PROXMIRE. I believe it would be unfair to characterize this as a proposal of the Senator from Wisconsin or the Senator from Illinois, or the Senator from Mississippi, or the Senator from Nevada. This was something that we discussed as an alternative in our sponsorship of this, as alternatives available but not identified with any party to the conference. Is that correct?

Mr. BIBLE. It was discussed in friendly fashion. The figures went back and forth. There was no firm agreement, nothing of a binding nature. It was to arrange an attempt to get out of this impasse.

Mr. SCOTT. I think the trouble is that the Senate is drowning in amity.

Mr. BIBLE. It may be. We are also trying to bear in mind that we have counterparts on the opposite side of the Capitol; trying to keep that in mind as well, so that we can try to work ourselves out of this dilemma.

Mr. MANSFIELD. Will the Senator from Nevada yield to the Senator who has the floor?

Mr. BIBLE. I yield. [Laughter.]

Mr. MANSFIELD. It is my understanding that this was one of the reasons for the resolution at this time, that it has been well nigh impossible to get together with the House on this particular matter. We have got to break out of it some way or allow the appropriation bill to die at midday on January 3, 1971.

Let me emphasize again, as the members of the conference have, and as the two most interested Senators have, that it was deliberately kept away from everyone so that no one would be involved, so that no one knew anything about it, have any blame, any credit, or any responsibility.

Mr. SCOTT. Mr. President, I would like to make a brief statement, that this is a joint resolution, therefore a resolution offered on the responsibility of the leadership, one of whom has one point of view in the matter in controversy and the other is on the other side of it. So we are not prejudging the matter. The majority leader and I would vote differently on this. But we were prepared, before the Senator from Rhode Island raised certain points this morning, to consider a course of action which led to this because, as the Senator from Rhode Island said this morning, the obligation of the leadership is to try to solve the unsolvable, to try to surface some kind of solution. We have done it. In doing it, we have said to Senators, if you do not like this proposal, you can do another one. But we think this is the fairest, because we are opposed to each other if it comes to a vote. The only thing the leadership can do here is to point up that there has got to be a solution to every legislative problem, and this is one which we propose.

Mr. PASTORE. Mr. President, I applaud the leadership's taking the leadership on this question. We are at an impasse. All we are getting are words, words all over again and words again. Sometimes we reason that both sides are severely polarized and we have got to break the logjam. We do not alone have just the transportation appropriations bill. We have the family assistance plan. We have social security. Millions upon millions of Americans are finding it hard to get along, especially at this time of the year. They have been promised a little bit of an increase and we have not considered that yet. Then we have the continuance of the extension of the excise tax. We have all this to take care of and only 6 days left in which to do it.

The big question is, What do we do about it? As I suggested some time back, the Senate resolution is a continuing resolution and whether we like it or not, we cannot go on forever, because the leadership has a tremendous responsibility, and I want to applaud them for it. I think that if this comes up, I will vote for it. This is one time I think all of those who are philosophically opposed to cloture should vote for it. One of the troubles is that those who are for the SST have a very strong conviction about voting for cloture. That is why we are stagnating here, because we cannot get cloture, because of the philosophical convictions of some Senators who, at the same time, are for the SST. That is the maze we are in.

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

Mr. PASTORE. Wait until I get finished, please.

Mr. SCOTT. That is very fair. [Laughter.]

Mr. PASTORE. If we are going to break this impasse, we have to do something and I want to repeat that this is one time when the leadership stood up and proved their quality.

Mr. MANSFIELD. Mr. President, before I yield to the Senator from Washington (Mr. JACKSON), may I say that the Senate has had a chance to vote twice on cloture. I think that the Senator from Rhode Island has put it correctly when he said that even this procedure causes difficulty because 11 to 14 of those who voted against cloture are those who would vote for the pending conference report.

Then we have this particular procedure to follow. We then have the question of tabling on the question of acceptance.

There are no other weapons that I know of. What we are trying to do is to use them to bring this to a head.

Mr. President, I yield to the Senator from Washington.

Mr. MAGNUSON. Mr. President, there is one other motion that the leadership could make. They could make a motion to vote on a day certain on the conference report and the Senate could do something.

Mr. MANSFIELD. Mr. President, I would be glad to vote on a day certain.

Mr. PASTORE. They would filibuster that.

Mr. MAGNUSON. I understand that. What we are trying to do is to get a vote.

Mr. PASTORE. Let us not encourage any further filibusters.

Mr. MAGNUSON. They will not be voting on the conference report. They would be voting on whether to vote a day certain.

Mr. MANSFIELD. I would be glad to vote on a day certain. What date would the Senator suggest?

Mr. MAGNUSON. Any day. New Year's Eve, if the Senator wants.

Mr. JACKSON Mr President, I just want to make two observations. There has been a lot of discussion in the press about the House position on this matter. I have talked with GEORGE MAHON, the distinguished chairman of the House

Committee on Appropriations, with whom I had the privilege of serving when I was in the House. He called me and wanted to make it very clear that the House intends to stick by the House rules.

I pointed out that the pending resolution, of course, has as its effect the changing of the rules of the Senate, because it would again attempt to direct the conferees to follow the mandate of this resolution, when the rules of the Senate provide, as every Senator knows, that we must vote up or down on the conference report before we can move in that direction.

The other side is exercising all its rights under the Senate rules and has insisted that the rules of the Senate be followed. I think that in fairness we are at an impasse. The House has made it abundantly clear that if we go back to conference they are not going to budge from their position. They are opposed. I am authorized to say this. They are opposed to breaking out any one item and acting on that item without regard to the rest of the bill.

That is the position of GEORGE MAHON, the chairman of the Appropriations Committee. He made it very clear. He called me, I did not call him. There should be no misunderstanding on that point.

Obviously the answer to this impasse is to vote cloture so that we can get a vote on the conference report and vote it up or down. This is what we have been trying to do for some time.

Mr. MANSFIELD. Mr. President, I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, if the Members of the Senate noticed a few minutes ago, the majority leader was smiling out loud. I think that was perhaps because I passed him a note stating that the conferees have agreed upon an excellent food stamp program for the next 3 years.

I did vote against the SST. I voted against both cloture motions, but not for the reasons that many others opposed it.

I would very gladly vote to see everyone in the State of Washington or in any other State kept on the job for the indefinite future. But I do not believe that the way to cure an extended recession which we might call the situation which we are experiencing at the present time, with so many people being laid off, is to put several hundreds of millions of dollars into any one or any half dozen giant organizations, whether they be railroads or manufacturing plants.

I believe that we have to restore prosperity from the ground up and need a national policy which is applicable to all industries, large and small.

I know it is not easy to work out, but it can be done and it ought to be done.

I think that the majority leader has now offered a proposal which I can support. We know perfectly well that the SST is not going to be flying over Washington, D.C., before the 1st of April. In the meantime these people will be kept employed and we will have time to decide what to do for the future.

I want to say that having voted against the SST in every way up to this time, I am willing to vote to keep the men in the scientific community employed for the next 3 months until we have had a chance to see what we can work out. But I want it understood that by so doing I am not giving approval for continuing my support for the development of this giant plane beyond that time.

Several Senators addressed the Chair.

Mr. MANSFIELD. Mr. President, I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I would like to join with the Senator from Vermont (Mr. AIKEN). I voted against both cloture motions. I voted against the SST. The realities of the situation to my mind always dictated this to be a business and economic decision.

The suggestions made by the leaders are essentially the suggestions of the Senator from Rhode Island (Mr. PASTORE) as to how the matter ought to be settled.

I speak because I think it is important. As I said the other day, so that people do not get the wrong impression about the votes on cloture, I point out that I want to see this matter settled. I think the great majority of the Senate wants to see it settled.

I will support the leadership resolution.

I would suggest this for the consideration of the Senator from Washington (Mr. JACKSON). He can still block it. I am advised that we could table the conference report. We could then ask for new conferees and then instruct the conferees and they would go to conference with the House conferees and bring back a new conference report. In that way every rule can be observed. Any Senator could still kill it. We are not trying to override the rules. We can do it in accordance with the rules.

Mr. MANSFIELD. Mr. President, I yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I move that the Senate vote on the resolution at 2 p.m. on Tuesday, December 29; and I ask for the yeas and nays on the motion.

Mr. JACKSON. Mr. President, a parliamentary inquiry.

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

Mr. JACKSON. Mr. President, is the motion of the Senator from Pennsylvania to vote on the Senate resolution in order at this time?

The PRESIDING OFFICER. The motion of the Senator from Pennsylvania is not in order at this time.

Mr. SCOTT. Mr. President, I withdraw the motion temporarily. It was made for the purpose of indicating a willingness to fix a date on which to vote. It is not in order at this time.

I may renew the motion later, but I would like the Senator to consider the desirability of voting at 2 o'clock, Tuesday, December 29.

Mr. STENNIS. Mr. President, what is the pending matter before the Senate?

The PRESIDING OFFICER. The pending matter is still the adoption of the conference report.

THE SST

Mr. DOLE. Mr. President, I should like to return to my remarks of yesterday regarding the letter sent to the Speaker of the House and the President of the Senate, dated June 14, 1963, signed by President Kennedy, with reference to the SST. This touched off a colloquy involving the Senator from South Dakota (Mr. GOVERN) the Senator from Wisconsin (Mr. PROXMIRE) and me which deserves your further consideration.

I asked the Senator from South Dakota what change had occurred since 1963, now that we had invested some $700 million in a program initiated by the late President Kennedy, that we should now turn our back on the program.

The Senator from South Dakota suggested that we know a great deal more about the problems of the environment today than we did in the early 1960's but he failed to state one environmental fact—one kernel of evidence—that would cause reasonable men to take the drastic action he proposes against the SST program. He also suggested that gross national product and matters associated with balance of payments were overriding considerations in the early 1960's, inferring that they are not important today.

Mr. President, I suggest that gross national product and balance of payments matters are just as important today as they were on June 14, 1963. In fact, in many ways such as our current high unemployment, the reasons for continuing today are more evident than in 1963.

The Senator from South Dakota stated that he does not want to suggest that for all time we ought to dismiss the possibility of building the SST, but he thinks that we ought to slow down this project, postpone it for the time being until we have more answers to the environmental concerns.

The approach to the SST program is aimed at exactly what the Senator suggests. Build prototypes and test them extensively before allowing production. This is the only sure way to ascertain that environmental questions are answered. At this point in time the two prototype aircraft are actually in initial construction. About 14,000 people are now on the payroll to accomplish this job. This team has been assembled with great care and represents the finest aviation talent in the world. It is, of course, impossible to hold this team at a standstill, and it is equally impossible to disband it and at a later date try to reform it without incurring tremendous expenses.

The time to make the determination of whether the SST should be put into fleet-wide service is when the prototype airplane has demonstrated not only its environmental effects, but also its economic viability. That is the time to judge the program. Many people today have already made judgment against the SST. In essence they are judging the plane guilty before the trial.

No scientist has suggested that the two prototype aircraft will, in themselves,

have an adverse effect on the environment. The Government's plan is to complete these two prototypes and enter them into an extensive flight test program while simultaneously implementing a comprehensive environmental research program to answer the unknowns concerning supersonic fleet operation impact on the environment.

The flight test program and the environmental research effort will be structured so as to provide answers needed to make the decision concerning the production of the U.S. SST before such production effort is initiated.

The prototype aircraft will be particularly beneficial as a testbed for noise reduction devices with potential application to the production model. Engine installation effects, and aircraft performance characteristics can best be determined by installing suppression devices on the prototype aircraft. In other words, the most conclusive answers concerning noise suppression devices can best be obtained by flying the two U.S. SST prototype aircraft.

To delay the development of the prototype aircraft would have little or no effect on the world's participation in supersonic flight. Foreign SST programs are entering the production phase. The simple fact is that the age of supersonic flight was ushered into the world over 20 years ago and with or without U.S. participation, this form of aviation will continue and increase.

I agree that if there is any possible detrimental effect on the environment from supersonic flight, the United States should take the leadership in making this determination. But this can be done simultaneously with the completion of the U.S. SST prototype endeavor, thus reducing the risk of losing our country's leadership in commercial aviation in the 1980's; maintaining the SST team intact and most economically achieving an American aviation objective started ten years ago.

The Senator from Wisconsin has suggested that all of the supersonic R. & D. questions could be answered by tne operation of military aircraft and engines already available.

Military aircraft can certainly fulfill a valuable supporting role, however, much extrapolation and lack of conclusiveness will degrade this scientific endeavor if the SST prototype aircraft are not also available.

Mr. President, there are no Department of Defense programs to develop any aircraft resembling the SST prototypes. In the mid 1950's, requirements for military aircraft and those for commercial transports took different paths. Our military needs centered on supersonic dash capabilities, rather than a sustained supersonic flight as we see in the SST. Also, military considerations rather than passenger comfort and economy of operation have, necessarily, dictated the design of DOD aircraft. Any attempt to use only military supersonic aircraft to test the environmental effects of commercial supersonic transports would be of limited value.

The Secretary of Defense recently indicated that current military aircraft programs are not adequate to demonstrate the problems of commercial supersonic operations. In July of this year Secretary Laird stated:

> There are clear national advantages to the further development and growth of aeronautical technologies such as titanium, propulsion, operational techniques, etc., that are inherent in supersonic cruise vehicles such as the supersonic transport, and which are currently not available elsewhere in the free world.

It is because of these reasons, that, for the past 9 years, three administrations—two Democratic and one Republican—have decided to fund the SST development effort.

With the much valued help of the DOD, as well as that of the entire U.S. scientific community, the DOT has assembled a research program aimed directly at filling these gaps of scientific knowledge related to the environmental impact of supersonic flight operations. This program, to be conducted concurrently with the construction of the two SST prototype aircraft, will provide the United States with the needed additional environmental knowledge required to assure that the age of supersonic flight will have no significant adverse effect on the world environment.

SOCIAL SECURITY AMENDMENTS OF 1970

Mr. MANSFIELD. Mr. President, if I may, I ask unanimous consent in accordance with the agreement reached some days ago that the Senate resume the consideration of Calendar No. 1443, H.R. 17550.

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

The assistant legislative clerk read as follows:

> H.R. 17550, a bill to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

The PRESIDING OFFICER. Without objection the Senate will continue with the consideration of the bill.

The Senate will be in order. The majority leader cannot be heard.

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

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

The legislative clerk proceeded to call the roll.

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

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

Under the previous order the Senator from Delaware is recognized.

Mr. WILLIAMS of Delaware. Mr. President, I am going to make another effort to see if we can get this particular bill off dead center.

Mr. TALMADGE. Mr. President, we cannot hear the Senator.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Delaware may proceed.

Mr. WILLIAMS of Delaware. Mr. President, I am going to make another effort to see if we can get this bill off dead center and to a point where the Senate can vote either up or down on various provisions in which we are interested.

There is no question but that there seems to be quite a bit of controversy on this bill.

Mr. President, may we have order?

The PRESIDING OFFICER. Senators will be seated. The Senate will be in order.

The Senator may proceed.

Mr. WILLIAMS of Delaware. Mr. President, since no one is interested, perhaps this is a good time to present the unanimous-consent request.

The PRESIDING OFFICER. What is the request?

Mr. WILLIAMS of Delaware. I thought I would get silence if I made that suggestion.

The Senator from Pennsylvania appears ready to object, but I hope he will not object when the request is presented.

We have a problem here where there is considerable discussion and controversy about whether the Senate should or should not agree to the family assistance plan. There is also a controversy with regard to the trade agreements.

I am going to make the suggestion that we delete titles III, IV, and V from the bill, which deal with trade, the catastrophic insurance, the welfare amendments, and also delete the Ribicoff-Bennett amendment and the Scott amendment and the Talmadge amendment, which I offered for the trade agreements. That would strip the bill down to titles I and II. Title I is social security and cash benefits and title II provides revisions in medicare and medicaid. If we would strip the bill down to those two titles we could get this bill enacted this afternoon. We could soon dispose of the social security section and on Monday the medicare and medicaid section and take the bill to conference. This would get these social security increases out to the public at an early date.

If the proposal is to be successful it would be necessary to have a gentleman's agreement that these controversial matters now being deleted will not be submitted as a part of the revised bill, because if one of them is submitted the others will be submitted, and we will be back where we are now.

If that is done we could ask unanimous consent to consider the amendments in titles I and II en bloc for the purpose of procedure, and they could be considered as original text for the purpose of amendment. Further, I would agree to limit the time on all amendments to 1 hour.

I do not know whether we could get such an agreement, but there must be a recognition of the fact that this bill will not become law as long as the trade

sections and guaranteed annual income features are added to it. In the meantime, a lot of people who are hoping for an increase in social security benefits are going to be disappointed.

I am wondering if the Senator from Pennsylvania could go along with such a proposal.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. SCOTT. I would say, first, to the Senator that I would like to read to the Senate a letter of today's date addressed to Representative GERALD R. FORD of the other body. This may help answer the Senator's question. The letter states:

DECEMBER 22, 1970.

Hon. GERALD R. FORD,
U.S. House of Representatives,
Washington, D.C.

DEAR JERRY: In response to your question about my attitude toward the Social Security legislation now stalled in the Senate, be assured that I favor quick enactment.

Some Senators contend that Social Security legislation cannot be salvaged in this Senate unless welfare reform, appropriation bills and other vital measures are sacrificed. I am not yet willing to concede the Senate's indifference or impotence. I have urged the Senate to bring to vote all of this important work that lies before it. There is still plenty of time to do what is necessary before January 3.

Should the Senate be unable or unwilling to adopt these vital measures by then, I will resubmit the Social Security benefit increases and welfare reform, along with the other key bills that remain unenacted. And I will propose that the Social Security increases be retroactive in their effect to January 1, 1971, so that no Social Security recipient is harmed by the Senate's failure to act.

Sincerely,

———.

Under the circumstances whereby the President has made clear his desire for the inclusion of welfare reform and social security, and the feeling we should act on both, I have not, of course, lodged any objection at this time but I would wait until the Senator submits his proposal.

Mr. WILLIAMS of Delaware. I will submit it as a unanimous-consent proposal because it is always gratifying to find the Senator supporting the President, and I would not want to let this session of Congress go by without giving him that opportunity.

Mr. SCOTT. The Senator knows I support the President about as often as any Member of the Senate, and I cite the Congressional Quarterly as evidence of that.

Mr. WILLIAMS of Delaware. I am well aware of the Senator's record. He always votes with him when he thinks the President is on his side.

Mr. SCOTT. When the President is right, which is the largest part of the time.

Mr. WILLIAMS of Delaware. Seriously, I think this proposal is the only logical solution. As the Senator from Connecticut will confirm, I supported him before on a series of unanimous-consent requests to limit debate. I would like to see this matter voted on, up or down—all features of the bill.

As the Senator from Connecticut knows, I am opposed to the pending Ribicoff-Bennett amendment, and I expect to vote against it. However, I have no objection to the Senate voting, and I shall abide by the decision of the Senate.

Mr. President, I ask unanimous consent now that the time on all amendments in this bill be limited to 2 hours and that time on the bill not exceed 4 hours with the time equally divided. I ask unanimous consent that we start voting, that the amendment of the Senator from Connecticut be the first amendment voted on, and that we vote on all amendments to amendments, up or down, at this session.

The PRESIDING OFFICER. Is the Senator from Delaware now proposing that as an unanimous-consent agreement?

Mr. WILLIAMS of Delaware. I withhold it now, but I am going to propose it.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. RIBICOFF. Mr. President, will the Senator agree that we vote on the Ribicoff-Bennett proposal under the unanimous-consent request at 5 o'clock Tuesday, December 29?

Mr. WILLIAMS of Delaware. Why wait until Tuesday? Is the Senator afraid to vote tonight? We could vote in 2 hours.

Mr. President, I ask unanimous consent that time start running immediately, that there be a time limitation on all amendments, including the Ribicoff amendment, of 2 hours, and that there be a limitation of time on all amendments to amendments.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. JAVITS. Mr. President, obviously the Senator knows he will get no such unanimous-consent proposal agreed to.

Mr. WILLIAMS of Delaware. I am an optimist.

Mr. JAVITS. I am sorry. I have the reservation. The Senator knows that he will not get such a unanimous consent. On the other hand, the suggestion of the Senator from Connecticut (Mr. RIBICOFF) is an excellent one. If the Senator from Delaware wishes to get a vote on the Ribicoff amendment, I do not think anyone is afraid to do so. With respect to the Senator's proposal, I have no objection to voting today on the Ribicoff-Bennett amendment, but the Senator knows very well when he wraps it up with everything else, it is going to be objected to; and so if necessary, if the Senator insists on pressing his request, I will object.

Mr. President, I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. WILLIAMS of Delaware. Mr. President, I presented this proposal in good faith. I realize that one amendment at a time could be taken up, and we could get consent on it if every Senator agreed. On the other hand, we are not going to get anywhere unless we get consent to all of them. I think that is perfectly proper procedure.

Under this agreement the very first rollcall vote would be on an amendment to which I have very strong objections and one on which I will do everything I can to urge the Senate to defeat. I am willing to have that as the very first vote. I do not know what more one could offer.

Since there has been an objection there is another possibility. In the parliamentary situation in which we find ourselves, the Ribicoff amendment, much to his regret, is not subject to amendment. The Senator from Iowa has amendments which he would like to be considered and thinks they should be. The Senator from Oklahoma has amendments which he would like to offer.

Since I cannot get consent to the first request, I ask unanimous consent that we eliminate from the pending bill the Ribicoff-Bennett amendment and the Scott amendment and the trade amendment which I offered on behalf of the Senator from Georgia (Mr. TALMADGE). That would leave the bill—if the Senator from Pennsylvania will just wait a minute before objecting because it is like introducing amendments without reading them; sometimes it is disastrous to object before one knows what is being asked.

That is the first part of the proposed agreement.

The second part would be to consider all the committee amendments en bloc and treat the bill as original text. Then it would be open to amendment.

I would be willing to go along with that, with the further proviso that the Senator from Connecticut (Mr. RIBICOFF) be recognized first, in order that he may offer his family assistance amendment. It would then be the pending business before the Senate and would be subject to amendment by the Senator from Oklahoma or the Senator from Iowa, or whoever else wanted to offer amendments. Then we could vote on them. That would be proper procedure. I would be willing to enter into a time limitation on these amendments.

I have discussed this matter with the Senator from Connecticut. This is not taking his amendment down. It is only taking his amendment down temporarily, and he could again offer it to any part of the bill. In that manner we would get to a vote. His amendment would be the first to be offered and could be put anywhere in the bill. Then we could proceed in an orderly manner.

I would be perfectly willing to present that combined package as a unanimous consent request, all with the provision that the Senator from Connecticut be the first Senator to be recognized.

I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, there are millions of people in this country who are almost wholly dependent for their welfare and happiness on their social security checks. There are presumably hundreds of thousands of others who are desperately in need of medicare benefits, of which the Senator from Delaware has spoken.

I do not think it is a good Christmas present for those people to tell them that we are going to insist on a situation in the Senate which denies them even a little bit of help which we could give them to enable them to enjoy life a little more and to enjoy a little better health

when we vote on the request of the Senator from Delaware. I think I would be ashamed to object to it.

Mr. RIBICOFF. Mr. President, I wonder if we can make it clear and whether the Senate understands what the proposal of the Senator from Delaware is. I would like to have it made clear.

My understanding is that the Senator from Delaware proposes that we withdraw both the Williams and Talmadge amendment, the Scott and Ribicoff and Bennett amendments, that all the committee amendments be adopted en bloc, and that the bill be considered as original text; that at that stage the Ribicoff-Bennett amendment will be the first amendment to be offered to the bill; and that then, of course, since it is in the first degree, that it will be subject to amendments from the floor; that a time limitation be agreed upon on all amendments to the Ribicoff-Bennett amendment and a time limitation on the Bennett-Ribicoff proposal. There will be definitive votes on all those amendments.

That is the only limitation the Senator has in mind at this point.

Mr. WILLIAMS of Delaware. Mr. President, I would have no objection to such a limitation if we could get it. The Senator from Connecticut has outlined it correctly. I repeat, in this consent we would withdraw both the Williams-Talmadge and the Ribicoff-Bennett-Scott amendments. That would leave the bill at that point as reported by the committee. Then we would agree to all the committee amendments en bloc and treat them as original text for the purpose of amendment. Then at that point, as part of the same request, the Senator from Connecticut would be recognized to offer the Bennett-Ribicoff amendment, or whatever amendment he wished, as a substitute for part of the bill or as an addition to the bill, and to offer it in any manner or at any point he wished. In that way we could proceed to a vote.

As far as I am concerned, the agreement could provide that the Senator from Oklahoma would be the next one recognized to offer an amendment. I do not care who offers the amendment, but let us get to voting on it.

I think the Senator from Oklahoma has an amendment. I know the Senator from Iowa has an amendment.

I repeat, so that we can get started, I would be willing to have it understood that included as a part of the agreement is the understanding that after the Senator from Connecticut offers his amendment, the next amendment will be that of the Senator from Oklahoma. I do not care who gets the floor after that. I just mentioned the Senator from Connecticut so that he would know he would have the first opportunity to offer his amendment.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. CURTIS. Is the Senator offering a time limitation on all amendments to be offered?

Mr. WILLIAMS of Delaware. No. That request was objected to earlier.

After the Senator from Oklahoma offered his amendment he might ask for consent to vote on it in 30 minutes or an hour. Or at that time we may get a broad, general agreement. That would be all right. If we tied it up this far we would at least have it before us in an orderly manner.

The Senator from Connecticut has repeatedly pointed out that if we are going to vote on his proposal it should be open to amendment. The Senator from Oklahoma and the Senator from Iowa have amendments; I do not know of any other Senator who has an amendment.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. RIBICOFF. First, I would like to make a preliminary comment that I have known right along that the Senator from Delaware has been violently opposed to the family assistance plan. He has been consistent in his opposition. Right from the start he has said he would not stand in the way of a vote on the family assistance plan. He was not going to filibuster. He agreed to have a vote. He wanted his position explained. He wanted other Senators to have an opportunity to explain their positions.

I have never felt such a sense of self-righteousness that I thought the Bennett-Ribicoff amendment had to be adopted word for word as submitted. I have always felt that other Members of this body should have the opportunity of offering amendments to this complicated proposal.

I wonder if I could make inquiry of the two Senators who I know have definite amendments. I do not know about other Senators, but I know the Senator from Iowa and the Senator from Oklahoma have a series of amendments to offer. Would there be a willingness on their part to have a time limitation on their amendments to the Bennett-Ribicoff amendment, under the request made by the Senator from Delaware?

Mr. HARRIS. Mr. President, will the Senator from Delaware yield, so that I might respond to that?

Mr. WILLIAMS of Delaware. I yield.

Mr. HARRIS. May I say that I think the idea of making the committee bill original text is the way to move on this measure, as I have said earlier, and I hope we may be able to agree to do that. I certainly would be willing to have a limitation of 30 minutes, 15 minutes to a side, on the amendments which I wish to offer, because I am anxious that we get an up-or-down vote on the welfare reform proposal in amendable form.

So I would be willing to agree to any such time limitation. I can speak only for myself; there may be others who want to be heard on the question of time, but I would like to see this bill made original text for the purpose of amendment, and, at least on the welfare proposal and social security, the medicare and medicaid proposals, child care, and the health insurance and catastrophic illness proposals, have some time limitation.

Mr. MILLER. Mr. President, will the Senator from Delaware yield so that I may respond?

Mr. WILLIAMS of Delaware. I yield to the Senator from Iowa.

Mr. MILLER. Mr. President, I have only one printed amendment, but, as I think the Senator from Connecticut knows, I have three or four others, at least, that I would like to offer.

I stated the other day just what the Senator from Oklahoma has said, that the way to proceed on this matter, in my judgment, was to have a time limitation. I think it might be better not to have a uniform time limitation, because some of these amendments would require longer discussion than others; but I certainly would be most happy to join in any agreement on an ad hoc basis, preferably to have a time limitation.

The Senator from Connecticut says that he would like to have this time available and the opportunity available, and yet it was my understanding that the other day when the Senator from Pennsylvania filed a technical amendment, the Senator from Connecticut and the Senator from Utah were the ones who put their amendment on that technical amendment and locked it up.

Mr. RIBICOFF. That is right.

Mr. MILLER. And that was with full knowledge, as I understand it; it was planned, and without consultation of others of us who have amendments, certainly not with me and I know without consulting with at least one or two others who have amendments.

I am pleased that there has been a little reassessment of the matter. I am not going to be a dog in the manger about it. I want to see progress made. But I just think that, in fairness I should point out that the mess we are in now has been made, made deliberately by those who filed the technical amendment and the amendment to it.

I am willing to go along notwithstanding that, and work out an agreement, but let us all very clearly understand that we are in this mess because of a deliberate act. There was nothing accidental about it at all.

Mr. RIBICOFF. Mr. President, may I respond?

Mr. WILLIAMS of Delaware. I yield to the Senator from Connecticut.

Mr. RIBICOFF. There certainly was not anything accidental. It was deliberate, and the reason why it was done that way was that we did not get a unanimous-consent agreement on the original proposal made by the Senator from Delaware; and the Senator from Delaware, on a parliamentary basis, has introduced his amendment, and a filibuster was going on that amendment.

The Senator from Utah, the Senator from Pennsylvania, and I realized that unless we followed this procedure, we would never get a vote on the family assistance program, because we would have a filibuster on the trade provision. I deplored it, but we had no other alternative than this procedure to bring the family assistance program before the Senate as the pending order of business. We did this deliberately; yes.

Mr. WILLIAMS of Delaware. Mr. President, I find no fault with the procedure followed by the Senator from Connecticut. He followed the Senate rules which apply to all of us.

But I suggest that we not spend time talking about what happened in the past. We know what happened. Let us talk about where we are and what we can do. We are tied up in a confused mess here, let us face it. If we are not going to reach any agreement we might as well lay the bill aside, because everyone in this Chamber knows it is not going to be voted on unless we can get some such agreement. I am just trying to get it to a vote.

I have no objection to a vote. I have never been so conceited as to think that I alone am right and everyone has to agree with what I say. I just wanted Senators to be afforded an opportunity to listen to a little of what I have to say, and let me at least get it off my chest. They have, and I think that now an orderly procedure would be to start voting on the entire bill.

Let us vote on the various proposals, either up or down.

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

Mr. WILLIAMS of Delaware. I yield for a question.

Mr. MILLER. I know the Senator from Delaware is trying very hard to help the Senate untangle itself. But suppose that the unanimous-consent request that he is proposing to present is agreed to, and then suppose the Senator from Connecticut goes ahead and presents his amendment, and then amendments to the amendment are offered—and there can be a good many of them—and along about next Tuesday or Wednesday, we have wound up the action on the family assistance plan. What do we do then? There are Senators here who are very much interested in the trade amendment. Where would we go at that point?

Mr. WILLIAMS of Delaware. Mr. President, if the Senator will just withhold that I shall tell the Senate where we shall be next Wednesday. We shall be getting ready for a New Year's dinner, but let us think about Christmas dinner right now. I would like to at least get started on this bill. If we can get that far we shall be farther than we are now, and we shall be farther than we are going to be if we do not get this off dead center.

Mr. President, I am going to make my unanimous-consent request at this time, and I want the Senator from Connecticut to follow it.

First, I ask unanimous consent that both the Ribicoff amendment and the Scott amendment, the Williams amendment, and the Talmadge amendment be deleted from the bill, and following that deletion and as a part of the unanimous-consent request, that the remaining committee amendments—which would just be a stripped bill, with nothing but committee amendments—then be agreed to en bloc, and that, for the purpose of further amendment, it be treated as original text in the bill; and that after that, the Senator from Connecticut be the first one to be recognized, where he can present his amendment, and that he have the authority, at the conclusion of his speech and the presentation of his amendment, if he wishes, to yield to the Senator from Oklahoma to present an amendment to his amendment. He can do that, and we will at least be off to where we can vote up or down on something.

If the Senator from Oklahoma does not have his amendment ready, the Senator from Connecticut can yield to whomever he pleases to present an amendment, and at least we would be voting.

I ask unanimous consent that this be done en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, reserving the right to object, I have been waiting patiently for the Senator to yield, because this is exactly the path we traversed the other day, and I shall object, and do object, if that is needed right now, for this reason, if I may just explain the point:

The prospect of a vote on the family assistance plan is delightful, but it does not mean anything to the poor unless something is going to happen on the bill, as the Senator from Iowa properly pointed out. Everyone knows—I am not going to say the Senator from Delaware knows, because that is his business—but I know and most other Senators know that unless we strip from this bill everything but titles I and II, nothing is going to happen. So those who are really desirous of working on social security—and I am—and those who are really desirous of working on the miscellaneous matters in title II, have a remedy, as a matter of fact. A motion can be made, notwithstanding the pendency of the Ribicoff-Bennett amendment, to do exactly that on a motion to recommit, and report back forthwith.

So, Mr. President, airs of injured innocence, or of seeking to make the record, or get a vote, or seek amity, which materially compromise substantive issues, do not impress me. I am not afraid of it. I believe that a historic issue faces the Senate in respect to the trade war and the world. That is very important to the poor, the rich, the middle class, and all America, and I am not going to see it sloughed off if I can help it—maybe I cannot—under all of these general pleas for consensus.

Mr. President, we all know what it is about. We are not children. We all know very well that there are deep issues when you get by titles I and II. No one has any objection to titles I and II, or dealing with them, in the hope that we can do something for our people so that they will get their checks a couple of months, perhaps, earlier than they would if we acted on it next year.

But to engage in this byplay, I think, is a bit unworthy of the Senate.

We have been over this track before. This is nothing different than what we decided before. Obviously, if I am going to oppose the trade section, I am going to oppose it with every move I have open to me, and one is to recommit it to the committee which put trade on—with no need for it; we do not even give the House of Representatives the dignity of considering their bill. We have put on all these amendments; they did not do that, we did.

So, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WILLIAMS of Delaware. Mr. President, so that the record will be clear, I agree with the Senator from New York in regretting that the Finance Committee put the trade bill on this bill. I voted against it in the committee and will be voting against that amendment when it comes to the floor.

So on that point I do not take a back seat to the argument against the trade section. I think it would be a mistake to pass that bill, but, at the same time, let us get the record straight.

I have heard the Secretary of Health, Education, and Welfare describe this bill as a three-headed monster, and he referred to the fact that it was three different bills all in one. I want to get the record straight. It is not a three-headed monster; it is only a two-headed monster at this point. The House bill embraced the social security bill and medicaid and medicare, which is titles I and II. In my opinion, that is the way the bill should have been acted upon and reported to the Senate. As the Senator from Connecticut knows, that is what I tried to do. I opposed putting the trade section on this bill.

Let us get the record straight. The administration supported putting the trade bill on this act, and the committee adopted it over my objections. That is one of these so-called monsters. Now here today the administration is trying to put the family assistance plan on the bill, which is the other monster.

I did not like the word "monster" in describing this action, but if the administration and the Cabinet officers want to describe this as a three-headed monster that was put together by the Finance Committee, as one member of the Finance Committee and one who has been proud to have been a member of it for 20 years, I want to make it clear that it is a monster only because the administration persuaded enough members of the committee to put on one head of the monster and that now they are trying to persuade the Senate to put on the other head. Let the administration not denounce action which they supported. I think the committee should have acted on the trade bill separately but the committee had every right to vote on these proposals.

The Senator from Georgia knows that I took this position in the committee. I resent those who would condemn the committee for following their request. The committee by a majority vote—and a comfortable majority vote—voted to put this trade section on this bill. They had a right to do it. The Senator from Connecticut and the Senator from Utah have a right to offer their amendment even though that amendment was defeated in the committee. I defend their right to offer it. They are entitled to a vote, and I am only trying to help them out. I think they and other Senators are entitled to a vote, whether or not we are for their proposal. I happen to be against both of these proposals which are proposed to be added to social security. I voted against these amendments in the

committee, and I will vote against them on the floor.

But I get tired of the halo some administration people put around their heads about how they want this bill when at the same time they are blocking the Senate from consideration.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. TALMADGE. As every Member of the Senate knows, the Constitution of the United States provides that this body shall adjourn sine die on January 3. At that time, all bills pending before Congress die. Only treaties remain alive when Congress adjourns sine die.

It has been obvious to every Member of the Senate now for a number of days that no matter of great controversy could pass in the limited time remaining for us to transact business during this Congress. Today is December 22. We are recessing today to go home and spend Christmas with our families, to return on December 28. That leaves only 4 or 5 days in which we could possibly transact business before the Senate. That leaves little or no time to handle conference matters with the House of Representatives and take final action.

What I think the Senate should do is to wrap up the conference reports upon which it can reach agreement. In those matters on which we cannot reach agreement, we ought to pass continuing resolutions, so that the operations of the U.S. Government can be adequately funded until the next Congress convenes. We should lay aside matters of great controversy, such as the guaranteed annual income and the trade matter, which I happen to support.

The Finance Committee has pending on the calendar the excise bill, which has been passed by the House of Representatives. We could attach to that bill, by way of amendment, the social security increase that the House of Representatives passed, which is 5 percent, or the increase which the Senate Finance Committee has passed, which is 10 percent. Those are not matters of great controversy. I think we could act on them speedily, and we could adjourn and go home.

In the closing days of this Congress, when the Senate has been spinning its wheels—and every Member of the Senate knows it has been spinning its wheels—it is a disservice to the U.S. Senate and a disservice to the country.

I would hope that we would act accordingly, that we could wrap up the matters upon which we can act. We could increase the social security benefits for our aged people, and I would hope we would defer the other matters, when every Member of this body knows that we are not going to take final action until the new Congress convenes next year.

Mr. WILLIAMS of Delaware. I thank the Senator.

I know that the Senator from Georgia as well as the Senator from Arizona have felt very strongly about the need for trade legislation. They had a perfect right to offer this amendment to the committee, and the committee overwhelmingly supported their position. I appreciate the fact that the Senator from Georgia and those who cosponsor this amendment, in recognition of the situation we are now in, are willing to recognize the facts of life and allow us to set aside the trade amendment and agree that we can go on with the social security.

Mr. President, perhaps we cannot get unanimous consent, but perhaps we can get majority approval. I am ready to move that H.R. 17550 be recommitted to the Finance Committee with instructions to report back forthwith, after making the following deletions:

Delete titles 3, 4, and 5. Titles 3, 4, and 5 and the trade amendments, the catastrophic insurance, and the welfare amendments.

Delete the pending Williams-Talmadge trade amendment.

Delete the pending Ribicoff-Bennett-Scott assistance amendment.

If that motion were approved it would leave in the bill only title 1, which deals with changes in the Social Security Act, and title 2, which relates to changes in the existing medicaid and medicare programs.

If this motion is agreed to, I would then agree to a unanimous-consent request that all committee amendments in titles 1 and 2 be approved en bloc and that they be treated as original text for the purpose of amendment. If that consent is granted I would then be willing to support or ask unanimous consent for a time limit not to exceed 1 hour on any amendments—and we might dispose of it either this afternoon or tomorrow and let it go to conference.

Later, after the social security bill is passed, if they want to lay before the Senate another minor bill now on the calendar, we have them there, they can make the trade amendments or the family assistance amendment the pending business and maybe get a vote. But let us get social security out of the way first.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. JAVITS. I have just heard Senator TALMADGE make the statement he did, which I know to be a very difficult statement for him politically. Mine is difficult enough, considering the number of people who want FAP in my State and the relatively fewer people who are opposed to the trade legislation. It is a more difficult statement for him politically, and I should like to note that fact. It is very statesmanlike. What is more important, it is a heavy admission against interest. I wish to tell my colleague how much at least one Senator appreciates what he has said.

Mr. TALMADGE. I am grateful to the senior Senator from New York for his generosity.

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

Mr. JAVITS. I should like to say, also, if the minority leader will indulge me—he is entitled to be recognized first—that what I think Senator WILLIAMS has proposed is probably the only practical way out.

Mr. RIBICOFF. My understanding is that the Senator from New York objected.

Mr. WILLIAMS of Delaware. Not to this.

Mr. JAVITS. I do not object to that.

Mr. WILLIAMS of Delaware. This proposal would move that H.R. 17550 be recommitted to the Finance Committee, with instructions to report back forthwith, after making the following deletions:

Delete titles III, IV, and V.

Delete the pending Williams-Talmadge trade amendment.

Delete the pending Ribicoff-Bennett-Scott family assistance amendment.

That would leave us nothing in the bill but titles I and II.

I would hope that we could confine this bill, then, to nothing but the germane amendments and to the Social Security Act and dispose of the bill. If the administration thinks anything can be gained by adjourning this Congress with the family assistance measure pending we could lay before the Senate some other bill on the calendar, offer the trade amendments and the family assistance amendment, and adjourn. But it is not going anywhere. This plan would at least get rid of the social security bill and get it in conference.

I assure the Senator that I would cooperate and help expedite a vote. The Senator from Georgia (Mr. TALMADGE) has assured me that he would cooperate. I have talked with several other colleagues, the Senator from Oklahoma included, and they are perfectly willing for us to act on this social security bill. I do not think we have any choice except to approve this social security bill before we adjourn. We can start voting within 10 minutes on the first committee amendment, which will be social security, and then move right along. So far as I am concerned, I would agree to a unanimous-consent time limit of 30 minutes on every committee amendment if not adopted en bloc. I am ready to vote on any of them.

Mr. RIBICOFF. Mr. President, one of the problems is that the distinguished chairman of the committee is not present. Unfortunately, he is in New York. My understanding is that the airplanes are not flying because of the bad weather today and he is stuck there and cannot get back; so that it is difficult for me, and I would not assume to take the responsibility of agreeing to a proposal that he would have to make a decision on as chairman of the committee.

Mr. WILLIAMS of Delaware. I appreciate that. I thought that someone had talked to the chairman.

Mr. RIBICOFF. I did not talk to him personally. I got this message from the staff.

Mr. TALMADGE. Mr. President, I concur in what the Senator from Connecticut (Mr. RIBICOFF) has just said. Although I am in agreement with the proposal of the Senator from Delaware, I do not think that we should take affirmative action on this matter until the chairman of the committee is present. He

talked to my office this morning. He was expecting to return from New York about 3:30 p.m., so I would think he would be in this Chamber in a relatively short period of time, and I would hope, therefore, that the Senator from Delaware would defer action on his proposal——

Mr. WILLIAMS of Delaware. I certainly will.

Mr. TALMADGE. Until the chairman of the committee can be present.

Mr. WILLIAMS of Delaware. I certainly will. I was under the impression that he had been consulted. Certainly I shall not press the proposal at this time.

Mr. SCOTT. Mr. President, as I understand the Senator's later motion, he has dropped from his proposals any protection for a vote on the family assistance plan on this bill, and as the Senator knows, I have a commitment that would not permit me to agree to any consent which would involve substitution——

Mr. WILLIAMS of Delaware. I appreciate that.

Mr. SCOTT. To any part of the bill without also getting the opportunity to follow on with the family assistance plan, much as the Senator has proposed it, because I like it and would have liked to go along——

Mr. WILLIAMS of Delaware. I like it better.

Mr. SCOTT. I like it better, too.

Mr. WILLIAMS of Delaware. But we need some kind of an agreement. I think the majority will vote for this compromise suggestion, and the Senator can vote against it; but let us see if the Senate cannot work its way out of this dilemma. I certainly will withhold this motion until the chairman comes back; but I will renew it, and then I hope that we can get this bill acted upon. Senators should not overlook this point—the approval of this motion is the only way we can get a chance to pass an increase in social security benefits before adjournment. I will withhold my motion and yield now to the Senator from Iowa (Mr. MILLER) for 20 to 30 minutes.

I yield the floor.

Mr. RIBICOFF. Before the Senator yields the floor, I wonder, since we have to wait for the chairman to get back before we can make any decision on this proposal, whether the Senator from New York, the Senator from Iowa, the Senator from Delaware, or the Senator from Oklahoma—would the Senator from Delaware be willing to make a unanimous-consent request or accede to a unanimous-consent request, that if we took another minor bill that was at the desk—I do not know what the title is—there are some there—to attach to it the family assistance plan and open it up to amendments with time limits, so that before we go home on January 3, 1971, we would have an opportunity to vote on this family assistance plan up or down.

Mr. WILLIAMS of Delaware. I have no objection——

Mr. TALMADGE. Mr. President, would the Senator yield at that point?

Mr. WILLIAMS of Delaware. I am not going to agree to voting, as the Senator knows, as I am not going to support this. What we would run into is just an agreement on a time limit, on that alone, and then I am caught in the position of having to work against the Senator from Georgia, who would be caught in a box with his amendment. We will not get that kind of agreement. I have no objection to getting this to a vote. The Senator knows that.

Mr. RIBICOFF. I am just questioning around for alternatives.

Mr. WILLIAMS of Delaware. I know that. I would be glad to discuss it with the Senator, but I think that if we are going to have to give all groups something, I would very much like and feel strongly that we need a test plan. The administration has said if they cannot get the family assistance plan, they would rather not have anything. I disagree with that. I think they are making a big mistake. But if that is the way they feel, since we would be taking away from the administration the family assistance plan, they would be losing, I am willing to yield on the point of the test and lock it all out and let it go over till next year. We will not get agreement that we will reach agreement—we all are having to give and take.

Mr. TALMADGE. I would strongly object to Senators picking out controversial propositions with which they are in agreement, with a time limit on their particular controversial proposal, but without a limitation of time on other controversial matters which other Senators might strongly support.

Mr. WILLIAMS of Delaware. That is the point. The Senator can go home to his constituents and say, "We gave all and got nothing." At the same time, I will withdraw the motion and I will be glad to confer with Senators or anyone else in the meantime until the chairman gets back.

Mr. TALMADGE. If the Senator will yield at that point, I have been advised that the distinguished chairman of the committee is still bound by the weather in New York, so I do not know what time he will arrive. He is making every effort to get here.

Mr. WILLIAMS of Delaware. Can the Senator reach him? Mr. President, I yield the floor to the Senator from Iowa (Mr. MILLER). Maybe we can reach him by telephone.

The PRESIDING OFFICER (Mr. SCHWEIKER). The Senator from Iowa (Mr. MILLER) is now recognized.

Mr. MILLER. Mr. President, I yield briefly to the Senator from Wyoming (Mr. HANSEN).

INCREASE IN GRAZING FEES

Mr. HANSEN. Mr. President, in recent days, the Departments of the Interior and Agriculture have announced increases in grazing fees on Bureau of Land Management lands and forest lands.

This is a serious matter to the owners of livestock in the West who have to graze on either the forest lands or the Bureau of Land Management lands.

I know, because that happens to be my business, the raising of livestock.

I have a permit to graze 782 head of cattle on national forest lands in western Wyoming, on the Teton National Forest. My wife has a permit in the Grand Teton National Park for 569 head of cattle.

The proposed increase in grazing fees will cost us around $1,185, give or take a few cents.

There is no question about our being able to pay the extra fees that will be charged by virtue of this increase, but it is important to note that for many marginal operators in the West, we should reflect on the fact that the price of live cattle today is about the same as it was 20 years ago; and that, together with the fee increase may well spell the difference between being able to stay in business and going out of business for many of them.

That concerns me. It concerns me because it will hasten the exodus from rural America into the great cities of this country. It will fly in the face of this administration's earnest desire to make living profitable and desirable in the rural areas of America.

I want to point out that the Public Land Law Review Commission undertook an exhaustive survey of the whole question of the use and administration of the public lands of the United States. This Commission spent 5 years of time at a cost of some $7 million in order to come up with recommendations that it felt would serve as a guide to Congress and to the executive branch of the Government in trying to make the best use of the public lands of this country for all of the people of the country in the long run.

It is in that context that I speak this afternoon. I am certain that every Member of the Senate is probably aware of the fact that I am in the livestock business. I know that both the Secretary of Agriculture and the former Secretary of the Interior likewise are well aware of the fact that I have a grazing permit in the national forest and that my wife has a grazing permit in the Grand Teton National Park. But in order that there be no mistaking the impact that this increase in fees will have upon many small ranchers, let me say that with respect to the ranchers who have to work part time at other jobs in order to make their operation successful, it is important that we consider the impact that this fee increase would have.

I was president of the Wyoming Stock Growers Association. I was second vice president of the American National Cattlemen's Association. I know firsthand and intimately a number of stockmen throughout all of the Western States. I have talked with their representatives. I know the great concern they feel over the withholding of this increase in the grazing fees until Congress or the executive branch of the Government may have the opportunity to implement the recommendations of the Public Land Law Review Commission.

The entire question and problem revolves around the issue of whether the costs or the value of a permit should be reckoned along with other expenses in

making a comparison between the cost of grazing cattle or sheep under permit upon the public lands of the United States as compared with grazing upon privately owned lands.

The senior Senator from Wyoming (Mr. McGEE) introduced a bill earlier this year in Congress which would include the cost or value of a permit in determining the total cost of grazing upon public lands in order that a fair and accurate comparison could be made between the cost of grazing upon the public lands and upon privately owned lands.

While I have no illusions about that bill clearing Congress this session, it is my intention, if the senior Senator from Wyoming reintroduces the bill in the next session and I hope he will do so next year—to join with him and to press for its early adoption.

If this is done, I would say a major step will have been taken in order to deal fairly and equitably with the users of public land in the United States and in order to assure that the people of the United States receive full and fair value for the use of their lands and that no undue hardship is visited upon the grazers on the public lands because of the failure of the administration to take into account the very real costs of owning a grazing permit.

I thank my distinguished colleague, the senior Senator from Iowa, for his courtesy in giving me this opportunity to address myself on a subject which I feel is very important to the economy of the West.

It should be pointed out that while the price of livestock is about the same as it was 20 years ago, as we all know, the cost of meat has increased very markedly. And because of this, there is a widespread illusion that the average typical cattleman or sheepman is enjoying a profitable operation.

That is simply not the case.

I thank my colleague the Senator from the great State of Iowa.

SOCIAL SECURITY AMENDMENTS OF 1970

The Senate continued with the consideration of the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

Mr. MILLER. Mr. President, the pending amendment by Senators RIBICOFF and BENNETT was maneuvered so that, under the rules of the Senate, it is not open for any amendment at all.

We hear reports that the President is most anxious to have a vote on this amendment.

I find it hard to believe that the President understands the serious deficiencies in this amendment. If he did, I would expect him to urge the proponents to call back their amendment and make several modifications to it or to, at least, recall it and then file it in such manner as to permit amendments to be made.

The Senators from Delaware and Nebraska already pointed out some of the deficiencies. I would like to point out some additional ones.

An analysis by the able staff of the Senate Finance Committee was prepared with respect to this amendment last November 5, when it was before the committee as the House-passed bill with certain modifications.

Table 1 on page A18 of the analysis discloses that as of January 1970 there were nearly 10.5 million welfare recipients in this country; that under what is now the amendment that is before us, the total eligible for welfare would be nearly 24 million. I ask unanimous consent that the table be printed in the RECORD at this point in my remarks.

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

TABLE 1.—PROPORTION OF POPULATION ON FEDERALLY AIDED WELFARE UNDER PRESENT LAW AND ADMINISTRATION REVISED REVISION

	Civilian resident population	Federally aided welfare recipients, January 1970		Welfare recipients eligible under administration revised revision	
		Number	Percent of population	Number	Percent of population
Total, United States	203,769,700	10,436,197	5.1	23,806,300	11.7
Alabama	3,505,000	255,400	7.3	665,800	19.0
Alaska	252,000	10,274	4.1	25,100	10.0
Arizona	1,685,000	72,440	4.3	204,600	12.2
Arkansas	1,996,000	115,000	5.8	269,700	18.5
California	19,213,000	1,655,400	8.6	2,323,400	12.1
Colorado	2,665,000	114,110	5.5	308,000	17.8
Connecticut	3,009,000	97,140	3.2	187,900	6.2
Delaware	537,000	23,860	4.4	55,000	10.2
District of Columbia	783,000	47,490	6.1	65,900	8.4
Florida	6,332,000	295,900	4.7	683,600	10.8
Georgia	4,565,000	328,400	7.2	1,025,500	22.5
Hawaii	747,000	29,072	3.9	62,700	8.4
Idaho	717,000	22,100	3.1	54,400	7.6
Illinois	11,031,000	446,100	4.0	806,300	7.3
Indiana	5,136,000	98,100	1.9	298,100	5.8
Iowa	2,785,000	92,300	3.3	235,700	8.5
Kansas	2,288,000	73,940	3.2	158,600	6.9
Kentucky	3,192,000	211,200	6.6	523,500	16.4
Louisiana	3,724,000	346,500	9.3	934,200	25.1
Maine	967,000	48,920	5.1	145,400	15.0
Maryland	3,732,000	157,850	4.2	262,800	7.0
Massachusetts	5,475,000	282,500	5.2	438,500	8.0
Michigan	8,798,000	316,200	3.6	646,400	7.3
Minnesota	3,714,000	108,120	2.9	320,300	8.6
Mississippi	2,336,000	211,000	9.0	806,100	34.5
Missouri	4,637,000	255,200	5.5	443,600	9.6
Montana	688,000	18,880	2.7	52,200	7.6
Nebraska	1,437,000	43,550	3.0	167,700	11.7
Nevada	452,000	15,570	3.4	37,000	8.2
New Hampshire	720,000	14,260	2.0	39,800	5.5
New Jersey	7,128,000	318,720	4.5	508,800	7.1
New Mexico	976,000	69,260	7.1	194,400	19.9
New York	18,369,000	1,327,400	6.7	1,079,900	10.8
North Carolina	5,110,000	194,000	3.8	960,600	18.9
North Dakota	600,000	16,583	2.8	96,900	16.2
Ohio	10,786,000	355,400	3.3	799,800	7.4
Oklahoma	2,545,000	188,700	7.4	366,200	14.4
Oregon	2,044,000	93,600	4.6	143,500	7.0
Pennsylvania	11,797,000	511,800	4.3	1,234,800	10.5
Rhode Island	886,000	45,810	5.2	67,200	7.6
South Carolina	3,686,000	88,000	3.2	490,800	18.6
South Dakota	650,000	22,110	3.4	107,400	16.5
Tennessee	3,971,000	205,400	5.2	741,800	18.7
Texas	11,097,000	478,800	4.3	1,521,500	13.7
Utah	1,049,000	42,760	4.1	55,100	5.3
Vermont	444,000	48,000	2.1	28,800	10.3
Virginia	4,504,000	109,400	2.4	431,300	9.6
Washington	3,386,000	153,450	4.5	312,300	9.2
West Virginia	1,819,000	115,580	6.4	275,300	15.1
Wisconsin	4,242,000	101,180	2.4	238,400	5.6
Wyoming	317,000	7,447	2.3	20,000	6.3
Puerto Rico	2,763,000	264,930	9.6	800,000	29.0
Guam	87,700	2,072	2.4	3,400	3.9
Virgin Islands	59,000	2,319	3.9	2,900	4.9

Mr. MILLER. Mr. President, the table shows the tremendous increase in potential welfare recipients the pending amendment would lay a foundation for in the various States and possessions.

In Puerto Rico, for example, which has a population of 2.7 million, almost 10 percent of the people, or 265,000, are now on welfare. This total could rise to 800,000, or 29 percent of the population.

In Louisiana, 9 percent of the population, or 346,000, are on welfare; but this total could rise to 834,000 or 25 percent of the population.

In Mississippi, 9 percent of the population, or 211,000, are on welfare; but this total could rise to 806,000, or over 34 percent of the population.

In my own State of Iowa, 3.3 percent of the population is now on welfare; and this could rise to 8.5 percent under the pending amendment.

The percentage increase that this amendment could cause for each of the States and possessions is set forth in table 2 on page A19 of the staff analysis, and I ask unanimous consent that this table be printed in the RECORD at this point in my remarks.

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

TABLE 2.—INCREASE IN WELFARE RECIPIENTS UNDER ADMINISTRATION REVISED REVISION

	Federally aided welfare recipients, January 1970	Welfare recipients eligible under administration revised revision	Percent increase
Total United States	10,436,197	23,806,300	128
Alabama	255,400	665,800	161
Alaska	10,274	25,100	146
Arizona	72,440	204,600	183
Arkansas	115,000	369,700	222
California	1,655,400	2,323,400	41
Colorado	114,110	368,000	221
Connecticut	97,140	187,900	93
Delaware	23,860	55,000	130
District of Columbia	47,490	65,900	39
Florida	295,900	683,600	131
Georgia	328,400	1,025,500	212
Hawaii	29,072	62,700	116
Idaho	22,100	54,400	146
Illinois	446,100	806,300	81
Indiana	98,100	298,100	204
Iowa	92,300	235,700	155
Kansas	73,940	158,600	114
Kentucky	211,200	523,500	148
Louisiana	346,500	934,200	170
Maine	48,920	145,400	197
Maryland	157,850	262,800	67
Massachusetts	282,500	438,500	55
Michigan	316,200	646,400	104
Minnesota	108,120	320,300	196
Mississippi	211,000	806,100	282
Missouri	255,200	443,600	74
Montana	18,880	52,200	176
Nebraska	43,550	167,700	285
Nevada	15,570	37,000	138
New Hampshire	14,260	39,800	179
New Jersey	318,720	508,800	60
New Mexico	69,260	194,400	180
New York	1,227,400	1,979,300	61
North Carolina	194,600	960,600	394
North Dakota	16,583	96,900	485
Ohio	355,400	799,800	125
Oklahoma	188,700	366,200	94
Oregon	93,800	143,500	53
Pennsylvania	511,800	1,234,800	141
Rhode Island	45,810	67,200	47
South Carolina	83,900	490,800	485
South Dakota	22,110	107,400	386
Tennessee	205,400	741,800	262
Texas	478,800	1,521,500	218
Utah	42,760	55,100	29
Vermont	18,000	46,800	160
Virginia	109,400	431,300	294
Washington	153,450	312,300	104
West Virginia	115,580	275,300	138
Wisconsin	101,180	238,400	136
Wyoming	7,447	20,000	169
Puerto Rico	264,930	800,000	202
Guam	2,072	3,400	64
Virgin Islands	2,319	2,900	25

Mr. MILLER. On page A17, the analysis discloses that the U.S. average of all the States could be 12 percent on welfare under the pending amendment; moreover, that 15 States would find from 15 to nearly 35 percent of their populations eligible for welfare.

Now I understand that not everyone entitled to welfare would claim it, because we have found this to be true under present law. Many of those who would be eligible would be eligible for only a very small amount of welfare, depending on the level of income of the socalled "working poor" which the administration's proposal seeks to cover. As a matter of principle, I can support some assistance to the "working poor", because this appears to be essential in order to carry out a change in philosophy of welfare so that there will be an incentive to work rather than not to work.

During the hearings, I called attention on several occasions to the Secretary of Health, Education, and Welfare that the tremendous numbers of eligibles—especially in certain states—was of deep concern to many of us on the Finance Committee. I urged him to give us some optional changes which would reduce the number, while at the same time preserving the essentials of the new program.

I specifically suggested that by using a cost of living differential by regions of the country, and as between urban and rural welfare residents, in computing the total welfare package, not only would greater equity be incorporated into the total welfare program, but the number of eligibles would be substantially reduced.

It was not until the San Clemente conference with the President last September 3 that the Department of Health, Education, and Welfare came forward with even one option, and this was most unsatisfactory. Their analysis of the option showed that by merely dividing welfare eligibles between those living in metropolitan statistical areas and those living in nonmetropolitan statistical areas, nearly a half billion dollars could be saved. Such savings of taxpayers' dollars is important—especially if it achieves equity among recipients.

The trouble is that such a simplistic solution would not save as much money or be as equitable as it should. A metropolitan statistical area in one part of the United States will have a different cost of living than one in another part of the country. Why, for example should a welfare recipient in the Birmingham, Ala., area receive the same amount of welfare as one living in the New York or Chicago area? Furthermore, why should a welfare recipient living on a small farm receive the same amount as one living in a city of 25,000?

Even the Office of Economic Opportunity has established that for those living on a farm the poverty standard shall be only 85 percent of that for those living in the cities.

To point up the need for a cost of living differential in this new welfare program, I invite attention to table 1 of a report from the Bureau of Labor Statistics, issued on December 1969. This table reveals the differences in cost-of-living for a "lower budget" family of four among regions of the United States and between various cities within each region, and also between the cities and the nonmetropolitan areas—places with populations of 2,500 to 50,000—within each region. It will be noted that the differences are very substantial. For example, the cost of family consumption items is $5,593 in Boston, Mass.; but it is only $4,680 for nonmetropolitan areas in the Southern region. Of course, the difference in cost for heat, as between Boston and a smaller city in the South, would acount for a considerable amount of this. In Anchorage, Alaska, the cost is $7,673 and in Honolulu, Hawaii, $6,367.

These figures relate to a "lower budget" family which would be somewhat higher than for a welfare family living at the poverty line, but they point up what I have been saying about the need for a cost-of-living differential in this program. Is it equitable, I ask, for the same amount of welfare to be paid to a family of four, for example, in the same financial situation, living in a small town in the South as the amount to be paid in Alaska? It certainly is not. And we should never forget that welfare is supposed to be based on need.

I ask unanimous consent that the table be inserted in the RECORD at this point.

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

DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS

TABLE 1.—ANNUAL COSTS OF A LOWER BUDGET FOR A 4-PERSON FAMILY,[1] SPRING 1969

Area	Total budget [2]	Cost of family consumption							Personal taxes
		Total	Food	Housing [3]	Transportation [4]	Clothing and personnel care	Medical care [5]	Other family consumption	
Urban United States	$6,567	$5,285	$1,778	$1,384	$484	$780	$539	$320	$619
Metropolitan areas [6]	6,673	5,364	1,803	1,418	457	796	557	333	638
Nonmetropolitan areas [7]	6,092	4,935	1,663	1,235	603	713	460	261	536
Northeast:									
Boston, Mass	7,035	5,593	1,867	1,583	475	776	556	336	759
Buffalo, N.Y	6,791	5,412	1,849	1,384	489	851	507	332	698
Hartford, Conn	7,163	5,804	1,927	1,631	498	842	556	340	664
Lancaster, Pa	6,445	5,185	1,842	1,303	434	791	479	336	618
New York-northeastern New Jersey	6,771	5,410	1,913	1,324	408	827	598	340	679
Philadelphia, Pa.-New Jersey	6,628	5,279	1,902	1,271	442	794	542	328	692
Pittsburgh, Pa	6,487	5,200	1,819	1,267	475	789	511	339	643
Portland, Maine	6,567	5,352	1,809	1,413	433	798	542	357	562
Nonmetropolitan areas [7]	6,290	5,073	1,779	1,186	617	732	502	257	572
North Central:									
Cedar Rapids, Iowa	6,653	5,342	1,687	1,579	446	808	496	326	655
Champaign-Urbana, Ill	6,857	5,570	1,754	1,711	453	774	554	324	614
Chicago, Ill.-northwestern Indiana	6,799	5,512	1,848	1,519	464	794	557	330	619
Cincinnati, Ohio-Kentucky-Indiana	6,278	5,079	1,758	1,260	478	778	471	334	568
Cleveland, Ohio	6,651	5,368	1,786	1,411	491	802	536	342	626
Dayton, Ohio	6,513	5,239	1,739	1,471	446	785	461	337	627
Detroit, Mich	6,543	5,268	1,817	1,310	480	788	538	335	626
Green Bay, Wis	6,255	4,952	1,680	1,334	436	748	448	306	677
Indianapolis, Ind	6,706	5,396	1,782	1,561	468	777	476	332	649
Kansas City, Mo.-Kansas	6,550	5,282	1,799	1,376	469	818	500	320	619
Milwaukee, Wis	6,721	5,275	1,726	1,483	455	784	511	316	788
Minneapolis-St. Paul, Minn	6,714	5,267	1,725	1,458	476	787	488	333	790
St. Louis, Mo.-Illinois	6,572	5,297	1,832	1,381	488	790	489	317	624
Wichita, Kans	6,537	5,269	1,755	1,444	464	789	501	316	619
Nonmetropolitan areas [7]	6,408	5,152	1,686	1,421	589	740	456	260	616

Area	Total budget[2]	Cost of family consumption: Total	Food	Housing[3]	Transportation[4]	Clothing and personnel care	Medical care[5]	Other family consumption	Personal taxes
Urban United States—Continued									
South:									
Atlanta, Ga.	$6,201	$5,048	$1,651	$1,334	$452	$750	$514	$347	$527
Austin, Tex.	5,812	4,776	1,663	1,116	436	720	530	311	437
Baltimore, Md.	6,491	5,176	1,678	1,420	492	746	509	331	671
Baton Rouge, La.	5,997	4,911	1,672	1,210	477	727	505	320	474
Dallas, Tex.	6,214	5,077	1,633	1,346	449	738	583	328	510
Durham, N.C.	6,196	4,983	1,617	1,346	428	749	524	319	590
Houston, Tex.	6,130	5,017	1,692	1,233	492	723	556	321	491
Nashville, Tenn.	6,151	5,037	1,622	1,386	451	744	488	346	491
Orlando, Fla.	6,033	4,944	1,606	1,323	440	727	514	334	474
Washington, D.C.—Maryland-Virginia	6,907	5,501	1,781	1,567	488	780	549	336	732
Nonmetropolitan areas[7]	5,712	4,680	1,583	1,128	597	671	438	263	439
West:									
Bakersfield, Calif.	6,424	5,176	1,784	1,193	479	815	584	321	544
Denver, Colo.	6,425	5,206	1,705	1,409	450	802	533	307	579
Los Angeles-Long Beach, Calif.	7,030	5,628	1,787	1,509	467	817	709	339	648
San Diego, Calif.	6,792	5,444	1,750	1,461	484	783	630	336	614
San Francisco-Oakland, Calif.	7,309	5,832	1,850	1,676	491	866	602	347	701
Seattle-Everett, Wash.	7,197	5,817	1,935	1,662	486	837	564	333	683
Honolulu, Hawaii	8,168	6,347	2,162	2,013	541	750	534	347	1,080
Nonmetropolitan areas[7]	6,561	5,230	1,728	1,359	618	789	477	259	682
Anchorage, Alaska	9,913	7,673	2,289	2,661	806	882	719	316	1,416

[1] The family consists of an employed husband, age 38, a wife not employed outside the home, an 8-year-old girl, and a 13-year-old boy.

[2] In addition to family consumption and personal taxes shown separately in the table, the total cost of the budget includes allowances for gifts and contributions, life insurance, occupational expenses, and social security, disability, and unemployment compensation taxes.

[3] Housing includes shelter, household operations, and housefurnishings. All families with the lower budget are assumed to be renters.

[4] The average costs of automobile owners and nonowners are weighted by the following proportions of families: Boston, Chicago, New York, and Philadelphia, 50 percent for both automobile owners and nonowners; all other metropolitan areas, 65 percent for automobile owners, 35 percent for nonowners; nonmetropolitan areas, 100 percent for automobile owners.

[5] In total medical care, the average costs of medical insurance were weighted by the following proportions: 30 percent for families paying full cost of insurance; 26 percent for families paying half cost; 44 percent for families covered by noncontributory insurance plans (paid by employer).

[6] For a detailed description see the 1967 edition of the "Standard Metropolitan Statistical Areas," prepared by the Bureau of the Budget.

[7] Places with populations of 2,500 to 50,000.

Note: Because of rounding, sums of individual items may not equal totals.

Mr. MILLER. Additionally, for 15 years, the Internal Revenue Service has been following a practice of imputing income to those who grow a substantial amount of the produce they consume. Where this is done by a family receiving welfare, it is obvious that the need for welfare is not as great as in the case of a family which does not do so.

The upshot of all this is that an amendment to the welfare reform bill was designed to cover these important areas of deficiency in the bill. It not only would direct the Secretary of Health, Education, and Welfare to make the studies needed to determine the cost of living differentials and the imputed income from growing a substantial amount of produce being consumed, with the assistance of the Department of Labor and the Treasury Department, but the adjustments in welfare would be put into effect by January 1, 1972.

This amendment was offered, along with several other amendments and the so-called "core" bill—representing several revisions to the House-passed welfare reform bill—by the Senator from Connecticut in the Senate Finance Committee. It was clearly understood that if the committee agreed to the Senator's motion, and it became attached to the social security bill, members of the committee would then have the opportunity to present further amendments to the welfare reform package. I might add that I had several other amendments besides the cost-of-living differential amendment, which was part of the package offerred by the Senator from Connecticut. Senator RIBICOFF's motion lost. I ask unanimous consent that a copy of the amendment be printed in the RECORD.

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

VARIATIONS FOR DIFFERENCES IN COST OF LIVING AND FOR THE VALUE OF FOOD PRODUCED FOR HOME CONSUMPTION

(Senator MILLER's cost of living equalizing amendment)

Insert on page C107, after line 15:

"SEC. 108. (a) The Secretary of Health, Education, and Welfare shall, through arrangements with the Department of Labor and Treasury, with any other agency or organization, public or private, which he may find appropriate, conduct continuing studies to—

"(1) establish the variations which exist in the cost of living between urban and rural areas, different parts of the same States, and among appropriate regions in the United States, and

"(2) determine the monetary value to a family of producing food for home consumption.

"(b) On the basis of the variations in the cost of living established as a result of the studies conducted pursuant to subsection (a), the Secretary shall, on or before January 1, 1972, make such adjustments in any or all of the amounts prescribed in sections 442(a), 442(b), and 452(a) of the Social Security Act, as amended by this Act and in the amounts of food stamps provided under the Food Stamp Act of 1964, as may be necessary to insure that total combined public assistance, insofar as practicable, made equitable for recipients wherever they may reside in the United States.

"(c) The Secretary shall by regulations which become effective on or before January 1, 1972, prescribe a schedule of earned income which is to be imputed to any family which produces a substantial amount of food for home consumption, for purposes of determining eligibility for and the amount of family assistance benefits payable under part D and supplementary payments under part E of the Social Security Act, as amended by this Act. To the extent practicable, the Secretary shall include such adjustments and such schedule in the pretest programs authorized by section 105.

"(d) The findings of the Secretary which are implemented under the preceding subsection shall also be applicable, insofar as possible, to any payments to individuals or payments for medical care on behalf of individuals which are made on the basis of need under programs aided or assisted under the Social Security Act.

"(e) Before January 1, 1972, the Secretary shall report to the Congress and describe the adjustments which he proposes to make and the regulations which he proposes to issue pursuant to subsection (b).

"(f) There are authorized to be appropriated such sums as may be necessary to conduct the studies authorized by subsection (a)."

Mr. MILLER. Now, the Senator from Connecticut and the Senator from Utah have offered the pending amendment which some of us thought was the same package that had been offered in the Finance Committee. But it is not the same, and the changes were certainly not discussed with me. In the case of the cost of living differential provisions, the pending amendment merely directs the Secretary of Health, Education, and Welfare to make the necessary studies and then report back to the Congress. The directive to implement these differentials by January 1, 1972, has been deleted. My amendment No. 1099 would restore the original language.

And so we now have before us, a package called "welfare reform" which would treat all welfare recipients alike, whether they lived in Anchorage, Alaska, Boston, Mass., Chicago, Ill., a little town in Alabama, Puerto Rico, or on a small farm growing much of their own produce. This violates the fundamental principle of need as a basis of welfare. It is discriminatory and inequitable. It results in adding millions of people to the welfare eligibility list who do not need to be added, and it, therefore, is excessive in its cost to those who pay the taxes to fund it. On this one count alone, it should be rejected. And I would hope that the President will have this serious deficiency

brought to his attention so that he will know how his welfare reform program has been distorted.

It simply will not do to say—as the Secretary of HEW did at page 600 of the hearings—that State supplement variations take care of the problem. These variations, where they exist, are anything but scientifically based, and this is because the States do not have the capability to do so. Only the Bureau of Labor Statistics has that capability.

There is another provision in the pending amendment which is inequitable. I refer to the "disregard" of income in section 443(b)(4) on page 10. This provides that welfare payments shall not be reduced to the extent of earnings of a family of $60 per month plus one-half of the earnings beyond that.

Senator CURTIS of Nebraska gave the Finance Committee several specific, real-life examples he had received from the Douglas County, Nebr., welfare office showing that, because of the present disregard formula for welfare, some welfare recipients have been able to draw welfare even though their income was considerably higher than that of other families not on welfare. Yesterday he presented these same examples to the Senate.

It seemed to me that most of the members of the committee were deeply concerned about such a situation, and when we came to the disregard provisions under the work incentive program, we amended them, as set forth on page 465 of the pending bill. Under our change, the first $60 of earned income of individuals employed full time are disregarded; for those working part time, the first $30 is disregarded; plus one-third of up to $300 additional earnings and one-fifth of earnings in excess of $300 in each case.

I do not know why the authors of the pending amendment did not draft the disregard provisions of their amendment to reflect this change; and their failure to do so will simply mean that there will be more eligibles for welfare who do not need it.

Another defect in the pending Ribicoff-Bennett amendment has to with section 464 on page 46, relating to the obligation of deserting parents. For some reason, this amendment was drafted to delete the provisions agreed upon by the committee, set forth in section 540 on page 467 of the bill. These make it a misdemeanor to cross State lines to avoid parental responsibilities. They were discussed by the committee with representatives of the Department present, who raised no objection to them at all.

The pending amendment provides for a disregard of income from vocational rehabilitation allowances, and since the welfare program is supposed to be geared to the needs of recipients, there seems no good reason to not take such allowances into account. It might be said that these are calculated to provide an incentive, but there is no need for such incentive if the work and training requirements of the welfare reform program are effectively administered.

These are, of course, all in addition to defects clearly pointed out by the Senator from Delaware in earlier remarks.

In fairness, I should say that some defects in the House-passed bill have been overcome. For example, the cash penalty for refusing to work has been increased and the penalty cannot be frustrated by an increase in State supplements. However, the eligibility for food stamps has not yet been coordinated with the penalty, and this should be done.

As I pointed out during the executive session the other evening, the only Members of the Senate who know any of the details of the Ribicoff-Bennett amendment and its implications are those of us who serve on the Senate Finance Committee, many of whom spent weeks and months of our time during the hearings and committee deliberations on the program. To offer this amendment on a take-it-or-leave-it basis, with so many Members uninformed about it and with such serious defects clearly in it, renders a disservice to the Senate and to the American people.

Running our sessions around the clock, coming in on Sunday and even on New Year's Day, convening the new Congress on January 3—all of these together do not alter the situation at all. This amendment needs some very important modifications or what now masquerades in the name of "welfare reform" will become "welfare inequity" plus a taxpayers' revolt. Because of the inconsiderate and foolhardy way this deeply important matter has been brought before us, with no opportunity to modify it whatsoever, I seriously doubt that a good piece of legislation is possible of enactment. I am willing to try. I have always been willing to try. But this willingness has not been reciprocated, and that is a tragedy.

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

Mr. MILLER. The Senator from Iowa is pleased to yield to his friend, the Senator from Wyoming.

Mr. HANSEN. Mr. President, I would like to compliment our distinguished colleague, the Senator from Iowa, for the statement he has just made. It has been my privilege to serve with him and to observe firsthand his great background of experience, knowledge, and understanding in a field in which I would suspect no Member of the Senate exceeds his expertise. As some Members of the Senate know, he is a tax lawyer. He worked for the Federal Government for several years before he eventually became a Member of this body. I have not met anyone, since I have been a Member of Congress, who is more expert on tax matters on this side of the Capitol.

I think we should heed well the important pronouncement he has made. I quite agree with him that to deny the Senate the opportunity to amend in any way or to consider in any way a whole series of amendments, which I think must be considered if we are going to come to any kind of workable piece of legislation, certainly does not auger well for good government.

It is unfortunate that the family assistance bill was brought before the House in such a way as to preclude any discussion or offering of amendments with alternative proposals, which the senior Senator from Iowa has tried to get considered in this body. He made many important contributions as a member of the Finance Committee.

I say now that if we were to adopt the pending amendment, we would not reform in a constructive way the mess in which welfare now finds itself.

I agree with the President of the United States that welfare must be reformed. It is extremely costly. It is not serving the purpose of encouraging people to move away from welfare into private employment. We would all like to have the objectives that have been spelled out by the President of the United States become fact. I do not think they will become fact under the terms of this amendment.

I doubt very much if anyone who has studied this proposal objectively would have any very real reason to believe that the President's goals would be achieved by the adoption of this amendment. I recall the observation made by the distinguished Senator from Connecticut when he said that had he known then what he now knows, he never would have recommended that the medicare and medicaid programs, which it is estimated will be $216 billion in the red when they have been in operation in 20 or 25 years, be adopted without first having been tried. That is the way I feel about the family assistance plan that is now before us.

I would hope that the Members of the Senate would study closely and heed the very profound observations made by my distinguished colleague from Iowa.

Mr. MILLER. I thank my friend from Wyoming for his generous remarks. I can also state that day after day the Senator from Wyoming was nearly always in attendance. I am sure he was in attendance as much as anyone on the Finance Committee through all the hearings and deliberations on the welfare reform proposal. I am sure he can verify the fact that the Senator from Iowa was second to none in the committee in making every effort to give the administration an opportunity to present its case and to work with the administration in trying to make some progress on this bill, even though there were some who felt so highly opposed to it that they in good conscience felt it could never be cleaned up to be a satisfactory program.

I might say that I conferred, whenever I had an opportunity, whenever I was approached, and on some occasions on my own initiative, with representatives of the Department of HEW, in an effort to point out the shortcomings I felt were in the measure, to work with them in trying to develop some ways of overcoming its shortcomings.

I might say that in some cases I was satisfied. I had questions about some of the features of this bill, and sat down and spent considerable time in trying to find out the answers to those questions; and on a great many occasions I would say that I was satisfied with the answers I received.

But the Senator from Wyoming will vouch for the fact that most of us on the committee were concerned about one thing, probably, more than anything else, and that was the thought of the tremendous increase in the number of eligibles for welfare, running up to as many as 25 or 35 percent of the people in a single State. The reaction seemed to be, "My God, what are we coming to in this country, when this is the kind of a program we might possibly adopt in the Senate?"

So one of the first things I tried to do during the hearings was point out, frankly and honestly, to the Secretary our concern over this matter. We asked, "How can we do equity; how can we have reform and at the same time not have such a tremendous number of eligibles for public assistance? Please give us some options so we can look them over."

What did we get? We got one, and not a very good one at that. When I came out with my cost-of-living differential amendment, everything was going to be just fine. That was going to be added on to the package offered by the Senator from Connecticut. I voted to add it on, and it was defeated.

What happened then? The amendment was torn to pieces before it was put on the pending amendment by the Senator from Connecticut and the Senator from Utah; and I have never yet received a very good answer, I might say; in fact, I do not think there is a very good answer to it.

Mr. President, I yield the floor.

Mr. RIBICOFF. Mr. President, much has been said as to the attitudes of various Governors concerning the family assistance program. I ask unanimous consent to have printed in the RECORD at this point various statements and indications in support of the family assistance program by Governors and Governors-elect.

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

SUPPORT OF FAP BY GOVERNORS AND GOVERNORS-ELECT

In recent weeks we have received a great amount of support for early passage of FAP from both Governors and Governors-elect.

REPUBLICAN GOVERNORS' ASSOCIATION

On December 16, 1970, in Sun Valley, Idaho, Governor Peterson of Delaware presented the Family Assistance Plan and the Ribicoff-Bennett Amendment to the Republican Governors' association in Executive Session. The group voted to support the plan with 14 in favor, 2 opposed, and 3 abstentions. (See copy of telegram to Secretary Richardson enclosed.)

BIPARTISAN GOVERNORS' MEETING WITH THE PRESIDENT

On December 11, 1970, several Governors and Governors-elect met with President Nixon and later with Secretary Richardson and expressed their support of the Family Assistance Plan. Governor Ogilvie was the sponsor. The meeting was held at the request of the Governors because of their great interest in the legislation. Governors attending the meetings were Ogilvie, Cahill, Scott, Peterson of Delaware, Peterson of New Hampshire, Ray and Smith of Texas. Also attending were Governor-elect Shapp and Lt. Gov.-elect Dwight of Massachusetts.

GOVERNORS SUPPORT OF FAP BEFORE THE SENATE FINANCE COMMITTEE

Four Governors testified in favor of the President's Family Assistance Plan on September 10, 1970, before the Senate Finance Committee—Governor Licht of Rhode Island, Governor Ray of Iowa, Governor Holton of Virginia, and Governor McCall of Oregon.

INDIVIDUAL GOVERNOR'S SUPPORT

Governor Sargent—Massachusetts. Wired Secretary Richardson December 15, 1970, saying, "I support the Family Assistance Program." (See telegram.)

Governor Curtis—Maine. Notified Secretary Richardson by letter on December 11, 1970 of his endorsement of the Family Assistance Plan. (See letter.)

Governor Dempsey—Connecticut. Notified Secretary Richardson on November 27, 1970 that he continues to support the basic concepts of the Family Assistance Plan. (See letter.)

Governor Cahill—New Jersey. Wrote all Governors urging support of the Family Assistance Plan on November 19, 1970 and asking Governors to assist in getting a Senate vote during the post-election session. (See letter.)

Governor Evans—Washington. Wrote all Governors on August 27, 1970 urging the support of the Family Assistance Plan. (See letter.)

Governor Ogilvie—Illinois. Issued a press release strongly supporting the Family Assistance Plan and its final enactment this year. (See statement.)

Governor Rockefeller—Arkansas. On September 25, 1970 Governor Winthrop Rockefeller of Arkansas sent President Nixon the attached letter strongly endorsing FAP and requesting that Arkansas be selected for a pretest. This letter was released to the press and widely publicized in Arkansas. (See copy of letter.)

Governor Tiemann—Nebraska. At the express wish of Governor Tiemann, Robert McManus, Director of the Nebraska State Department of Welfare, has testified before the Senate Finance Commmittee that the State of Nebraska generally supports the Family Assistance Act.

BOSTON, MASS.

ELLIOTT RICHARDSON,
Secretary of Health, Education, and Welfare, Washington, D.C.

I support the Family Assistance Program and have wired both Senator Kennedy and Senator Brooke asking them to support the program in the final legislation. I would, however, like to see the following included: Family budget figure raised to $2200; a State hold-safe provision setting the 1971 budget as the flat-ceiling on State welfare spending; and a mandatory period be set up for State-Federal planning.

GOV. FRANCIS W. SARGENT.

STATE OF MAINE,
OFFICE OF THE GOVERNOR,
Augusta, Maine, December 11, 1970.

Hon. ELLIOT RICHARDSON,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR SECRETARY RICHARDSON: Thank you for your letter of November 13, 1970 regarding the revised Family Assistance Plan legislation.

We have already communicated with our congressional delegation indicating our endorsement of H.R. 16311, although we are mindful that the legislation has limitations, primarily from a fiscal point of view. We are one of the states which are experiencing a severe demand on our appropriated funds for categorical welfare; in fact, it is clearly going to be necessary to request an emergency appropriation from the legislature in order to complete the fiscal year. We envision the FAP legislation, particularly with its most recently proposed amendments, as being the only long-range answer to this dilemma.

I appreciate having the opportunity to comment on this important legislation.

Sincerely,

KENNETH M. CURTIS,
Governor.

STATE OF CONNECTICUT,
EXECUTIVE CHAMBERS,
Hartford, November 27, 1970.

Hon. ELLIOT L. RICHARDSON,
Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: This will acknowledge your letter of November 13, 1970, relative to the Family Assistance Plan.

Connecticut continues to support the basic concepts contained in the plan, namely, a national income floor, coverage for the working poor, national eligibility standards and federal administration. However, we continue to be concerned with the small amount of fiscal relief this plan provides States like Connecticut, which have already established high welfare standards.

I have asked our Welfare Commissioner, John Harder, to review the material submitted with your letter, and will submit any additional comments deemed appropriate upon completion of that review.

We endorse the need for welfare reform and look forward to the day when the Federal Government assumes complete responsibility for this national problem.

Sincerely,

JOHN DEMPSEY,
Governor.

STATE OF NEW JERSEY,
OFFICE OF THE GOVERNOR,
Trenton, November 19, 1970.

Copy of Letter sent by Governor William T. Cahill to all Governors on the Family Assistance Plan

DEAR GOVERNOR: I am writing to you today to solicit your aid in attempting to resolve what I regard as a seriously critical situation nationally, and one which I am sure has caused you deep concern in your own State. I refer to our Nation's public welfare assistance programs.

Nationally, welfare costs and caseloads have been soaring upward in geometric proportions. Secretary of Health, Education and Welfare, Elliott L. Richardson, announced only this week that welfare caseloads for the current year have already increased by a factor of 20% over last year, and at this rate the number of caseloads is more than doubling every five years.

The problem, as competent surveys and statistical studies have repeatedly indicated, is that as presently structured, our welfare system is not really aiding those who truly need and deserve assistance. It is totally lacking in an effective delivery system and unresponsive to the many profound changes which have taken place in our Nation since our original welfare programs were first developed. It is clear that the original system did not envision the high degree of urbanization that we have today; the dramatic increase in numbers and classes of people who would eventually be seeking assistance; the shift in emphasis from the very old to the very young, and the associated problems of increased unemployment; and the high degree of mobility which has come to characterize our modern society. The government's response to these critical changes over the years has been a patchwork process that has largely been a failure.

I feel that as Governors of the sovereign States, charged with administering the welfare programs, we must lead the way in the push for a total overhaul of the public welfare assistance programs from the bottom up. We now have an eleventh hour oppor-

tunity with the President's Family Assistance Plan now pending in the Senate. This measure, which passed the House earlier this year, presents a sensible approach to welfare reform, including, for example, wage incentives, job training, day care, assistance in finding jobs, penalties for not accepting reasonable employment, and a national minimum welfare standard of $1600. If passed, the act would become effective on January 1, 1972, and all States would receive an influx of substantial Federal funds as early as during the second half of fiscal 1972 to assist them in meeting the welfare problem head-on.

This is the last chance, probably for years, for us to achieve meaningful welfare reform. While I cannot guarantee that the President's welfare reform program will be without some flaws, I am nevertheless convinced that it presents a far more acceptable alternative to the present system. As Secretary Richardson stated on Sunday, "This isn't a conservative-liberal issue; it's a question of sensible reform of an existing mess."

I therefore ask you to urge the U.S. Senators from your State to give the President's welfare program their support if it comes up for a vote during the present post-election session.

Sincerely yours,

WILLIAM T. CAHILL,
Governor.

STATEMENT ON THE FAMILY ASSISTANCE PLAN

The Administration of the State of Illinois has carefully reviewed the Family Assistance Plan now under consideration by the Senate Finance Committee.

After extensive consultation and thorough consideration of the implications of the proposal, I am convinced that the program is fundamentally sound. The Senate has before it the greatest single opportunity to reform by one legislative act the way government treats poor people that any legislative body in this nation has had in three decades.

The President has adjudged our welfare system a "colossal failure." On the basis of my experience as the Governor of a major industrial state I must agree.

The present system is a waste of state and federal money. It is a system that no one likes. And for good reason.

I have heard Illinois residents complain of intolerable injustices in the system. Benefits are granted begrudgingly, without dignity and often arbitrarily. Desertion of families by fathers is encouraged. The present system builds in incentives not to work.

I have also seen another side. The system places state government in an impossible fiscal and administrative situation. I have seen astronomic growths in caseload insidiously eat up moneys planned for other important state programs. I have watched these incredible increases in our caseloads undermine the ability of my state to deliver services such as child care, job training and work referrals which are badly needed to get people off of welfare. These sky rocketing costs have diverted scarce dollars from housing, education and health programs which are essential to break the dependency cycle. I have experienced the frustration of seeing directives not carried out because the system is unwieldy and hopelessly complex.

To my mind the present welfare system is the single greatest threat to the continuing vitality and fiscal health of the state.

This archaic and haphazard system simply must be reformed. The Family Assistance Plan is the way to do it. Meaningful improvement can come only from the bold and comprehensive change mandated by this landmark legislation.

The Family Assistance Plan would benefit the citizens of Illinois and other states in the following ways:

(1) It would provide, for the first time, federal assistance for families in which the father works full time but does not earn enough to keep his family out of poverty. It would do this with the most effective mechanism I know—dollars, rather than services, the effectiveness of which we have no adequate ways of measuring. I believe this approach gives the poor a freedom of choice in purchasing goods and services that will inspire those qualities of human dignity and motivation essential for true human renewal. Moreover, the Nixon plan giving an earnings supplement to the working poor builds in a direct dollar incentive to work. For many worthy citizens of Illinois, Family Assistance will provide deserved and significant new help.

(2) It will require fundamental changes in the administration of welfare which are long overdue. Enactment of Family Assistance would clear away what the President has described as a "federal welfare quagmire" and permit the states to revamp their welfare delivery system. Only if eligibility determination for financial assistance is separated from the provision of the myriad of social services, can better management be achieved. In Illinois, in anticipation of the enactment of legislation such as this, we have already taken steps to test out the basic precepts of the President's plan in a designated geographical area. We need and welcome the challenge and the opportunity this legislation provides.

(3) The plan will assist the states to meet the crushing fiscal burdens of welfare; figures now available show ADC costs for August were fully 43% over the costs just one year ago. This is a rate of growth that totally dwarfs our annual revenue growth of 6%. Its size means that we must either cut back severely on existing state programs in other important areas, or place further strains on a state revenue structure that is highly regressive compared with the federal. Neither of these alternatives is sound in policy or makes sense to the people.

I have repeatedly urged the federal government to come to the aid of the states with revenue sharing. For the same reasons, it must more fully fund welfare costs. The Family Assistance Plan is revenue sharing *now*. This is the real New Federalism.

Many shortcomings of the welfare system today exist because we have merely tinkered with its details and added band-aid solutions, thereby warping its underlying objective. The result is an unworkable system for moving people out of poverty into the mainstream of American life. It is my strong hope that well-intentioned efforts to improve the Family Assistance legislation will not be responsible for its failure. It is time for all persons truly interested in the improvement of our welfare system to come to the support of this legislation.

It is imperative that the states that bear the most direct responsibility for welfare have a major voice in shaping welfare reform policy. We all know that this legislation does not provide the full federal funding of welfare that the National Governors' Conference has sought. In my own budget message last April, I called upon the federal government to assume this cost and said "The greatest single contribution that the government could make to state and local government would be to pay *all* public aid grants." Nonetheless I am convinced that the Family Assistance Plan is a giant step in this direction. We must recognize and accept the administrative problems which are inherent in shifting from the entrenched system to this new departure. But we cannot let these considerations distract us from the benefits this change will bring. We should not wait for the achievement of perfection while the vicious poverty cycle in this country continues unabated.

No one piece of legislation could do everything I would like to see done in the field of social welfare.

The Family Assistance Plan is the right beginning. There will be other opportunities for further reform. I am convinced they will come only if we succeed in this initial effort. Only if we turn the corner with this legislation will we be able to meet the pressing demands for similar fundamental reform in medical care and other essential programs.

As the Governor of Illinois I stand four square behind the Family Assistance Plan and offer my services to assist in its passage. I intend to work with the Governors of the Midwest Governors' Conference as well as the chief executive of the large industrial states to see what can be done to move the Nixon Family Assistance Plan out of the Senate Finance Committee and into final enactment this year.

COPY OF LETTER SENT TO GOVERNORS FROM GOVERNOR DAN EVANS, WASHINGTON (ON FAMILY ASSISTANCE PLAN) AUGUST 27, 1970

Late in July, I sent you the impact of the Family Assistance Plan (HR 16311) and indicated some of the problems in the legislation as presently drafted. Subsequently, members of my staff met with representatives of the Department of Health, Education, and Welfare, and reached agreement on certain substantive issues. In my opinion, these changes would resolve, with certain exceptions, the major problems in the plan.

The major changes on which agreement was reached are:

1. Expenditures for Aid to Families with Dependent Children-Unemployed Parents and Aid to Families with Dependent Children-Foster Care will be excluded from the expenditure base for computing the "hold safe" requirement.

2. The wide discretion granted to the Secretary of Health, Education, and Welfare with respect to payment levels under State Supplementation apparently has already been discussed with the Senate Finance Committee. If this discretion is not modified by the Committee so as to make mandatory consultation with the states on these payment levels explicit in the law, HEW has agreed to include such a provision in the rules.

3. If sufficient funds are not available to the states, expenditures under Title XX can be limited on the basis of a state's own priorities although a balanced program of services will be necessary. Additional services could be provided by municipalities with a population of 250,000 or more if there were sufficient local funds. Non-federal expenditures for services must be at least as high as fiscal 1971.

4. Under Title XVI the recognition of the economy of shared living arrangements was considered by HEW to be implicit in computing the $110 standard. HEW agrees, however, that this requirement should be made explicit in the law.

5. Under the emergency assistance provision of Title XX, the intent apparently was that the states define the conditions and content, with the Secretary of HEW setting the outer limits. HEW agrees, however, that the law should be modified to indicate that "emergency" is to be defined by the state.

The representatives of HEW considered that our suggestions with respect to Title XIX would be more appropriately considered with the health insurance legislation to be introduced next February rather than in connection with the Family Assistance Plan legislation as such. HEW will work with the states on appropriate modification of Title XIX prior to the submittal of such legislation.

We still have a concern that a state might not be able to meet its fiscal obligations under the bill at some time in the future. HEW has agreed to work with us to develop language that will permit the Secretary to

waive part of a state's liability, should serious fiscal problems develop.

Although we still have certain questions about some aspects of the law, e.g., the liberalized definition of disability, and the fragmentation of services that would be possible if cities of over 250,000 instituted their own services program, the above changes overcome our major financial objections to the legislation. We have always been in favor of the intent of the Family Assistance Plan, and, with these financial modifications incorporated in the legislation, we will give it our firm support.

One further area that you may wish to examine is the provision in Title XX of the bill which permits cities of over 250,000 to elect to operate their own social services program. This could make the equitable provision of social services extremely difficult in many states, and interposes another level in an already complex system. I urge that you carefully examine the impact of this provision on the ability of your state to deliver services effectively.

I trust that you and your staff will review the suggested changes and the impact on your state. Given these changes, the "hold safe" provision appears to become a substantive rather than nominal limitation on state expenditures. We have appreciated the positive attitude of HEW staff and consider that solid progress has been made.

We hope that you, like ourselves, will support the legislation as modified.

Sincerely,

DANIEL J. EVANS,
Governor.

SEPTEMBER 25, 1970.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

MY DEAR PRESIDENT NIXON: I am most impressed by what I have learned about the Family Assistance Program. I congratulate you on your courage and vision in presenting it to the people of this country.

I am urging that you give serious consideration to Arkansas as a demonstration state. Our state stands ready to work night and day with you in this historic undertaking. I have no doubt whatsoever that we can prove the capability such a program requires.

The people of Arkansas without exception, I believe, share in endorsing the first principle of FAP—to help people to help themselves.

With all good wishes,

Sincerely,

WINTHROP ROCKEFELLER,
Governor.

SUN VALLEY, IDAHO.

Secretary ELLIOTT L. RICHARDSON,
Department of Health, Education, and Welfare, Washington, D.C.:

At an executive session of the Republican Governors' Association this noon, I presented the matter of the Family Assistance Plan and the Ribicoff-Bennett amendment. The RGA voted to support the President's Family Assistance Plan with 14 in favor, 2 opposed and 3 absentions.

RUSSELL W. PETERSON,
Governor of Delaware.

Mr. CASE. Mr. President, as a cosponsor of the pending Ribicoff-Bennett amendment, I urge the Senate to act promptly to adopt the measure.

The debate over welfare reform and the proposed family assistance plan has gone on in the Congress for many months. Before the issue reached us in the form of legislative proposals, it had been debated over a period of several years by private citizens, advisory councils, welfare directors, and State officials.

So there is no lack of information on this issue, nor is there any need for further study or prolonged tests of the pending proposal, or alternative proposals, to determine whether reform is needed. Those who have examined existing welfare programs know the system is inefficient, unfair, and inequitable.

There are no national standards for either benefits or eligibility. There is no uniformity in Federal cost-sharing, and the administration of public assistance varies widely from State to State.

As has been pointed out, what we have, in short, is really 54 different programs in 54 different jurisdictions throughout the United States. Each State sets its own standard of need. Each State determines who will be eligible. Each State decides how much it will pay. And each State gets a different share from the Federal Government.

Is it any wonder the system is not working and the people it is supposed to help are frustrated?

The continuation of a system so demonstrably inequitable and inefficient is not fair to the poor—especially those who need help and are not getting it under the categorical approach—and it is not fair to States and cities.

Welfare is no longer a local problem. We have become a highly mobile society and we have encouraged people to seek employment in urban centers where jobs and industries are located. The movement of people into cities and their inability to obtain employment, because of lack of skills and lack of opportunity, has caused welfare rolls to mushroom. Most of these people have no recourse but to seek help through the aid to dependent children program.

In my own State of New Jersey, three-fourths of all our public welfare expenditures go into this program. According to Governor Cahill, the average monthly number of welfare recipients rose from 106,000 to 306,000 during the past 5 years, an increase of nearly 200 percent. Net expenditures for this program—Federal, State, and county—rose from $59 to $216 million, a rise of approximately 270 percent. And State expenditures increased from $17 to $99 million, or a rise of 500 percent. I am told that total State expenditures for welfare—and medicaid—are expected to increase as much as 53 percent, or $100 million, next year alone.

Obviously, neither New Jersey nor other States experiencing similar skyrocketing costs can afford to continue to bear the financial cost of what must be recognized as a national problem. Help from the Federal Government is long overdue.

The family assistance plan does not do all I think it should, but it does represent a substantial improvement over the conglomeration of the 54 programs we currently have. Moreover, as now amended, FAP would provide, in addition to national minimum standards and work incentives, fiscal relief to the States on a permanent basis by freezing their future welfare costs to 90 percent of their 1971 costs.

The Ribicoff-Bennett amendment is the product of weeks of effort by the administration and various Members of Congress to develop a fair, workable bill. It represents, I believe, the best hope of moving toward welfare reform this year.

Of course, even if FAP is adopted, it will not provide the kind of immediate help needed by local governments. There will be a lag of at least 12 to 18 months before the new program is implemented by the States, during which time welfare costs are expected to continue to escalate.

That is the reason I recently introduced an amendment to title II of H.R. 17550 to increase the Federal share of the cost of medicaid and current public assistance programs from the present minimum of 50 percent to a new minimum of 72 percent.

The effect of my amendment would be to provide $2.3 billion in urgently needed Federal aid to three-fourths of the States, including those States bearing the heaviest burden of welfare costs. My amendment is not offered as a substitute for FAP but simply as a way of providing some relief until the family assistance program, if adopted by Congress, goes into effect.

I hope it will be possible to vote on both the Ribicoff-Bennett amendment and on my amendment before the Senate adjourns.

Mr. WILLIAMS of New Jersey. Mr. President, 35 years ago this Nation made a commitment to enable the elderly to live a life of dignity and self-respect in retirement. Enactment of the Social Security Act was a landmark in social legislation. It once again affirmed the high value we place upon human dignity throughout a lifetime.

Today social security protects workers and their families from loss of earnings because of retirement, death, or disability.

Without these benefits, many older Americans would be forced to go on the relief rolls or to depend upon relatives who frequently would not have the resources to support them.

And without these benefits 19 out of 20 beneficiaries would not even achieve a moderate standard of living.

Yet, the vast majority of older Americans are experiencing a retirement income crisis which is worsening, rather than improving:

Nearly 5 million elderly persons fall below the poverty line;

Over 2 million are on welfare; and

Only about 1 in 5 has a job, usually part time and at lower wages.

Today older Americans are twice as likely to be poor as compared to younger persons. One out of every four persons 65 and older—in contrast to one in nine for younger individuals—lives in poverty.

Even more disturbing, their aggregate numbers in poverty are now increasing, for the first time. Since 1968 the total number of elderly persons living in poverty jumped by nearly 200,000—from 4.6 to 4.8 million. In sharp contrast, the number of younger persons who would be considered poor declined by almost 1.3 million, about a 6-percent reduction.

These figures clearly show that piecemeal, stopgap measures are just not going to work. Today's retirement income problems cannot be solved by adding a few dollars every year or two to social security.

Immediate and far-reaching action is needed on several fronts.

The bill before us today has several provisions which will be of vital help to individuals living on limited fixed incomes.

Several provisions, in fact, represent a major step forward in dealing with the present retirement income crisis. They are identical or very similar to proposals I have advanced in my omnibus social security legislation and other proposals to help the aged.

A 10-PERCENT BENEFIT INCREASE

In May, the House of Representatives passed a 5-percent across-the-board raise, effective in 1971. This increase would, of course, be welcome by our Nation's 20 million older Americans.

However, our cost of living has been rising at an annual rate of about 6 percent—the most rampant inflation in nearly 20 years.

At this rate, the 5-percent benefit increase would be wiped out before a social security beneficiary received his first check reflecting this raise.

Spiraling inflation continues to rob the pocketbook of every American. But no group is hurt more badly than older Americans living on fixed incomes.

As prices go up, their meager purchasing power goes down—usually quite sharply.

For an average retired couple, a 10-percent benefit increase would mean an additional $118 in annual benefits above the House level, or approximately $10 a month.

MINIMUM BENEFITS

Another significant improvement in the Finance Committee bill is the substantial increase in minimum monthly benefits.

Minimum benefits for a single person now amount to $64 a month.

The 5-percent increase authorized in the House bill would only have the effect of raising this present inadequate base by $3.20 a month—from $64 to $67.20.

This is only a token amount and would be completely unrealistic for a person subsisting in poverty.

The Senate bill would help to improve this measure substantially by providing a minimum monthly benefit of $100. This badly needed reform can be one of the most significant measures in the bill before us.

LIBERALIZATION OF THE EARNINGS TEST

Under present law, a person under 72 may earn up to $1,680 in annual income before his social security benefits are reduced.

For many senior citizens who need to work because of inadequate social security benefits, this limitation operates as a formidable barrier.

In both the House and Senate bills, the existing earnings test is raised to a more realistic level—$2,000 before social security benefits would be reduced.

In addition, $1 in benefits would be withheld for each $2 of earnings above the $2,000 cutoff point. Under existing law, this one for two feature only applies to a $1,200 earnings band—from $1,680 to $2,880. Thereafter, $1 in benefits is withheld for each $1 of earnings.

A 100-PERCENT BENEFIT FOR WIDOWS

Another far-reaching reform in both the House and Senate versions is my measure to provide 100-percent benefits for widows.

At present, they receive only 82 percent of the primary benefit of their deceased spouse.

One of the pressing reasons for making this urgently needed change is that approximately six out of every 10 widows living alone have incomes below the poverty line. Especially disadvantaged are the Nation's very oldest women.

Another compelling argument for this measure was advanced by Dr. Joseph Pechman of the Brookings Institute:

> An increase in the widow's benefits to a full 100 percent of P/A (the primary benefit amount that had been payable to the husband) would more effectively aid the poor, per dollar of added cost, than any other change in the system, including a minimum benefit.

It is estimated that this change alone can provide an additional $260 in annual income for widows. Approximately 2.7 million widows and widowers will be benefited from this change.

AGE-62 COMPUTATION POINT FOR MEN

My proposal to provide an age-62 computation point for benefits for men—the same as now exists for women—has also been incorporated in both the House and Senate bills.

Under present law, 3 more years are used in computing benefits for a man than are used for a woman of the same age.

This difference in the treatment of men and women can result in significantly lower benefits being paid to a retired man than are paid to a retired woman with the same average earnings.

When the change in the committee bill is fully operational, the benefits for most men would be higher than under present law. And higher benefits would be paid to the dependents of retired men and to the survivors of men who die after age 62.

LIBERALIZED ELIGIBILITY REQUIREMENTS FOR DISABILITY INSURANCE

A number of improvements were also made in the Finance Committee bill to improve the present disability provisions.

For example, the Senate bill reduces the waiting period to qualify for disability benefits 6 to 4 months.

Moreover, blind persons will be able to qualify for disability benefits, provided they have worked under social security for 6 quarters.

UPDATING RETIREMENT INCOME CREDIT

In addition, the Finance Committee bill also incorporates my proposal to update the retirement income credit for retired teachers, firemen, policemen, and other Government annuitants.

The purpose of the credit is to place these pensioners on a substantially equivalent tax basis with social security beneficiaries.

Social security benefits are, of course, tax exempt. Government annuitants receive comparable tax relief by claiming a 15-percent credit on their qualifying retirement income—their pensions, annuities, rents, interest, and dividends.

But the credit no longer provides equivalent relief because it has not been updated for 8 long years. During that time, there have been three badly needed social security increases. And hopefully, we will soon enact a fourth raise to help bring retirement income up to a more realistic level.

My amendment—which was adopted in modified form—would help to correct this longstanding inequity.

It would do this by raising the maximum amount for computing the 15-percent credit from $1,524 to $1,872 for a single person and from $2,286 to $2,808 for an elderly married couple.

This could mean a possible tax savings of $52 for a single retiree and $78 for a married couple.

SECTION 225

One especially objectionable feature in the House-passed bill was section 225, which provided for a one-third cutback in Federal funding after 60 days for medicaid patients in hospitals or 90 days for persons in nursing homes or mental institutions.

This is in spite of the fact that two-thirds of all nursing home residents require more than 90 days' care.

This ill-advised proposal could have dealt a crippling blow to the availability or quality of care for medicaid patients.

Since medicaid patients are unable to pay for their own medical care, this crushing burden would fall directly on the States. And we know that virtually every State in the Union lacks sufficient resources to assume this additional substantial burden.

In the committee bill, there would be cutbacks in Federal funding for institutional care only when adequate professional review and medical audit functions are not effectively applied. However, States properly carrying out these functions would not be affected by any cutback provision.

FINANCING OF COST-OF-LIVING INCREASES

In spite of the overall worthiness of the bill, one especially controversial provision has arisen, and that is the method of financing the cost-of-living increase.

To pay for these increases, approximately 50 percent would come from raising the tax rates and 50 percent from increasing the taxable wage base.

The effect of this measure is that a large portion of this burden would be shouldered by people earning low incomes—people who can least afford a tax increase.

Since the payroll tax rate would be uniformly applied to all covered individuals, workers with low earnings would pay a proportionately higher percentage of their total income than higher paid persons.

Once again, this underscores the need for well-timed and well-conceived use of general revenues to help finance a portion of the social security program.

The advantage of this approach is that it would provide a more equitable means for financing this essential, but still imperfect program.

It would not result in burdensome payroll taxes being imposed upon today's workers. And it would make the tax structure for financing the program more progressive.

Mr. President, the overall study of the "economics of aging" by the Senate Committee on Aging—of which I am

chairman—has helped make the case for badly needed reform in social security.

The bill before us today represents a significant step forward in many respects. But our task is still not complete.

Further reform is still needed and will be discussed in much greater detail in the Committee on Aging's final report on the economics of aging, which will be issued in the very near future.

A recent letter from Mr. Nelson Cruikshank, president of the National Council of Senior Citizens, makes a very perceptive analysis of some of the major provisions in the 1970 social security bill.

His comments about the financing of the cost-of-living increase, especially merit the serious attention of all Members of the Senate.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD for my colleagues to read.

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

NATIONAL COUNCIL OF SENIOR CITIZENS, INC.,
Washington, D.C., December 14, 1970.

Hon. HARRISON A. WILLIAMS, JR.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: This is in reference to H.R. 17550 (Social Security Amendments of 1970) which we understand is being reported by the Senate Finance Committee and will probably be before the entire Senate this week.

As you know, this is a very complex bill containing many proposals for changes in the basic Social Security program in Medicare, Medicaid, and Public Welfare. In one way or another practically all these proposals affect the well being of the older people of this country and we would have preferred that there were time for us to make an analysis of all the proposals and to present our views in detail. However, it appears that in the short time remaining to this Congress this will not be possible.

There are some major provisions of this measure before you on which we would appreciate the opportunity of presenting our views.

CASH BENEFITS

The first of these is the matter of increasing the cash benefits under the Old-Age, Survivors and Disability programs. The House-passed bill provides but a meagre five percent across-the-board increase. The Finance Committee bill provides a 10% increase with $100 per month minimum benefit. While this represents a substantial improvement, it still falls short of meeting the economic needs of the elderly who, in the face of inflationary increases in living costs, are witnessing the erosion of their already meagre incomes.

About 9 out of 10 older people now receive Social Security benefits and are largely dependent on them as witnessed by the fact that one quarter of the married couple beneficiaries and one half of the non-married have other income of less than $40.00 a month per person. Average Social Security benefits are $117 a month for retired workers.

Inflation has hit older people the hardest because their incomes rise slowly—if at all—and because the greatest price increases have taken place in such necessities as home maintenance, insurance, taxes, medical care and transportation. The most seriously affected are older widows or unmarried women who form the largest single element in the older population. The average Social Security benefit for widows is $101 a month.

It is for such reasons that we appeal to you to give primary consideration to increases in cash benefits. Whatever disposition the Senate may make of the many other proposals contained in H.R. 17550—this is one on which we feel confident you will want to take immediate action. And we urge you to take such action as will assure that whatever comes out of conference will provide not less than a 10 percent increase with the minimum benefit of $100 a month.

COST OF LIVING INCREASES

Secondly, we have some very definite views of the proposals for increases in benefits geared to increases in living costs which we would like you to consider.

We are, of course, not opposed to increases whatever their basis. But we want to emphasize the position we have consistently taken, namely that cost-of-living percentage increases applied to the present low level of benefits as a base, will not alone meet the income needs of the elderly. To do this requires substantial improvements in present benefit amounts. Future needs could then be met in large measure by automatic increases based on cost-of-living figures.

But if the steadily improving *standard* of living provided by the dynamic American economy is to be shared by the elderly, Congress must continue, as it has in the past, to review periodically the requirements and resources of the Social Security system and make such adjustments as appear necessary and feasible in the light of current economic and social conditions.

Both provisions for automatic adjustment and for continuing responsibility of the Congress in this area appear to be provided in the escalator provision of the Senate Committee bill. Except that in this bill the provisions for financing the increases are less equitable, in our view, than those of the House-passed bill which would finance the increased benefits by increases in contribution and benefit bases, also geared to increases in cost-of-living.

Consequently, we would urge that the provisions for financing the cost-of-living increases contained in the House bill be retained along with the provision for "intervening" by the Congress, as contained in the Finance Committee bill. We feel strongly that the burden of rising benefits geared to cost-of-living should not be borne by workers (and their employers) in the lower wage brackets, as would be the case under the financing provision of the Senate Committee bill.

RETIREMENT TEST

Finally, we support the proposed changes in the retirement test which are identical in both the House-passed bill and the Senate Committee bill. The liberalizations of the test both for the present and those for the future geared to cost-of-living, appear as moderate adjustments required by changing conditions. We are opposed to any proposals for eliminating the test entirely, or for more far-reaching changes than those contained in the present bill.

The National Council of Senior Citizens, like many members of Congress, I am sure, has been called upon to request elimination of the retirement test on the allegations that the Social Security program should not "prevent people from working." In response to these requests we made a thorough study of the purpose and operation of the test and concluded that it would be most unfair to the great majority of retirees if this test were to be eliminated. After wide distribution of the results of this study by every means available, our membership has supported our opposition to removal of the test.

The main reasons for this position are (1) most elderly are not able to work, even if jobs in the present labor market were available, (2) removing the test would be of benefit to less than 10 percent of the elderly and this would include those who need help least of all; professional people, business executives and others who for the most part do not rely mainly on Social Security benefits for their livelihood and (3) the cost which would run about $2.75 billion the first year and more in later years, would undoubtedly prevent increases in benefits for those much more in need.

We appreciate your giving our views consideration as this very vital measure comes before you for action. If we can be of any assistance in further clarifying our position, or in any other way, please feel free to call on us.

Sincerely and respectfully yours,
NELSON H. CRUIKSHANK,
President.

Mr. FANNIN. Mr. President, presentations by several members of the Finance Committee, from both parties, have illustrated the fallacy that the family assistance plan would create incentives for people to work rather than not to work. Supposedly workfare was the foundation of this program but it is now evident we need a pilot project to make it possible for information to be developed to prepare legislation for programs to accomplish this objective.

We need to determine what can be done to provide jobs for people under this program. At the present time we have a serious unemployment problem in this country and we must find a solution. Many of these people are on welfare.

Mr. President, the Secretary of Health, Education, and Welfare has estimated the current welfare caseload in the Nation at 12.6 million.

This is an increase of 2 million persons over the same date 1 year ago.

Secretary Richardson has also been quoted as saying that in some States the hike in welfare caseloads is up as much as 30 percent over last year. This means that caseloads in some areas are more than doubled every 5 years.

President Nixon has set the current welfare budget at $8.7 billion—yet it is expected that the actual cost this fiscal year will soar over $10 billion.

This welfare load already is a very substantial burden on the hard-working people of our Nation.

And yet, here we are discussing a program to double the number of persons who qualify to collect welfare payments.

This simply is not fair to those people in our society who work day in and day out to carry their own weight.

Mr. President, we have run the gamut of suggestions as to what income a person is entitled to as a birthright in this Nation. It ranges from $1,600 to more than $7,000—depending on which advocate of the guaranteed annual wage you may talk to.

What in the world has happened to our country?

Why are we so determined to travel down the same road that proved so disastrous to the British?

Our Nation became great and powerful by offering people opportunities—not by guaranteeing them handouts. Our people have prospered because of their sweat and toil and their willingness to sacrifice.

Perhaps it is a bit old fashioned, but I believe that some of the principles that

made our country great still are valid. I do not see why we should pick the year 1970—or 1971—to switch to a socialistic philosophy which is contrary to our heritage.

Those who have promoted the various guaranteed annual wage programs over the years have dwelled on the plight of the poor. And I can appreciate this concern. I too am concerned about the plight of the poor. We certainly have not done enough for the aged and the ill who are deserving of much more consideration.

But let us talk for just a moment about the plight of the working man and woman and his family.

Throughout our history the bulk of Americans have been willing—and in most cases even thankful—to labor hard for their livelihood. They have been justly proud to carry their own weight and do an extra bit to help their Nation.

Millions have started work in their teens. Mostly they have had precious little education. Many have worked all their adult lives, 5 and 6 days a week at labor that is perhaps monotonous, perhaps tedious, perhaps physically exhausting. These proud masses have not sought—nor would most of them have accepted—a chance to freeload on their fellow workers.

Now, suddenly in the latter half of the 20th century, we have a strange, new movement afoot. There is a faction that contends that people have a right to freeload on their fellows, that no one has an obligation to help carry his share in paying the price of making society run.

Advocates of the guaranteed annual wage—or the family assistance plan as it is called in this case—make it sound as though welfare payments somehow materialize magically. They foster the old, worn myth that the State is something with endless resources that can provide for the needs and desires of everyone.

But we know better. Or at least I hope we do.

The Government has nothing to give to anybody that it does not first take from someone else.

If we double the welfare roles, then we multiply accordingly the amount of tax money that we must extract from the hard-working man to give to the nonproductive members of our society.

This is not a scheme to take from the rich and give to the poor.

It is a scheme to take from the middle- and low-income worker—already struggling against inflation—to give to the poor, whether the poor be deserving of help or not. Again, I say that I am not being critical of persons who have a legitimate claim to welfare, such as the aged or the ill who cannot work.

Mr. President, I am pleading for the man who is determined to do whatever he can to pay his own way in the best of American tradition. This is the man who would be the victim of the misguided legislation we are considering.

There is a lot of talk about the right of every man to live with dignity.

Too many of those people willing to live off the labor of others do not know the meaning of the word "dignity."

We have an unfortunate situation in our Nation at the current time where many well-educated or well-trained men and women, eager to work, cannot find employment in their chosen field.

These people are having a hard time maintaining their dignity. But many of them are doing it, and doing it the hard way. It is dignity when an engineer takes a job as a cab driver because he is determined to support his own family rather than go on the public dole.

It is dignity when a cab driver who is out of work seeks any kind of manual labor to support his family.

Recently there was a newspaper article which indicated that a job lacked proper dignity because it paid a workman only $3 per hour.

To me, a man who fails to work at a job paying $300 a month in wages so that he can collect $300 a month in welfare has no dignity.

Mr. President, what we need is to reform our welfare system—not expand it.

The proposal we have before us just adds another layer to the same old mess.

We must have a program to encourage people to get off welfare. We must have something to break the pattern of generation after generation of welfare families. We must halt the proliferation of welfare provisions that encourage people to keep their hands out.

The Government is only the intermediary in this—the handout really comes from the man who has done his day's work. It is taken from the workingman and from the workingman's family.

What we need is a workfare program.

We need meaningful reforms that will adequately provide for those unfortunate people who cannot possibly support themselves. We need to kick the perennial freeloaders, those who can work but will not, off the welfare rolls. And we need to offer incentives to put the prospectively productive members of our society back to work.

There are those in our Nation who would sit back gladly and accept a free ride. They would feel not the slightest embarrassment or remorse. They believe people who work are suckers. These people are immoral.

And there are other disadvantaged people we are trying to inspire to work who would be irrevocably damaged by any guaranteed annual wage scheme. These people are willing to subsist, and to have their children subsist. They would be content with $2,000 a year; they would be prosperous with $3,000 per year; they would be overwhelmed with $4,000 per year.

These people are not immoral. Their mores—or lifestyle to use the modern cliche—has never looked upon labor as a virtue and they feel no scruples about living forever on whatever is given to them. As I said, subsistence is the essence of their life. This program would be ruinous to them.

Mr. President, we already have seen the phenomenon of welfare recipients organizing to demand more and more from the Government. We have seen them "occupy" the office of a secretary of welfare.

Now, we have before us a plan to double the number of persons who would have credentials to join such pressure organizations and join in such disruptive tactics.

We would have roughly one out of nine persons in this country on welfare. This quarter of a million persons would be a tremendous political bloc. The politician playing to this group would have to offer more and more benefits. He would have to promise to take more and more from the assembly line workers, butchers, mechanics, office workers, and other productive members of society to give to those who not only cannot work but those who simply do not want to work.

Mr. President, if this were a good program—and it is not a good program, but if it were a good program—now would be the wrong time to try to launch it.

Our Federal Government already is faced with a deficit of $10 to $15 billion—and perhaps even more—during the current fiscal year.

What we need at this time are programs to put people in jobs, not on welfare rolls. We have an unacceptably high rate of unemployment. Welfare is not the answer.

Those who have been trying to sell us the family assistance plan talk vaguely about getting welfare recipients eventually into jobs. Yet their program makes no provision for new jobs. No one is saying where these jobs are going to come from.

What escapes me, Mr. President, is the logic of some of the people who are 100 percent for expanding welfare and yet dead set against other legislation to protect American jobs. It is inconceivable that we can survive as a nation of welfare recipients after we have exported virtually all of our manufacturing jobs.

I think that the welfare reform issue is very closely tied in with the trade bill, Mr. President, and that is why I felt compelled to mention it at this point.

I certainly am not opposed to welfare reform.

In the Finance Committee, I voted for a pilot program to test out some of the reform theories. We would have a chance to see what incentives are effective in getting people off welfare and into productive work.

This is the only sensible way to approach the issue.

Voting for a multibillion dollar new welfare program without a pilot project is like voting for production of a multibillion dollar new airplane—we might take the SST as an example—without providing for testing of prototypes.

I want to see if the family assistance plan will fly.

And more important, I want to see if it is going to fatally pollute the atmosphere of our Nation.

The proposal before us is fraught with dangers. It is built on estimates and assumptions of doubtful value.

A trial run could either prove that the proposals are sound—or demonstrate that disaster would strike a full-blown program if it were attempted.

I firmly believe that the family assistance plan as now offered would be a disaster for the Nation.

This is not something I say lightly.

I have supported 99 percent of President Nixon's programs, but I most def-

initely oppose the program before us and everything offered so far by the administration.

President Nixon had a good idea—a work incentive program to cure the ills of the welfare system.

The idea obviously went astray in the Department of Health, Education, and Welfare. The program presented to us is not only a continuation of the same old misdirected welfare concept, but an expansion of the fiasco.

We have a program here which is aimed strictly at increasing the welfare rolls. It offers no real incentives to put people to work. It offers no machinery for encouraging or preserving jobs, or of getting welfare people into productive positions.

If this program is approved, I say again, it will be a disaster for our country.

Mr. MATHIAS. Mr. President, we are debating the most important domestic legislation of this Congress. I regret that we are doing so under the pressures of adjournment and under a tangled parliamentary situation. The administration's Family Assistance plan is so important that it deserves our most earnest and direct consideration.

The President has called this legislation the keystone of his entire program of domestic reforms. I was proud to cosponsor the original version of the plan last year and am pleased to join in sponsoring the current proposal. It is the product of years of study by many perceptive individuals, including the Vice President, who was among the first to advocate a Federal floor under welfare payments as a means of relieving the fiscal burdens on the States.

This legislation, if adopted, will have a constructive impact on millions of Americans, both those who, as taxpayers, are now forced to support the obsolete welfare system, and those who, as recipients, are subject to its inequalities and whims.

Especially important is the import of the Nixon proposal for the coming generation of Americans. We have an opportunity here and now to take a long step toward freeing millions of children from the tragic welfare cycle of dependence and poverty, and enabling them to grow up in a united family, in an atmosphere of dignity and self-reliance. In an eloquent address to the White House Conference on Children on December 13, the President spoke of the meaning of the Family Assistance plan for the next generation. I ask unanimous consent to include the text of the President's remarks in the RECORD at the conclusion of my statement.

Mr. President, the Family Assistance Plan is based on the premise that all Americans need money to live and incentive to work. Beyond that, it establishes national uniform eligibility standards, and narrows the present variations in benefits. It combines strong work incentives with work requirements. It will lift a great and growing financial burden from State and local governments, enabling them to turn their limited resources to other pressing public problems.

This legislation is not perfect; no bill of this scope could fully satisfy everyone. But it is a bold step forward and deserves Senate approval this year.

There being no objection, the text of the President's remarks was ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT AT THE WHITE HOUSE CONFERENCE ON CHILDREN

Mr. Secretary, Mr. Mayor, Mr. Chairman, and ladies and gentlemen, all of the delegates to this Conference:

Before I begin my prepared text, I would like to express my deep appreciation to all of you who have come to this Conference, and also for the very special entrance that was arranged on this occasion.

One of the great privileges for the President of the United States, of course, is to hear Hail to the Chief. I have heard it many times since I became President almost two years ago. I have never heard it played better than by the East Atlanta School from over here, an elementary school.

Speaking as one who played a very poor second violin in a high school orchestra, I appreciate all of the work and the talent that is represented therein by the leader who was able to develop those talents.

I am very proud tonight to share with six of my predecessors, starting with Theodore Roosevelt and most recently, Dwight Eisenhower, the honor of convening a White House Conference on Children. I take very special pleasure in welcoming all of you here.

Our concern at this Conference is with the well-being of 55 million individual human beings who happen to be children under the age of 14, and who represent one-fourth of all the people in America.

When I refer to them as 55 million individual human beings, I mean to put the emphasis precisely on that—in the fact that nothing is so intensely personal as the private world of the child; nothing so removed from the statistical abstractions of a chart or a computer.

In talking about our children, we are talking about our world and about its future, but in the most special, the most human, the most individual sense of anything we do or consider.

The refreshing little flower emblem that has been used as the symbol of this Conference is a reminder to us of one very simple and very basic truth: that the world of the child is different and very special, and full of promise and very much alive.

It also reminds us that whether we speak of a community of 200 people or of 200 million, the important thing to remember is that no two are alike.

I am sure some of you have heard the little television commercial, a musical one, that has the little ditty that goes "No one else in the whole human race is exactly like you."

Because of this, what is right for one child may be all wrong for another.

Here in Washington, in government, we have a tendency to think about things in the mass, about cities of more than a million or less than a million, of people over 65 or those under 21, about whole school systems or health delivery systems.

Just yesterday, I spent a great part of the day working on next year's Federal budget, on billions for this and billions for that, and how perhaps $100 million could be saved here in order to do something we want to do someplace else; trying to balance the needs and hopes of dozens of government departments and agencies that operate thousands of programs involving millions of people. Sometimes after a day like that, I find myself reflecting on both the necessity and then the impersonality of it all. Budgets have to be made and they have to be followed because that is the way the real world operates. And governments have to deal with great masses of people because this is the way governments operate.

But how far removed this can get us from the perspective of the individual person. How great a tendency there is in government to lose track of people as people, to get so wrapped up in charts and projections and columns of numbers that we lose sight of what ultimately it is all about.

If there is one thought more than any other that I would like to leave with you, all of the 4,000 delegates to this Conference, it is this: to remember that what matters is one person, one child, unlike any other, with his own hopes and his own dreams and his own fears, who lives at the center of his own separate and very personal world.

I am sure that each one of you is here taking part in this great Conference because you do care not only about children in the mass, but about the child. I hope you will help us in government to keep the focus on that one child.

One of the special glories of America is that we are a nation of individuals and individualists. We produce people, not automatons. We recognize diversity not as an evil but as a virtue. We turn not to one institution alone but to many to perform the great task of achieving a better life for all of us.

We recognize, of course, the role for government, for the church, the home, the school, the volunteer agencies that are so distinctive a feature of American life. And we do know that this is a case in which individual cooks, and additional cooks, do enrich the broth.

There is, of course, a large and vital role government must play in insuring the best possible opportunities for the child.

Tonight I would like to speak briefly to you about just one government program, a Federal Government program, presently being considered by the United States Senate, which I believe particularly deserves your support.

The great issue concerning family and child welfare in the United States is the issue of family income.

For generations, social thinkers have argued that there is such a thing as a minimum necessary family income, and that no family should be required to subsist on less. It is a simple idea, but very profound in its consequences.

On August 11, 1969, over a year ago, I proposed that for the first time in America's history we in this great, rich country establish a floor under the income of every American family with children. It has, in turn, been called by others the most important piece of domestic legislation to be introduced in Congress in two generations.

In terms of its consequences for children, I think it can be fairly said to be the most important piece of social legislation in the history of this Nation. I am sure you know the story of the legislation. In April, it passed the House of Representatives by almost 2-to-1. Then it became mired down in the Senate. It is still stuck there, but it is not lost. There is still an opportunity for the 91st Congress to change the world of American children by enacting Family Assistance.

In these closing days of that Congress, I want to emphasize once again unequivocally my personal support for the welfare reform this year, and to urge your support for welfare reform this year.

In the last 10 years alone—listen to this—the number of children on welfare in America has tripled to more than six million. Think of it—six million children—six million children caught up in an unfair and tragic system that rewards people for not working instead of providing incentives for self-support and independence; that drives families apart, instead of bringing them together; that brings welfare snoopers into

their homes, that robs them of pride and destroys dignity. I believe we should change that.

The welfare system has become a consuming, monstrous, inhuman outrage against the community, against the family, against the individual, and most of all against the very children who are our concern, your concern, in this great Conference, the children it is meant to help.

We have taken long strides—not enough, but long strides—toward ending racial segregation in America. But welfare segregation can be almost as insidious.

Think what it means to a sensitive child.

Let me give you one example. My daughter Tricia does tutoring at an inner-city school here in Washington. She tells me of her deep concern each day to see the welfare children herded into an auditorium for a free lunch, while the others bring their lunches and eat in the classroom.

We have to find ways of ending this sort of separation. The point is not the quality of the lunch. As a matter of fact, she tells me that the free lunch is probably nutritionally better than the ones the others bring from home.

The point is the stigmatizing by separation of the welfare children as welfare children.

I remember back in the Depression years—and if this dates me, if you can remember, you can remember, too—of the 1930's, how deeply I felt about the plight of those people my own age who used to come into my father's store when they couldn't pay the bill, because their fathers were out of work, and how this seemed to separate them from others in our school.

None of us had any money in those days, but those in families where there were no jobs and there was nothing but the little that relief then offered suffered from more than simply going without. What they suffered was a hurt to their pride that many carried with them for the rest of their lives.

I also remember my older brother. He had tuberculosis for five years. The hospital and doctor bills were more than we could afford.

In the five years before he died, my mother never bought a new dress. We were poor by today's standards, and I suppose we were poor even by Depression standards.

But the wonder of it was that we didn't know it. Somehow my mother and father, with their love, their pride, their courage and self-sacrifices were able to create a spirit of self-respect in our family so that we had no sense of being inferior to others who had more.

Today's welfare child is not so fortunate. His family may have enough to get by on and, as a matter of fact, they may have even more in a material sense than many of us had in those Depression years. But no matter how much pride and courage his parents have, he knows they are poor and he can feel that soul-stifling patronizing attitude that follows the dole.

Perhaps he watches while a caseworker—a caseworker who himself is trapped in a system that wastes on policing talents that could be used for helping—watches while this caseworker is forced by the system to poke around in the child's apartment, checking on how the money is spent, or whether his mother might be hiding his father in the closet.

This sort of indignity is hard enough on the mother. It is enough of a blow to her pride and to her self-respect. But think of what it must mean to a sensitive child.

We have a chance now to give that child a chance—a chance to grow up without having his schoolmates throw in his face the fact that he is on welfare and without making him feel that he is therefore something less than other children.

Our task is not only to lift people out of poverty but from the standpoint of the child our task is to erase the stigma of welfare, illegitimacy and of hardship, and to restore pride, dignity and self-respect for every child in America.

I don't contend before this sophisticated audience of critics that our Family Assistance Plan is perfect. Secretary Richardson, who has been before the Senate, will be able to answer questions that you may put to him because he has been before a very, very critical body.

But I am only going to suggest this: In this confused, complex and intensely human area no perfect program is possible, and certainly none is possible that will please everybody. But this is a good program, and a program immensely better than what we have now, and vastly important to the future of this country—and especially to the neediest of our children. It is time to get rid of the present welfare program and get a new one, and now is the time to do it.

For the United States Senate to adjourn without enacting this measure would be a tragedy of missed opportunity for America and particularly for the children of America.

I have dwelt at some length on Family Assistance because of its vital and even historic importance and because now is the time for Senate decision.

This represents, as I indicated, one of the things the Federal Government can do to give children a better opportunity.

There are others: our programs for the right to read, our emphasis on the first five years of life through the new Office of Child Development in the Department of HEW, on education reform, on food, nutrition, and in many others, where we are trying to meet what I believe is a great responsibility that rests with the Federal Government.

I know in this Conference you will have many new ideas for things we in Government, in the Federal Government, might do.

We shall do our best to meet our responsibility in those areas where the Federal Government can best do what needs to be done. But I would also stress that equally and often more important is what States and communities do, and the school, the church, the family, the mass media, the volunteer organizations, each of us as individuals. For the child is not raised by government; the child is raised by his family. His character is shaped by those people he encounters in his daily life.

I think especially of the millions of Americans who give their time, their energy and their heart to volunteer activities working with children. You know them in your communities—thousands, hundreds of thousands all over America.

Before becoming President, I served as National Chairman of the Boys Clubs of America. I saw from the inside the wonderful work organizations like the Boys Clubs and others do, and also the spirit and dedication of the people who make them possible. There are churches and service organizations, hundreds, thousands of organizations all across America, helping. They can help more.

And most important, these volunteer organizations can do what government cannot do: they can give heart and inspire hope, and they can address themselves not simply to children as a group but to that one special, precious child.

Before closing tonight, I would like to leave with you a few very personal reflections from the perspective of the office I hold.

A President of the United States always thinks about the legacy that he would like to leave the country from the years he serves in this office. I think often about that in terms of what I can leave for America's children.

I know that the first thing I would like to do for them is to bring peace to America and to the world. And here I speak not just of ending the war, but of ending it in a way that will contribute to a lasting peace, so that theirs, at last, can be what we have not yet had in this century—a generation of peace.

I speak not only of the absence of war, but also of a peace in which we can have an open world in which all the peoples of the world will have a chance to know one another, to communicate with one another, to respect one another.

The second thing that as President I would like to leave for America's children is a strong, productive and creative economy—one that can provide every family with a floor under its income higher than what is now the ceiling for most of the world's peoples.

I want to leave them an economy that provides jobs for all with equal and full opportunity, jobs producing not for war but producing for peace.

And beyond this, I want, as you want, America's children in the last generation of this century to have the best education, the best health, the best housing that any children have had anywhere, anytime.

I want them to enjoy clean air, clean water, the open spaces, to restore the heritage of nature that is rightfully theirs.

Although we will always have differences here in America, because this is a very diverse country, I hope that Government can help achieve a better understanding among the generations, the races, the religions, among those with different values and different life styles.

I would like to do all this and do it in the climate of freedom.

I want this generation of children to develop a new sense of patriotism.

Edmund Burr pointed out that patriotism translated literally means love of country. And he went on further to say that for us to love our country, our country must be lovely.

We do love our country—most of us—but we know it has many unlovely features. I want young Americans to learn to love America, not because it is the richest country, or the strongest, or merely because they were born here, but because America is truly a good country and becoming better, because it is truly a lovely country.

I am convinced that in my term as President we made some progress towards these goals that I outlined and I think that we by the end, will have made more progress. But even if all these goals could be fully achieved, it still would not meet our duty to our children.

No matter what Government does for people, no matter what we provide in the way of income, housing or food, we still have not reached the essential element as far as a full and meaningful life is concerned, because what is most important is that every person in this country must be able to feel that he counts.

We have to let 55 million very young Amercans, as well as those a little older perhaps, know that what they do matters, that their ideas count, that the country needs their thoughts, their creativity, their contributions.

I recall Dr. Walter Judd once said that he loved his daughter very much, and then when she asked him to help her with her arithmetic, he really could do it much better than she could, the easiest thing for him to do would be simply to do it for her. But because he loved her, he would not do it for her. He helped her learn to do it herself.

While this conference will and should make recommendations as to what Government can do for children, about how we can make life better for them, let us remember that what is most important is to provide the opportunity for each of our children to participate, for each child.

It is not just a matter of what more Government is going to do for him, but how his

own life is going to be enriched so that he can do something for his fellow man.

A sense of dignity, a sense of identity, of pride, of self respect—these no government can provide. Government can help to create better conditions. It can help remove obstacles to the child's development. It can mobilize research and provide services. It can offer advice and guidance. But all these only help to make success possible.

The love, understanding, the compassion, the human concern that touch the child and make him what he can become—these are provided by people, people like you.

And the way we shape the character of the next generation we test our own character as people. And the vigor and the realism with which we approach the needs of the next generation, of each and every child in that generation, tests our devotion to humanity and our belief in ourselves.

I am confident we will meet that test. And I am grateful, very grateful, to all of you here for the concern you have shown, the dedication you have demonstrated, in helping us to do so.

Your recommendations at the conclusion of your conference on Friday will receive the most careful consideration by the various agencies to which they will be referred and by the President of the United States, not only because we in this Administration respect your view, but also because we share your concern. We share your concern about our Nation's children, our children. We share your concern that our children should receive the best that America can give them.

Now, ladies and gentlemen, having concluded my formal remarks, I would like to give you a very special invitation and explain the nature of it.

When I learned about this conference, I suggested to your Chairman, Steve Hess, that Mrs. Nixon and I would like to receive all of the delegates to the conference at the White House. He said, "There are 4,000."

I checked with our staff to see whether that would be possible, and they figured out that based on an experience over the past two years of moving receiving lines as fast as we possibly could, it would take six hours and 18 minutes to get 4,000 people through the line.

I said we couldn't do that because I thought the people at the end of the line might get tired by the end of six hours and 18 minutes.

But I do think you should know that tomorrow the Christmas decorations at the White House will be completed. Those who have seen them think they are the most beautiful they have ever seen.

We have various nights blocked out. Monday night is the Congress; Tuesday night is the Congress; Thursday night are the diplomatic children, and so forth.

But Wednesday night belongs to you.

We have arranged for a special tour. Mr. Hess and his staff will arrange the buses and all the other various means of transportation that are needed to get you there.

We have arranged a special tour of the White House to see the Christmas lights and we hope that some members of our family can be there at least part of the time to greet some of you.

Thank you very much. We wish you the very best.

AUTHORITY FOR THE SECRETARY OF THE SENATE AND THE PRESIDENT PRO TEMPORE OR ACTING PRESIDENT PRO TEMPORE TO TAKE CERTAIN ACTION DURING THE ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that during the adjournment of the Senate following completion of business today, December 22, until noon December 28, 1970, the Secretary of the Senate be authorized to receive messages from the President of the United States and the House of Representatives, and that the President pro tempore or Acting President pro tempore be authorized to sign duly enrolled bills.

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

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on December 19, 1970, the President had approved and signed the following acts:

S. 336. An act to amend section 3(b) of the Securities Act of 1933 to permit the exemption of security issues, not exceeding $500,000 in aggregate amount, from the provisions of such act;

S. 703. An act for the relief of Arthur Jerome Olinger, a minor, by his next friend, his father, George Henry Olinger, and George Henry Olinger, individually;

S. 1366. An act to release the conditions in a deed with respect to a certain portion of the land heretofore conveyed by the United States to the Salt Lake City Corporation; and

S. 4187. An act to authorize the Secretary of the Army to convey certain lands at Fort Ruger Military Reservation, Hawaii, to the State of Hawaii in exchange for certain other lands.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. FANNIN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations received today, see the end of Senate proceedings.)

SUPPLEMENTAL FOREIGN ASSISTANCE AUTHORIZATION—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961, and for other purposes. I ask unanimous consent for the present consideration of the report.

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

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

(For conference report, see House proceedings of December 21, 1970, p. 43133, CONGRESSIONAL RECORD.)

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, the agreement reached by the conferees on H.R. 19911, the supplemental foreign aid authorization bill, is very favorable to the Senate position. At a time when there have been comments about the fact that the Senate position has not prevailed in some recent conferences, I take pleasure in presenting a conference agreement which supports the Senate's position on all major points in dispute.

The principal differences between the House and the Senate on this bill concerned the Senate's restrictions relating to aid to Cambodia. The Senate bill contained three restrictions; the House bill none. The Senate's restrictions were:

First, a prohibition on the sending of U.S. troops or advisers to Cambodia;

Second, a policy statement that aid furnished Cambodia shall not be construed as a commitment to defend that country; and

Third, a requirement that the President give Congress prior notice before giving Cambodia additional aid through use of the emergency authority in the Foreign Assistance Act.

The House accepted all of these provisions without change. I believe that this outcome should help reassure Senators who are troubled over the possibility that aid to Cambodia may lead to deeper involvement and a repeat of Vietnam. During this session the Senate has spent many weeks debating the issues involved in these restrictions and with the adoption of this conference report, those efforts will finally come to fruition. The Senate will have again taken the lead in reasserting the Congress proper role in the formulation of foreign policy.

There was only one money item in dispute and that was the result of the Senate's adoption of the amendment of the Senator from Alaska, which reduced military aid for Korea by $5.8 million. The Senate receded on this amendment. I hope that the State Department will take all appropriate steps to protect the interests of American fishermen and, in particular, that both it and the Defense Department will see that foreign aid to Korea does not result in increasing competition for our fishing industry.

Mr. President, I move the adoption of this conference report.

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

Mr. MILLER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. AIKEN. Mr. President, I was one of nine Senate conferees on this bill, and seven of us signed the report. We signed the report because of an understanding we had that if this authorization bill could be satisfactorily arranged—and this bill is now arranged so that it is perfectly satisfactory to the Senate—that then the Defense Department appropriation bill would also have language taken out of it which, in effect, nullified the Cooper-Church amendment, which the State Department advised me

was not objected to in any way by the White House or the State Department.

If it had not been for that assurance, I am certain that the majority of the Senate conferees would not have signed the report.

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

Mr. AIKEN. I yield.

Mr. CASE. The Senator is absolutely correct about that. I know as to several of our colleagues on the conference, and I say specifically for myself, that if the Senator from Vermont had not given me the assurance he has just mentioned about the House willingness to take that language out of the Defense Appropriation Act, I would not have been one of the conferees who signed this report.

Mr. AIKEN. I feel responsible, in a way, because I did assure the Senator from New Jersey that such an agreement had been reached. I was assured by the top-ranking member of the Appropriations Committee that it had been reached, and that the objectionable language in the Department of Defense appropriation bill would be removed. This amendment was particularly obnoxious to the Senate committee. It was interpreted by some as being an encouragement to the President to expand the war. Nevertheless, both the White House and the State Department said they did not ask for the amendment. I understand that they did not go along with the amendment, and they would go along with the proposal which they had from the Senate Foreign Relations Committee. So that was that.

I do not know how much truth it reflects, but the report on the news ticker indicates that House Appropriations Committee members have disavowed any understanding such as I had, which I was told in good faith had been reached, and which would result in bringing out three bills which were in conference, including this bill, the supplemental appropriation bill, and the Department of Defense appropriation bill, which we could all agree to, and get them cleaned up.

As I say, I do not know whether those reports are true or not. I am simply stating the understanding that I had when we signed this conference report; and had we not had this assurance with respect to the House amendment which nullified the Cooper-Church amendment, which the White House did not sponsor, we would never have signed this report.

That is about all I have to say. But I want to make this perfectly clear before a vote is taken. I hope that the report, both by the press and what we have had in the way of hearsay, is not true; because I think that, when an agreement is reached, we are entitled to have that agreement kept by all who are parties to it.

I am not saying that they will not keep this agreement. I am simply saying that, in light of the report which is coming over the UPI ticker here and coming from other places, I wanted the RECORD to show what our understanding was before we reached this agreement on aid to Cambodia. Two of the conferees, members of the Committee on Foreign Relations, did not sign the report. I am satisfied that others would not have done so except for our assurance that the other measure would be so worded as to bring about the conditions for which we all hope.

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

Mr. AIKEN. I yield.

Mr. BAYH. The Senator from Indiana has the greatest respect for the Senator from Vermont. He knows how closely the distinguished Senator has followed this entire debate and controversy. Is it fair for the Senator from Indiana to ask his friend, the Senator from Vermont, whether the Senator from Vermont feels safe in voting for this conference report? Does he intend to vote for the conference report?

Mr. AIKEN. Yes, because the Senator from Vermont cannot at this time prove that the reports coming over the ticker and that are heard orally around this place are true. But I can assure the Senator from Indiana that the credibility of the administration is at stake.

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

Mr. AIKEN. I yield.

Mr. STENNIS. The Senator made reference to reports coming over the ticker about this——

Mr. AIKEN. That is correct.

Mr. STENNIS. The news ticker, saying that the Appropriations Committee had repudiated the agreement?

Mr. AIKEN. In effect, yes.

Mr. MANSFIELD. If the Senator will yield, I rather doubt that there was an agreement as such. I think there may have been contacts. I would take the word of the Senator from Louisiana (Mr. ELLENDER).

Mr. AIKEN. I have talked with Senator ELLENDER.

Mr. STENNIS. Mr. President, I was not doubting the word of anyone. I do not know what the agreement was. I was not in on it. But I do not think we ought to say on the floor of the Senate that the committee has repudiated an agreement unless that is an established fact. It is just a news ticker impression.

Mr. AIKEN. I am not saying that they have. I certainly hope they will keep their agreement, even though it was not signed, sealed and written. I wanted understood—if such an event happens—the conditions under which the Senate conferees signed the report.

Mr. STENNIS. I thank the Senator.

Mr. AIKEN. I am not accusing anyone of anything, but I want the record to be clear.

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

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, I am very interested to know whether the statement made by the managers on the part of the House, which is now before the Senate on this Cambodian matter, would or would not contemplate the existence of what is called the MAG—that is, a Military Assistance Group—in Cambodia. There is much concern here that once one of these Military Assistance Groups is put in, it is the beginning of a chain of action that leads to troops.

The particular statement on the part of the managers relates to U.S. military personnel provided to supervise the distribution and care of U.S. military supplies and equipment delivered to Cambodia.

That can be done, of course, by individuals operating out of the military section of the embassy or by a MAG.

Mr. MANSFIELD. It is my understanding that it does not include a MAG, that it will be done by the military attachés in the Embassy.

Mr. JAVITS. I thank the Senator.

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

Mr. JAVITS. I yield.

Mr. SPARKMAN. I am glad the Senator brought that up. As a matter of fact, I was going to bring it up.

Of course, the Senator knows that the managers on the part of the Senate do not file a report or a statement. The managers on the part of the House do.

I am certain that the Senator will agree with me that their statement does not necessarily constitute law. That just happens to be a unilateral interpretation that they have given to this, and we certainly had nothing of this in mind. In fact, I believe it was clearly stated in our discussions in the committee that this work would be handled by aides out of the Embassy.

Mr. JAVITS. That is the important point.

Mr. SPARKMAN. They have it, for one thing, in the latter part, where it refers to training Cambodians in South Vietnam. There is nothing in the measure that would point this up or that would dispute it. It is my understanding that we are doing that now. This measure, as I interpret it, does not affect that.

Mr. JAVITS. I should like to say to the Senator that I support the conference report, that I think they have rendered the country a great service in settling this matter.

I understand Senator AIKEN'S worries, and I agree with him. But I believe that, as we talked originally in an effort to settle this matter, when things lean on each other, they probably will work out. We have many other recourses if they do not.

Mr. SPARKMAN. Speaking of these reports, I think it is understandable that reports of different kinds and rumors get out. During the last several days, under the management of our coach and general manager, we have had many conferences—sometimes several conferences in the same day—and it is very easy for rumors or reports to get out which do not necessary state the true conditions.

Mr. JAVITS. I think it is important for the Senate that Senator SPARKMAN and Senator MANSFIELD express it authoritatively, that this language does not indicate the existence of any understanding that there will be a MAG; but, on the contrary, that an understanding does exist that if any military personnel are required, it will be personnel operating out of the military section of the embassy.

Mr. SPARKMAN. Of course, the effect of a statement such as this, or a statement by one of us, if we made it, would

affect the legislation only in the event that it is ambiguous. I do not think the proposed legislation is ambiguous. Certainly, we threshed it out thoroughly on the floor of the Senate when we were debating the measure. I think it is clear and can be understood easily.

Mr. JAVITS. I think the Senator has made a fine record on it, and I thank him very much.

Mr. AIKEN. Mr. President, may I add that in the RECORD of December 21, 1970, Senator Church interpreted and explained the situation and included in his remarks a letter from Secretary Rogers in which he states that the bill we are now considering, the Senate bill, which contains the Cooper-Church amendment, in no way conflicts with the administration's programs. The complete colloquy is there.

Mr. COOPER. Mr. President, from the interpretation pursued by the Senator from New York (Mr. JAVITS), I think it is clear that section 7 on page 2 of the conference report is determinative of what the conferees intended and which the President shall observe with respect to the use of ground forces or advisers. The Senator from Idaho (Mr. CHURCH), who has worked so faithfully to achieve this end, is not here now, but I am happy to say for him that this was the kind of agreement he desired and would support and I am happy to support the report. I also received a letter from the Secretary of State on December 19 which is, in substance, the same as that received by Senator CHURCH, I ask unanimous consent to place his letter in the RECORD at this point. I thank Senator SPARKMAN and the conferees for what they have done. I would like to say also that the Secretary of State and the administration deserve great credit for the important role they have played.

I ask unanimous consent to insert in the RECORD the letter of the Secretary of State, dated December 19, 1970:

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

THE SECRETARY OF STATE,
Washington, D.C., December 19, 1970.

Hon. JOHN SHERMAN COOPER,
U.S. Senate.

DEAR SENATOR COOPER: Following the conversations over a period of time that Assistant Secretary Abshire and I have had with you, I should like to reaffirm that the Administration's programs, policies and intentions in Cambodia in no way conflict with Section 6 of H.R. 11991.

Sincerely yours,

WILLIAM P. ROGERS.

Mr. COOPER. On December 15, in a colloquoy with Senator CHURCH, the distinguished chairman of the Armed Services Committee, Mr. STENNIS, expressed well the intent of the Cooper-Church amendment with regard to the responsibilities of the President to protect U.S. troops along the Cambodian border of South Vietnam. I quote a passage between Senator CHURCH and Senator STENNIS that helps define those responsibilities:

Mr. STENNIS. It seems to me that the colloquy has made it clear that this language does not take any of the responsibility nor the power away from the President of the United States to do what he thinks is reasonably necessary, within reasonable limitations of time, in destroying arsenals, armories, armies, or anything else that is in close proximity to our borders, which we have designated by the general term "sanctuaries," as in the past.

The PRESIDING OFFICER. The question is on adoption of the conference report to H.R. 19971.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from North Carolina (Mr. ERVIN), the Senator from Tennessee (Mr. GORE), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. PELL), the Senator from Georgia (Mr. RUSSELL), the Senator from Illinois (Mr. STEVENSON), the Senator from Georgia (Mr. TALMADGE), and the Senator from Maryland (Mr. TYDINGS), are necessarily absent.

On this vote, the Senator from Washington (Mr. MAGNUSON) is paired with the Senator from Michigan (Mr. HART). If present and voting, the Senator from Washington would vote "yea" and the Senator from Michigan would vote "nay."

I further announce that, if present and voting, the Senator from Idaho (Mr. CHURCH) and the Senator from Illinois (Mr. STEVENSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. DOMINICK) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Oregon (Mr. HATFIELD) is absent on official business.

The Senator from Texas (Mr. TOWER) is necessarily absent because of death in his family.

I further announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Oklahoma (Mr. BELLMON), the Senator from Delaware (Mr. BOGGS), the Senator from New Hampshire (Mr. COTTON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Idaho (Mr. JORDAN), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

If present and voting, the Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), and the Senator from Texas (Mr. TOWER) would each vote "yea."

On this vote, the Senator from South Carolina (Mr. THURMOND) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from South Carolina would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 41, nays 20, as follows:

[No. 444 Leg.]

YEAS—41

Aiken	Fannin	Packwood
Allen	Fong	Pastore
Baker	Griffin	Percy
Bayh	Gurney	Prouty
Bennett	Hansen	Schweiker
Brooke	Holland	Scott
Byrd, Va.	Hollings	Smith
Cannon	Hruska	Sparkman
Case	Javits	Spong
Cook	Mathias	Stennis
Cooper	McGee	Stevens
Cranston	McIntyre	Williams, Del.
Curtis	Miller	Young, N. Dak.
Dole	Muskie	

NAYS—20

Byrd, W. Va.	Mansfield	Randolph
Fulbright	McCarthy	Ribicoff
Goodell	McClellan	Symington
Gravel	McGovern	Williams, N.J.
Harris	Mondale	Yarborough
Hughes	Nelson	Young, Ohio
Kennedy	Proxmire	

NOT VOTING—39

Allott	Ervin	Montoya
Anderson	Goldwater	Moss
Bellmon	Gore	Mundt
Bible	Hart	Murphy
Boggs	Hartke	Pearson
Burdick	Hatfield	Pell
Church	Inouye	Russell
Cotton	Jackson	Saxbe
Dodd	Jordan, N.C.	Stevenson
Dominick	Jordan, Idaho	Talmadge
Eagleton	Long	Thurmond
Eastland	Magnuson	Tower
Ellender	Metcalf	Tydings

So the conference report was agreed to.

CONTINGENT ORDER FOR PRO FORMA SESSION ON THURSDAY, DECEMBER 24, 1970, AND FOR ADJOURNMENT FROM DECEMBER 24 TO DECEMBER 28

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, if no concurrent resolution is received from the House of Representatives, the Senate stand in adjournment until 10 o'clock Thursday morning next, for the purpose of a pro forma meeting only, with no business, just a gavel up and down.

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

Mr. MANSFIELD. I further ask unanimous consent that if we do come in on a pro forma basis next Thursday, that on that day we stand in adjournment until the hour of 12 o'clock noon on Monday next.

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

Mr. MANSFIELD. I ask unanimous consent that if a concurrent resolution from the House of Representatives seeking to do what the Senate has already done is received, it supersede the order that has just been granted.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House insisted upon its amendments to the bill (S. 1626) to regulate the practice of psychology in the District of Columbia, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. McMILLAN, Mr. FUQUA, Mr. CABELL, Mr. NELSEN, Mr. BROYHILL of Virginia, and Mr. WINN were appointed managers on the part of the House at the conference.

INTERGOVERNMENTAL PERSONNEL ACT OF 1970

Mr. MUSKIE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 11.

The PRESIDING OFFICER (Mr. GRAVEL) laid before the Senate the amendment of the House of Representatives to the bill (S. 11) to reinforce the federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government and State and local governments, and for other purposes which was to strike out all after the enacting clause, and insert:

That this Act be cited as the "Intergovernmental Personnel Act of 1970."

DECLARATION OF POLICY

SEC. 2. The Congress hereby finds and declares—

That effective State and local governmental institutions are essential in the maintenance and development of the federal system in an increasingly complex and interdependent society.

That, since numerous governmental activities administered by the State and local governments are related to national purpose and are financed in part by Federal funds, a national interest exists in a high caliber of public service in State and local governments.

That the quality of public service at all levels of government can be improved by the development of systems of personnel administration consistent with such merit principles as—

(1) recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment;

(2) providing equitable and adequate compensation;

(3) training employees, as needed, to assure high-quality performance;

(4) retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;

(5) assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, or religious creed and with proper regard for their privacy and constitutional rights as citizens; and

(6) assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

That Federal financial and technical assistance to State and local governments for strengthening their personnel administration in a manner consistent with these principles is in the national interest.

SEC. 3. The authorities provided by this Act shall be administered in such manner as (1) to recognize fully the rights, powers, and responsibilities of State and local governments, and (2) to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own systems of personnel administration.

TITLE I—DEVELOPMENT OF POLICIES AND STANDARDS

DECLARATION OF PURPOSE

SEC. 101. The purpose of this title is to provide for intergovernmental cooperation in the development of policies and standards for the administration of programs authorized by this Act.

ADVISORY COUNCIL

SEC. 102. (a) Within one hundred and eighty days following the date of enactment of this Act, the President shall appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, an advisory council on intergovernmental personnel policy. The President may terminate the council at any time after the expiration of three years following its establishment.

(b) The advisory council of not to exceed fifteen members, shall be composed primarily of officials of the Federal Government and State and local governments, but shall also include members selected from educational and training institutions or organizations, public employee organizations, and the general public. At least half of the governmental members shall be officials of State and local governments. The President shall designate a Chairman and a Vice Chairman from among the members of the advisory council.

(c) It shall be the duty of the advisory council to study and make recommendations regarding personnel policies and programs for the purpose of—

(1) improving the quality of public administration at State and local levels of government, particularly in connection with programs that are financed in whole or in part from Federal funds;

(2) strengthening the capacity of State and local governments to deal with complex problems confronting them;

(3) aiding State and local governments in training their professional, administrative, and technical employees and officials;

(4) aiding State and local governments in developing systems of personnel administration that are responsive to the goals and needs of their programs and effective in attracting and retaining capable employees; and

(5) facilitating temporary assignments of personnel between the Federal Government and State and local governments and institutions of higher education.

(d) Members of the advisory council who are not regular full-time employees of the United States, while serving on the business of the council, including travel time, may receive compensation at rates not exceeding the daily rate for GS–18; and while so serving away from their homes or regular places of business, all members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employment intermittently.

REPORTS OF ADVISORY COUNCIL

SEC. 103. (a) The advisory council on intergovernmental personnel policy shall from time to time report to the President and to the Congress its findings and recommendations.

(b) Not later than eighteen months after its establishment, the advisory council shall submit an initial report on its activities, which shall include its views and recommendations on—

(1) the feasibility and desirability of extending merit policies and standards to additional Federal-State grant-in-aid programs;

(2) the feasibility and desirability of extending merit policies and standards to grant-in-aid programs of a Federal-local character;

(3) appropriate standards for merit personnel administration, where applicable, including those established by regulations with respect to existing Federal grant-in-aid programs; and

(4) the feasibility and desirability of financial and other incentives to encourage State and local governments in the development of comprehensive systems of personnel administration based on merit principles.

(c) In transmitting to the Congress reports of the advisory council, the President shall submit to the Congress proposals of legislation which he deems desirable to carry out the recommendations of the advisory council.

TITLE II—STRENGTHENING STATE AND LOCAL PERSONNEL ADMINISTRATION

DECLARATION OF PURPOSE

SEC. 201. The purpose of this title is to assist State and local governments to strengthen their staffs by improving their personnel administration.

STATE GOVERNMENT AND STATEWIDE PROGRAMS AND GRANTS

SEC. 202. (a) The United States Civil Service Commission (hereinafter referred to as the "Commission") is authorized to make grants to a State for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs or projects contained within the State's application are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act, to strengthen personnel administration in that State government or in local governments of that State. The authority provided by this section shall be employed in such a manner as to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own systems of personnel administration.

(b) An application for a grant shall be made at such time or times, and contain such information, as the Commission may prescribe. The Commission may make a grant under subsection (a) of this section only if the application therefor—

(1) provides for designation, by the Governor or chief executive authority, of the State office that will have primary authority and responsibility for the development and administration of the approval program or project at the State level;

(2) provides for the establishment of merit personnel administration where appropriate and the further improvement of existing systems based on merit principles;

(3) provides for specific personnel administration improvement needs of the State government and, to the extent appropriate, of the local governments in that State, in-

cluding State personnel administration services for local governments;

(4) provides assurance that the making of a Federal Government grant will not result in a reduction in relevant State or local government expenditures or the substitution of Federal funds for State or local funds previously made available for these purposes; and

(5) sets forth clear and practicable actions for the improvement of particular aspects of personnel administration such as—

(A) establishment of statewide personnel systems of general or special functional coverage to meet the needs of urban, suburban, or rural governmental jurisdictions that are not able to provide sound career services, opportunities for advancement, adequate retirement and leave systems, and other career inducements to well-qualified professional, administrative, and technical personnel;

(B) making State grants to local governments to strengthen their staffs by improving their personnel administration;

(C) assessment of State and local government needs for professional, administrative, and technical manpower, and the initiation of timely and appropriate action to meet such needs;

(D) strengthening one or more major areas of personnel administration, such as recruitment and selection, training and development, and pay administration;

(E) undertaking research and demonstration projects to develop and apply better personnel administration techniques, including both projects conducted by State and local government staffs and projects conducted by colleges or universities or other appropriate nonprofit organizations under grants or contracts;

(F) strengthening the recruitment, selection, assignment, and development of handicapped persons, women, and members of disadvantaged groups whose capacities are not being utilized fully;

(G) training programs related directly to upgrading within the agency for nonprofessional employees who show promise of developing a capacity for assuming professional responsibility;

(H) achieving the most effective use of scarce professional, administrative, and technical manpower; and

(I) increasing intergovernmental cooperation in personnel administration, with respect to such matters as recruiting, examining, pay studies, training, education, personnel interchange, manpower utilization, and fringe benefits.

LOCAL GOVERNMENT PROGRAMS AND GRANTS

SEC. 203. (a) The Commission is authorized to make grants to a general local government, or a combination of general local governments, that serve a population of fifty thousand or more, for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs or projects, on the certification of the mayor(s), or chief executive officer(s), of the general local government or combination of local governments that the programs or projects are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act, to strengthen the personnel administration of such governments. Such a grant may not be made—

(1) if, at the time of submission of an application, the State concerned has an approved plan which, with the agreement of the particular local government concerned, provides for strengthening one or more aspects of personnel administration in that local government, unless the local government concerned has problems which are not met by the previously approved plan and for which, with the agreement of the State government concerned with respect to those aspects of personnel administration covered in the approved plan, it is submitting an application; or

(2) after the State concerned has a statewide plan which has been developed by an appropriate State agency designated or established pursuant to State law which provides such agency with adequate authority, administrative organization, and staffing to develop and administer such a statewide plan, and to provide technical assistance and other appropriate support in carrying out the local components of the plan, and which provides procedures insuring adequate involvement of officials of affected local governments in the development and administration of such a statewide plan, unless the local government concerned has special, unique, or urgent problems which are not met by the approved statewide plan and for which it submits an application for funds to be distributed under section 506(a).

Upon the request of a Governor or chief executive authority, a grant to a general local government or combination of such governments in that State may not be made during a period not to exceed ninety days commencing with the date provided in section 513, or the date on which official regulations for this Act are promulgated, whichever date is later: *Provided,* That the request of the Governor or chief executive authority indicates that he is developing a plan under (1) above, or during a period not to exceed one hundred and eighty days commencing with the date provided in section 513, or the date on which official regulations for this Act are promulgated, whichever date is later, provided the request of the Governor or chief executive authority indicates that he is developing a statewide plan under (2) above.

(b) An application for a grant from a general local government or a combination of general local governments shall be made at such time or times and shall contain such information as the Commission may prescribe. The Commission may make a grant under subsection (a) of this section only if the application therefor meets requirements similar to those established in section 202(b) of this Act for a State application for a grant, unless any such requirement is specifically waived by the Commission, and the requirements of subsection (c) of this section. Such a grant may cover the costs of developing the program or project covered by the application. The Commission may make grants to general local governments, or combinations of such governments, that serve a population of less than fifty thousand, if it finds that such grants will help meet essential needs in programs or projects of national interest and will assist general local governments experiencing special problems in personal administration related to such programs or projects.

(c) An application to be submitted to the Commission under subsection (b) of this section shall first be submitted by the general local government or combination of such governments to the Governor for review, comments, and recommendations. The Governor may refer the application to the State office designated under section 202(b)(1) of this Act for review. Comments and recommendations (if any) made as a result of the review, and a statement by the general local government or combination of such governments that it has considered the comments and recommendations of the Governor shall accompany the application to the Commission. The application need not be accompanied by the comments and recommendations of the Governor if the general local government or combination of such governments certifies to the Commission that the application has been before the Governor for review and comment for a period of sixty days without comment by the Governor. An explanation in writing shall be sent to the Governor of a State by the Commission whenever the Commission does not concur with recommendations of the Governor in approving any local government applications.

INTERGOVERNMENTAL COOPERATION IN RECRUITING AND EXAMINING

SEC. 204. (a) The Commission may join, on a shared-costs basis, with State and local governments in cooperative recruiting and examining activities under such procedures and regulations as may jointly be agreed upon.

(b) The Commission also may, on the written request of a State or local government and under such procedures as may be jointly agreed upon, certify to such governments from appropriate Federal registers the names of potential employees. The State or local government making the request shall pay the Commission for the costs, as determined by the Commission, of performing the service, and such payments shall be credited to the appropriation or fund from which the expenses were or are to be paid.

TECHNICAL ASSISTANCE

SEC. 205. The Commission may furnish technical advice and assistance, on request, to State and general local governments seeking to improve their systems of personnel administration. The Commission may waive, in whole or in part, payments from such governments for the costs of furnishing such assistance. All such payments shall be credited to the appropriation or fund from which the expenses were or are to be paid.

COORDINATION OF FEDERAL PROGRAMS

SEC. 206. The Commission, after consultation with other agencies concerned, shall—

(1) coordinate the personnel administration support and technical assistance given to State and local governments and the support given State programs or projects to strengthen local government personnel administration, including the furnishing of needed personnel administration services and technical assistance, under authority of this Act with any such support given under other Federal programs; and

(2) make such arrangements, including the collection, maintenance, and dissemination of data on grants for strengthening State and local government personnel administration and on grants to States for furnishing needed personnel administration services and technical assistance to local governments, as needed to avoid duplication and insure consistent administration of related Federal activities.

INTERSTATE COMPACTS

SEC. 207. The consent of the Congress is hereby given to any two or more States to enter into compacts or other agreements, not in conflict with any law of the United States, for cooperative efforts and mutual assistance (including the establishment of appropriate agencies) in connection with the development and administration of personnel and training programs for employees and officials of State and local governments.

TRANSFER OF FUNCTIONS

SEC. 208. (a) There are hereby transferred to the Commission all functions, powers, and duties of—

(1) the Secretary of Agriculture under section 10(e)(2) of the Food Stamp Act of 1964 (7 U.S.C. 2019(e)(2));

(2) the Secretary of Labor under—

(A) the Act of June 6, 1933, as amended (29 U.S.C. 49 et seq.); and

(B) section 303(a)(1) of the Social Security Act (42 U.S.C. 503(a)(1));

(3) the Secretary of Health, Education, and Welfare under—

(A) sections 134(a)(6) and 204(a)(6) of the Mental Retardation Facilities and Community Health Centers Construction Act of 1963 (42 U.S.C. 2674(a)(6) and 2684(a)(6));

(B) section 303(a)(6) of the Older Americans Act of 1965 (42 U.S.C. 3023(a)(6));

(C) sections 314(a)(2)(F) and (d)(2)(F) and 604(c)(8) of the Public Health Service Act (42 U.S.C. 246 (a)(2)(F) and (d)(2)(F) and 291d(a)(8)); and

(D) sections 2(a)(5)(A), 402(a)(5)(A), 505(a)(3)(A), 1002(a)(5)(A), 1402(a)(5)(A), 1602(a)(5)(A), and 1902(a)(4)(A) of the Social Security Act (42 U.S.C. 302(a)(5)(A), 602(a)(5)(A), 705(a)(3)(A), 1202(a)(5)(A), 1352(a)(5)(A), 1382(a)(5)(A), and 1396a(a)(4)(A)); and

(4) any other department, agency, office, or officer (other than the President) under any other provision of law or regulation applicable to a program of grant-in-aid that specifically requires the establishment and maintenance of personnel standards on a merit basis with respect to the program;

insofar as the functions, powers, and duties relate to the prescription of personnel standards on a merit basis.

(b) The Commission shall—

(1) provide consultation and technical advice and assistance to State and local governments to aid them in complying with standards prescribed by the Commission under subsection (a) of this section; and

(2) advise Federal agencies administering programs of grants or financial assistance as to the application of required personnel administration standards, and recommend and coordinate the taking of such actions by the Federal agencies as the Commission considers will most effectively carry out the purpose of this title.

(c) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds of any Federal agency employed, used, held, available, or to be made available in connection with the functions, powers, and duties vested in the Commision by this section as the Director of the Management and Budget shall determine shall be transferred to the Commission at such time or times as the Director shall direct.

(d) Personnel standards prescribed by Federal agencies under laws and regulations referred to in subsection (a) of this section shall continue in effect until modified or superseded by standards prescribed by the Commission under subsection (a) of this section.

(e) Any standards or regulations established pursuant to the provisions of this section shall be such as to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own individual systems of personnel administration.

(f) Nothing in this section or in section 202 or 203 of this Act shall be construed to—

(1) authorize any agency or official of the Federal Government to exercise any authority, direction, or control over the selection, assignment, advancement, retention, compensation, or other personnel action with respect to any individual State or local employee;

(2) authorize the application of personnel standards on a merit basis to the teaching personnel of educational institutions or school systems;

(3) prevent participation by employees or employee organizations in the formulation of policies and procedures affecting the conditions of their employment, subject to the laws and ordinances of the State or local government concerned;

(4) require or request any State or local government employee to disclose his race, religion, or national origin, or the race, religion, or national origin, of any of his forebears;

(5) require or request any State or local government employee, or any person applying for employment as a State or local government employee, to submit to any interrogation or examination or to take any psychological test or any polygraph test which is designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters; or

(6) require or request any State or local government employee to participate in any way in any activities or undertakings unless such activities or undertakings are related to the performance of official duties to which he is or may be assigned or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties.

(g) This section shall become effective sixty days after the date of enactment of this Act.

TITLE III—TRAINING AND DEVELOPING STATE AND LOCAL EMPLOYEES

DECLARATION OF PURPOSE

SEC. 301. The purpose of this title is to strengthen the training and development of State and local government employees and officials, particularly in professional, administrative, and technical fields.

ADMISSION TO FEDERAL EMPLOYEE TRAINING PROGRAMS

SEC. 302. (a) In accordance with such conditions as may be prescribed by the head of the Federal agency concerned, a Federal agency may admit State and local government employees and officials to agency training programs established for Federal professional, administrative, or technical personnel.

(b) Federal agencies may waive, in whole or in part, payments from, or on behalf of, State and local governments for the costs of training provided under this section. Payments received by the Federal agency concerned for training under this section shall be credited to the appropriation or fund used for paying the training costs.

(c) The Commission may use appropriations authorized by this Act to pay the initial additional developmental or overhead costs that are incurred by reason of admittance of State and local government employees to Federal training courses and to reimburse other Federal agencies for such costs.

GRANTS TO STATE AND LOCAL GOVERNMENTS FOR TRAINING

SEC. 303. (a) If in its judgment training is not adequately provided for under grant-in-aid or other statutes, the Commission is authorized to make grants to State and general local governments for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs, on the certification of the Governor of that State, or the mayor or chief executive officer of the general local government, that the programs are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act, to train and educate their professional, administrative, and technical employees and officials. Such grants may not be used to cover costs of full-time graduate-level study, provided for in section 305 of this Act, or the costs of the construction or acquisition of training facilities. The State and local government share of the cost of developing and carrying out training and education plans and programs may include, but shall not consist solely of, the reasonable value of facilities and of supervisory and other personal services made available by such governments. The authority provided by this section shall be employed in such a manner as to encourage innovation and allow for diversity on the part of State and local governments in developing and carrying out training and education programs for their personnel.

(b) An application for a grant from a State or general local government shall be made at such time or times, and shall contain such information, as the Commission may prescribe. The Commission may make a grant under subsection (a) of this section, only if the application therefor meets requirements established by this subsection unless any requirement is specifically waived by the Commission. Such grant to a State, or to a general local government under subsection (c) of this section, may cover the costs of developing the program covered by the application. The program covered by the application shall—

(1) provide for designation, by the Governor or chief executive authority, of the State office that will have primary authority and responsibility for the development and administration of the program at the State level;

(2) provide, to the extent feasible, for coordination with relevant training available under or supported by other Federal Government programs or grants;

(3) provide for training needs of the State government and of local governments in that State;

(4) provide, to the extent feasible, for intergovernmental cooperation in employee training matters, especially within metropolitan or regional areas; and

(5) provide assurance that the making of a Federal Government grant will not result in a reduction in relevant State or local governmental expenditures or the substitution of Federal funds for State or local funds previously made available for these purposes.

(c) A grant authorized by subsection (a) of this section may be made to a general local government, or a combination of such governments, that serve a population of fifty thousand or more, for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs or projects, on the certification of the mayor(s), or chief executive officer(s), of the general local government or combination of local governments that the programs or projects are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act, to train and educate their professional, administrative, and technical employees and officials. Such a grant may not be made—

(1) if, at the time of submission of an application, the State concerned has an approved plan which, with the agreement of the particular local government concerned, provides for strengthening one or more aspects of training in that local government, unless the local government concerned has problems which are not met by the previously approved plan and for which, with the agreement of the State government concerned with respect to those aspects of training covered in the approved plan, it is submitting an application; or

(2) after the State concerned has a statewide plan which has been developed by an appropriate State agency designated or established pursuant to State law which provides such agency with adequate authority, administrative organization, and staffing to develop and administer such a statewide plan, and to provide technical assistance and other appropriate support in carrying out the local components of the plan, and which provides procedures insuring adequate involvement of officials of affected local governments in the development and administration of such a statewide plan, unless the local government concerned has special, unique, or urgent problems which are not met by the approved statewide plan and for

which it submits an application for funds to be distributed under section 506(a).

Upon the request of a Governor or chief executive authority, a grant to a general local government or combination of such governments in that State may not be made during a period not to exceed ninety days commencing with the date provided in section 513, or the date on which official regulations for this Act are promulgated, whichever date is later: *Provided*, That the request of the Governor or chief executive authority indicates that he is developing a plan under (1) above, or during a period not to exceed one hundred and eighty days commencing with the date provided in section 513, or the date on which official regulations for this Act are promulgated, whichever date is later, provided the request of the Governor or chief executive authority indicates that he is developing a statewide plan under (2) above. To be approved, an application for a grant under this subsection must meet requirements similar to those established in subsection (b) of this section for State applications, unless any such requirement is specifically waived by the Commission, and the requirements of subsection (d) of this section. The Commission may make grants to general local governments, or combinations of such governments that serve a population of less than fifty thousand if it finds that such grants will help meet essential needs in programs or projects of national interest and will assist general local governments experiencing special needs for personnel training and education related to such programs or projects.

(d) An application to be submitted to the Commission under subsection (c) of this section shall first be submitted by the general local government or combination of such governments to the Governor for review, comments, and recommendations. The Governor may refer the application to the State office designated under section 303(b)(1) of this Act for review. Comments and recommendations (if any) made as a result of the review and a statement by the general local government or combination of such governments that it has considered the comments and recommendations of the Governor shall accompany the application to the Commission. The application need not be accompanied by the comments and recommendations of the Governor if the general local government or combination of such governments certifies to the Commission that the application has been before the Governor for review and comment for a period of sixty days without comment by the Governor. An explanation in writing shall be sent to the Governor of a State by the Commission whenever the Commission does not concur with recommendations of the Governor in approving any local government applications.

GRANTS TO OTHER ORGANIZATIONS

SEC. 304. (a) The Commission is authorized to make grants to other organizations to pay up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, up to 50 per centum) of the costs of providing training to professional, administrative, or technical employees and officials of State or local governments if the Commission—

(1) finds that State or local governments have requested the proposed program;

(2) determines that the capability to provide such training does not exist, or is not readily available, within the Federal or the State or local governments requesting such program or within associations of State or local governments, or if such capability does exist that such government or association is not disposed to provide such training; and

(3) approves the program as meeting such requirements as may be prescribed by the Commission in its regulations pursuant to this Act.

(b) For the purpose of this section "other organization" means—

(1) a national, regional, statewide, areawide, or metropolitan organization, representing member State or local governments;

(2) an association of State or local public officials; or

(3) a nonprofit organization one of whose principal functions is to offer professional advisory, research, development, educational or related services to governments.

GOVERNMENT SERVICE FELLOWSHIPS

SEC. 305. (a) The Commission is authorized to make grants to State and general local governments to support programs approved by the Commission for providing Government Service Fellowships for State and local government personnel. The grants may cover—

(1) the necessary costs of the fellowship recipient's books, travel, and transportation, and such related expenses as may be authorized by the Commission;

(2) reimbursement to the State or local government for not to exceed one-fourth of the salary of each fellow during the period of the fellowship; and

(3) payment to the educational institutions involved of such amounts as the Commission determines to be consistent with prevailing practices under comparable federally supported programs for each fellow, less any amount charged the fellow for tuition and nonrefundable fees and deposits.

(b) Fellowships awarded under this section may not exceed two years of full-time graduate-level study for professional, administrative, and technical employees. The regulations of the Commission shall include eligibility criteria for the selection of fellowship recipients by State and local governments.

(c) The State or local government concerned shall—

(1) select the individual recipients of the fellowships;

(2) during the period of the fellowship, continue the full salary of the recipient and normal employment benefits such as credit for seniority, leave accrued, retirement, and insurance; and

(3) make appropriate plans for the utilization and continuation in public service of employees completing fellowships and outline such plans in the application for the grant.

COORDINATION OF FEDERAL PROGRAMS

SEC. 306. The Commission, after consultation with other agencies concerned, shall—

(1) prescribe regulations concerning administration of training for employees and officials of State and local governments provided for in this title, including requirements for coordination of and reasonable consistency in such training programs;

(2) coordinate the training support given to State and local governments under authority of this Act with training support given such governments under other Federal programs; and

(3) make such arrangements, including the collection and maintenance of data on training grants and programs, as may be necessary to avoid duplication of programs providing for training and to insure consistent administration of related Federal training activities, with particular regard to title IX of the Higher Education Act of 1965.

TITLE IV—MOBILITY OF FEDERAL, STATE, AND LOCAL EMPLOYEES

DECLARATION OF PURPOSE

SEC. 401. The purpose of this title is to provide for the temporary assignment of personnel between the Federal Government and State and local governments and institutions of higher education.

AMENDMENTS TO TITLE 5, UNITED STATES CODE

SEC. 402. (a) Chapter 33 of title 5, United States Code, is amended by inserting the following new subchapter at the end thereof:

"SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

"§ 3371. Definitions

"For the purpose of this subchapter—

"(1) 'State' means—

"(A) a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States; and

"(B) an instrumentality or authority of a State or States as defined in subparagraph (A) of this paragraph (1) and a Federal-State authority or instrumentality; and

"(2) 'local government' means—

"(A) any political subdivision, instrumentality, or authority of a State or States as defined in subparagraph (A) of paragraph (1); and

"(B) any general or special purpose agency of such a political subdivision, instrumentality, or authority.

"§ 3372. General provisions

"(a) On request from or with the concurrence of a State or local government, and with the consent of the employee concerned, the head of an executive agency may arrange for the assignment of—

"(1) an employee of his agency to a State or local government; and

"(2) an employee of a State or local government to his agency;

for work of mutual concern to his agency and the State or local government that he determines will be beneficial to both. The period of an assignment under this subchapter may not exceed two years. However, the head of an executive agency may extend the period of assignment for not more than two additional years.

"(b) This subchapter is authority for and applies to the assignment of—

"(1) an employee of an executive agency to an institution of higher education; and

"(2) an employee of an institution of higher education to an executive agency.

"§ 3373. Assignment of employees to State and local governments

"(a) An employee of an executive agency assigned to a State or local government under this subchapter is deemed, during the assignment, to be either—

"(1) on detail to a regular work assignment in his agency; or

"(2) on leave without pay from his position in the agency.

An employee assigned either on detail or on leave without pay remains an employee of his agency. The Federal Tort Claims Act and any other Federal tort liability statute apply to an employee so assigned. The supervision of the duties of an employee on detail may be governed by agreement between the executive agency and the State or local government concerned.

"(b) The assignment of an employee of an executive agency either on detail or on leave without pay to a State or local government under this subchapter may be made with or without reimbursement by the State or local government for the travel and transportation expenses to or from the place of assignment and for the pay, or supplemental pay, or a part thereof, of the employee during assignment. Any reimbursements shall be credited to the appropriation of the executive agency used for paying the travel and transportation expenses or pay.

"(c) For any employee so assigned and on leave without pay—

"(1) if the rate of pay for his employment by the State or local government is less than the rate of pay he would have received had

he continued in his regular assignment in the agency, he is entitled to receive supplemental pay from the agency in an amount equal to the difference between the State or local government rate and the agency rate;

"(2) he is entitled to annual and sick leave to the same extent as if he had continued in his regular assignment in the agency; and

"(3) he is entitled, notwithstanding other statutes—

"(A) to continuation of his insurance under chapter 87 of this title, and coverage under chapter 89 of this title or other applicable authority, so long as he pays currently into the Employees' Life Insurance Fund and the Employee's Health Benefits Fund or other applicable health benefits system (through his employing agency) the amount of the employee contributions;

"(B) to credit the period of his assignment under this subchapter toward periodic step-increases, retention, and leave accrual purposes, and, on payment into the Civil Service Retirement and Disability Fund or other applicable retirement system of the percentage of his State or local government pay, and of his supplemental pay, if any, that would have been deducted from a like agency pay for the period of the assignment and payment by the executive agency into the fund or system of the amount that would have been payable by the agency during the period of the assignment with respect to a like agency pay, to treat his service during that period as service of the type performed in the agency immediately before his assignment; and

"(C) for the purpose of subchapter I of chapter 85 of this title, to credit the service performed during the period of his assignment under this subchapter as Federal service, and to consider his State or local government pay (and his supplemental pay, if any) as Federal wages. To the extent that the service could also be the basis for entitlement to unemployment compensation under a State law, the employee may elect to claim unemployment compensation on the basis of the service under either the State law or subchapter I of chapter 85 of this title.

However, an employee or his beneficiary may not receive benefits referred to in subparagraphs (A) and (B) of this paragraph (3), based on service during an assignment under this subchapter for which the employee or, if he dies without making such an election, his beneficiary elects to receive benefits, under any State or local government retirement or insurance law or program, which the Civil Service Commission determines to be similar. The executive agency shall deposit currently in the Employee's Life Insurance Fund, the Employee's Health Benefits Fund or other applicable health benefits system, respectively, the amount of the Government's contributions on account of service with respect to which employee contributions are collected as provided in subparagraphs (A) and (B) of this paragraph (3).

"(d)(1) An employee so assigned and on leave without pay who dies or suffers disability as a result of personal injury sustained while in the performance of his duty during an assignment under this subchapter shall be treated, for the purpose of subchapter I of chapter 81 of this title, as though he were an employee as defined by section 8101 of this title who had sustained the injury in the performance of duty. When an employee (or his dependents in case of death) entitled by reason of injury or death to benefits under subchapter I of chapter 81 of this title is also entitled to benefits from a State or local government for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. The election shall be made within one year after the injury or death, or such further time as the Secretary of Labor may allow for reasonable cause shown. When made, the election is irrevocable unless otherwise provided by law.

"(2) An employee who elects to receive benefits from a State or local government may not receive an annuity under subchapter III of chapter 83 of this title and benefits from the State or local government for injury or disability to himself covering the same period of time. This provision does not—

"(A) bar the right of a claimant to the greater benefit conferred by either the State or local government or subchapter III of chapter 83 of this title for any part of the same period of time;

"(B) deny to an employee an annuity accruing to him under subchapter III of chapter 83 of this title on account of service performed by him; or

"(C) deny any concurrent benefit to him from the State or local government on account of the death of another individual.

"§ 3374. Assignments of employees from State or local governments

"(a) An employee of a State or local government who is assigned to an executive agency under an arrangement under this subchapter may—

"(1) be appointed in the executive agency without regard to the provisions of this title governing appointment in the competitive service for the agreed period of the assignment; or

"(2) be deemed on detail to the executive agency.

"(b) An employee given an appointment is entitled to pay in accordance with chapter 51 and subchapter III of chapter 53 of this title or other applicable law, and is deemed an employee of the executive agency for all purposes except—

"(1) subchapter III of chapter 83 of this title or other applicable retirement system;

"(2) chapter 87 of this title; and

"(3) chapter 89 of this title or other applicable health benefits system unless his appointment results in the loss of coverage in a group health benefits plan the premium of which has been paid in whole or in part by a State or local government contribution.

"(c) During the period of assignment, a State or local government employee on detail to an executive agency—

"(1) is not entitled to pay from the agency;

"(2) is deemed an employee of the agency for the purpose of chapter 73 of this title, sections 203, 205, 207, 208, 209, 602, 603, 606, 607, 643, 654, 1905, and 1913 of title 18 section 638a of title 31 and the Federal Tort Claims Act and any other Federal tort liability statute; and

"(3) is subject to such regulations as the President may prescribe.

The supervision of the duties of such an employee may be governed by agreement between the executive agency and the State or local government concerned. A detail of a State or local government employee to an executive agency may be made with or without reimbursement by the executive agency for the pay, or a part thereof, of the employee during the period of assignment.

"(d) A State or local government employee who is given an appointment in an executive agency for the period of the assignment or who is on detail to an executive agency and who suffers disability or dies as a result of personal injury sustained while in the performance of his duty during the assignment shall be treated, for the purpose of subchapter I of chapter 81 of this title, as though he were an employee as defined by section 8101 of this title who had sustained the injury in the performance of duty. When an employee (or his dependents in case of death) entitled by reason of injury or death to benefits under subchapter I of chapter 81 of this title is also entitled to benefits from a State or local government for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. The election shall be made within 1 year after the injury or death, or such further time as the Secretary of Labor may allow for reasonable cause shown. When made, the election is irrevocable unless otherwise provided by law.

"(e) If a State or local government fails to continue the employer's contribution to State or local government retirement, life insurance, and health benefit plans for a State or local government employee who is given an appointment in an executive agency, the employer's contributions covering the State or local government employee's period of assignment, or any part thereof, may be made from the appropriations of the executive agency concerned.

"§ 3375. Travel expenses

"(a) Appropriations of an executive agency are available to pay, or reimburse, a Federal or State or local government employee in accordance with—

"(1) subchapter I of chapter 57 of this tile, for the expenses of—

"(A) travel, including a per diem allowance, to and from the assignment location;

"(B) a per diem allowance at the assignment location during the period of the assignment; and

"(C) travel, including a per diem allowance, while traveling on official business away from his designated post of duty during the assignment when the head of the executive agency considers the travel in the interest of the United States;

"(2) section 5724 of this title, for the expenses of transportation of his immediate family and of his household goods and personal effects to and from the assignment location;

"(3) section 5724a(a)(1) of this title, for the expenses of per diem allowances for the immediate family of the employee to and from the assignment location;

"(4) section 5724a(a)(3) of this title, for subsistence expenses of the employee and his immediate family while occupying temporary quarters at the assignment location and on return to his former post of duty; and

"(5) section 5726(c) of this title, for the expenses of nontemporary storage of household goods and personal effects in connection with assignment at an isolated location.

"(b) Expenses specified in subsection (a) of this section, other than those in paragraph (1)(C), may not be allowed in connection with the assignment of a Federal or State or local government employee under this subchapter, unless and until the employee agrees in writing to complete the entire period of his assignment or one year, whichever is shorter, unless separated or reassigned for reasons beyond his control that are acceptable to the executive agency concerned. If the employee violates the agreement, the money spent by the United States for these expenses is recoverable from the employee as a debt due to the United States. The head of the executive agency concerned may waive in whole or in part a right of recovery under this subsection with respect to a State or local government employee on assignment with the agency.

"(c) Appropriations of an executive agency are available to pay expenses under section 5742 of this title with respect to a Federal or State or local government employee assigned under this subchapter.

"§ 3376. Regulations

"The President may prescribe regulations for the administration of this subchapter."

(b) The analysis of chapter 33 of title 5, United States Code, is amended by inserting the following at the end thereof:

"SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

"Sec.
"3371. Definitions.
"3372. General provisions.
"3373. Assignments of employees to State or local governments.
"3374. Assignments of employees from State or local governments.
"3375. Travel expenses.
"3376. Regulations."

REPEAL OF SPECIAL AUTHORITIES

SEC. 403. The Act of August 2, 1956, as amended (7 U.S.C. 1881–1888), section 553 of the Act of April 11, 1965 as amended (20 U.S.C. 867), and section 314(f) of the Public Health Service Act (42 U.S.C. 246(f)) (less applicability to commissioned officers of the Public Health Service) are hereby repealed.

SEC. 404. This title shall become effective sixty days after the date of enactment of this Act.

TITLE V—GENERAL PROVISIONS

DECLARATION OF PURPOSE

SEC. 501. The purpose of this title is to provide for the general administration of titles I, II, III, and V of this Act (hereinafter referred to as "this Act"), and to provide for the establishment of certain advisory committees.

DEFINITIONS

SEC 502. For the purpose of this Act—

(1) "Commission" means the United States Civil Service Commission;

(2) "Federal agency" means an executive department, military department, independent establishment, or agency in the executive branch of the Government of the United States, including Government owned or controlled corporations;

(3) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States, and includes interstate and Federal-interstate agencies but does not include the governments of the political subdivisions of a State; and

(4) "local government" means a city, town, county, or other subdivision or district of a State, including agencies, instrumentalities, and authorities of any of the foregoing and any combination of such units or combination of such units and a State. A "general local government" means a city, town, county, or comparable general-purpose political subdivision of a State.

GENERAL ADMINISTRATIVE PROVISIONS

SEC. 503. (a) Unless otherwise specifically provided, the Commission shall administer this Act.

(b) The Commission shall furnish such advice and assistance to State and local governments as may be necessary to carry out the purposes of this Act.

(c) In the performance of, and with respect to, the functions, powers, and duties vested in it by this Act, the Commission may—

(1) issue such standards and regulations as may be necessary to carry out the purposes of this Act;

(2) consent to the modification of any contract entered into pursuant to this Act, such consent being subject to any specific limitations of this Act;

(3) include in any contract made pursuant to this Act such covenants, conditions, or provisions as it deems necessary to assure that the purposes of this Act will be achieved; and

(4) utilize the services and facilities of any Federal agency, any State or local government, and any other public or nonprofit agency or institution, on a reimbursable basis or otherwise, in accordance with agreements between the Commission and the head thereof.

(d) In the performance of, and with respect to the functions, powers, and duties vested in it by this Act, the Commission—

(1) may collect information from time to time with respect to State and local government training programs and personnel administration improvement programs and projects under this Act, and make such information available to interested groups, organizations, or agencies, public or private;

(2) may conduct such research and make such evaluation as needed for the efficient administration of this Act;

(3) shall include in its annual report a report of the administration of this Act; and

(4) shall make such arrangements as may be necessary to avoid duplication of programs providing for training and to insure consistent administration of the related Federal training activities, with particular regard to title I of the Higher Education Act of 1965.

(e) The provisions of this Act are not a limitation on existing authorities under other statutes but are in addition to any such authorities, unless otherwise specifically provided in this Act.

REPORTING REQUIREMENTS

SEC. 504. (a) A State or local government office designated to administer a program or project under this Act shall make reports and evaluations in such form, at such times, and containing such information concerning the status and application of Federal funds and the operation of the approved program or project as the Commission may require, and shall keep and make available such records as may be required by the Commission for the verification of such reports and evaluations.

(b) An organization which receives a training grant under section 304 of this Act shall make reports and evaluations in such form, at such times, and containing such information concerning the status and application of Federal grant funds and the operation of the training program as the Commission may require, and shall keep and make available such records as may be required by the Commission for the verification of such reports and evaluations.

REVIEW AND AUDIT

SEC. 505. The Commission, the head of the Federal agency concerned, and the 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 a grant recipient that are pertinent to the grant received.

DISTRIBUTION OF GRANTS

SEC. 506. (a) The Commission shall allocate 20 per centum of the total amount available for grants under this Act in such manner as will most nearly provide an equitable distribution of the grants among States and between State and local governments, taking into consideration such factors as the size of the population, number of employees affected, the urgency of the programs or projects, the need for funds to carry out the purposes of this Act, and the potential of the governmental jurisdictions concerned to use the funds most effectively.

(b)(1) The Commission shall allocate 80 per centum of the total amount available for grants under this Act among the States on a weighted formula taking into consideration such factors as the size of population and the number of State and local government employees affected.

(2) The amount allocated for each State under paragraph (1) of this subsection shall be further allocated by the Commission to meet the needs of both the State government and the local governments within the State on a weighted formula taking into consideration such factors as the number of State and local government employees and the amount of State and local government expenditures. The Commission shall determine the categories of employees and expenditures to be included or excluded, as the case may be, in the number of employees and amount of expenditures. The minimum allocation for meeting needs of local governments in each State (other than the District of Columbia) shall be 50 per centum of the amount allocated for the State under paragraph (1) of this subsection.

(3) The amount of any allocation under paragraph (2) of this subsection which the Commission determines, on the basis of information available to it, will not be used to meet needs for which allocated shall be available for use to meet the needs of the State government or local governments in that State, as the case may be, on such date or dates as the Commission may fix.

(4) The amount allocated for any State under paragraph (1) of this subsection which the Commission determines, on the basis of information available to it, will not be used shall be available for reallocation by the Commission from time to time, on such date or dates as it may fix, among other States with respect to which such a determination has not been made, in accordance with the formula set forth in paragraph (1) of this subsection, but with such amount for any of such other States being reduced to the extent it exceeds the sum the Commission estimates said State needs and will be able to use; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced.

(5) For the purposes of this subsection, "State" means the several States of the United States and the District of Columbia.

(c) Notwithstanding the other provisions of this section, the total of the payments from the appropriations for any fiscal year under this Act made with respect to programs or projects in any one State may not exceed an amount equal to 12½ per centum of such appropriation.

TERMINATION OF GRANTS

SEC. 507. Whenever the Commission, after giving reasonable notice and opportunity for hearing to the State or general local government concerned, finds—

(1) that a program or project has been so changed that it no longer complies with the provision of this Act; or

(2) that in the operation of the program or project there is a failure to comply substantially with any such provision;

the Commission shall notify the State or general local government of its findings and no further payments may be made to such government by the Commission until it is satisfied that such noncompliance has been, or will promptly be, corrected. However, the Commission may authorize the continuance of payments to those projects approved under this Act which are not involved in the noncompliance.

ADVISORY COMMITTEES

SEC. 508. (a) The Commission may appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, such advisory committee or committees as it may determine to be necessary to facilitate the administration of this Act.

(b) Members of advisory committees who are not regular full-time employees of the United States, while serving on the business of the committees including traveltime may receive compensation at rates not exceeding the daily rate for GS–18; and while so serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

APPROPRIATION AUTHORIZATION

SEC. 509. There are authorized to be appropriated, without fiscal year limitation, such sums as may be necessary to carry out the programs authorized by this Act.

REVOLVING FUND

SEC. 510. Section 1304(e) of title 5, United States Code (relating to the revolving fund of the Civil Service Commission), is amended—

(1) by striking out "of $4,000,000" in paragraph (1); and

(2) by inserting ", which appropriations are hereby authorized" immediately before the semicolon at the end of paragraph (2)(A).

LIMITATIONS ON AVAILABILITY OF FUNDS FOR COST SHARING

SEC. 511. Federal funds made available to State or local governments under other programs may not be used by the State or local government for cost-sharing purposes under grant provisions of this Act, except that Federal funds of a program financed wholly by Federal funds may be used to pay a pro-rata share of such cost sharing. State or local government funds used for cost sharing on other federally assisted programs may not be used for cost sharing under grant provisions of this Act.

METHOD OF PAYMENT

SEC. 512. Payments under this Act may be made in installments, and in advance or by way of reimbursement, as the Commission may determine, with necessary adjustments on account of overpayments or underpayments.

EFFECTIVE DATE OF GRANT PROVISIONS

SEC. 513. Grant provisions of this Act shall become effective one hundred and eighty days following the date of enactment of this Act.

Mr. MUSKIE. Mr. President, S. 11, the Intergovernmental Personnel Act of 1970 represents the culmination of 5 years of continuous legislative activity by the Congress. Enactment of this bill will be a major step in the strengthening of our State and local governments through improved personnel administration and more efficient recruitment and training of personnel, particularly in the administrative, professional, and technical categories.

S. 11 can be traced back to the views and recommendations of the Municipal Manpower Commission, whose 1962 report pointed up the need to revitalize local governments through better use of vigorous, capable, and dedicated public servants.

Increased citizen demands for more and better public services have placed extraordinary strain upon State and local governments. We have delayed much too long in acting on the critical need of properly qualified public service personnel and in assisting State and local governments in meeting this need. Presently, too many positions at the State and local level requiring highly specialized personnel are filled by unqualified persons, because of a lack of funds and proper recruitment and training programs. It is this problem of governmental manpower needs which S. 11 would meet.

The real beginnings of this legislation stem from studies conducted by the Senate Subcommittee on Intergovernmental Relations during 1965 and 1966. In its report, "The Federal System as Seen by Federal Aid Officials," the subcommittee found the basic problem to be one of tension among administrators and officials at various levels—tension created by the failure of State and local governments to upgrade the capability of their civil employees.

As a followup to this report, the subcommittee proposed S. 3408, the Intergovernmental Personnel Act of 1966. Extensive hearings were held on this proposal during the 89th Congress, and on S. 699 the same proposal, during the 90th Congress. S. 699 was passed by the Senate with a substantial majority, but the House never acted on the legislation.

S. 11, the Intergovernmental Personnel Act of 1970, which passed the Senate on October 27, 1969, is a strengthened version of the 1968 bill. It combines the best elements of the original legislation with improvements resulting from hearings held in the House earlier this year.

The principal provisions of S. 11, as passed by both the Senate and the House, will accomplish the following purposes:

First, the bill calls for the establishment of an advisory council on intergovernmental policy, whose members will be appointed from all levels of Government by the President. The purpose of this council will be to study and make recommendations concerning personnel policies and programs with a view to improving the personnel administration and training programs of State and local governments, and improving the coordination between all levels of government in the area of employment policies and practices.

Second, the bill would authorize the Civil Service Commission to make grants to State governments—and under certain circumstances to local governments—to cover a portion of the cost of developing and implementing programs to improve State and local personnel administration, to recruit and train State and local employees, and otherwise to carry out the purposes of the legislation. The Federal Government would bear up to 75 percent of the costs of these programs during the first 3 years after enactment, and up to 50 percent thereafter.

Third, the bill would authorize the Civil Service Commission to make grants to State and local governments to provide fellowships for graduate-level study to professional and technical employees of State and local governments. These fellowships would cover up to one quarter of the salary of persons selected for training under the programs as well as part of their tuition and fees for study at educational institutions.

Fourth, the bill authorizes the Civil Service Commission to establish joint recruiting and examining programs, on a shared-cost basis, under agreements with State and local governments. The bill would further authorize the Commission to prescribe regulations covering the training programs established under the legislation, and to make appropriate provisions to avoid duplication among Federal programs providing for the training of State and local government employees.

These are the basic provisions of the bill which were acceptable to both the House and the Senate. The differences between the Senate and House versions of S. 11 are minimal, and reflect agreement on behalf of all of the objectives sought through the Senate version.

The basic issues dealt with in the House version of S. 11 are as follows:

First. The bill authorizes such sums as are necessary to allow requests for specific amounts consistent with budgetary requirements. The authorization is open-ended as to amount and duration. The Civil Service Commission estimates a request of $20 million for the first year of operations under the act, $30 million in the second year, and $40 million annually thereafter.

Second. With regard to State and local government relations, the general effect of S. 11 is to place the Governor of each State in a strong executive position with respect to implementation of authorized programs, although without absolute veto authority. All applications under title I and II must be submitted to the Governor for review, comments and recommendations. At the same time, a city is assured that its application will reach the Commission with or without the Governor's recommendations and comments. If comments are made by the Governor and the Commission does not follow them, an explanation in writing must be given to the Governor. This permits full opportunity to develop a State plan with agreement of the local governments, while at the same time permitting local governments to apply for Federal assistance to local programs under certain circumstances.

Third. Provisions authorizing grants to train personnel employed in Federal grant-in-aid programs—set forth in the Senate bill—have been deleted by the House. The House feels that these provisions are objectionable inasmuch as they might appear to authorize Federal interference in State and local affairs. In large measure however, this capacity can be obtained under the terms of the many functional grant programs already established.

Fourth. S. 11, as passed by the Senate, provided for a revolving fund with which to finance programs. This provision has been dropped from the House version inasmuch as subsequent legislation enacted by this Congress, Public Law 91–189 provides for such a fund.

Fifth. S. 11, as passed by the Senate, also provided an exemption from conflict of interest requirements for public employees. This was to permit former Federal agency employees to seek employment in similar work with State and local governments. The Justice Department requested that this exemption be stricken from the bill since they saw no justification for exception to what are Government-wide policies.

Sixth. The House has amended the Senate bill to prohibit duplication of programs available under titles I and IX of the Higher Education Act of 1965, and has added provisions which would authorize training programs for nonprofessional employees, through use of on-the-job techniques.

S. 11, as thus modified by the House, is an improved bill. It has been endorsed by the National Governors' Conference, the Conference of Mayors, the National Association of Counties, and by the administration.

Before concluding, I should like to stress the cooperative and completely bipartisan spirit in which the legislation has been developed and brought before the Senate for final passage. Many, in both Houses, have worked together over a period of years to produce a bill which would be responsive to the personnel needs of our State and local governments, today and in years to come. Special recognition should be given to the senior Senator from South Dakota (Mr. MUNDT), who is the ranking minority member of the Subcommittee on Intergovernmental Relations and the parent Committee on Government Operations, for the deep interest he has taken in this work and for his proposals now incorporated in the measure we have before us.

Special mention should also be made of Chairmen John Macy and Robert E. Hampton of the Civil Service Commission who were most helpful in shaping the bill into its present form, and of Dr. David E. Walker, Assistant Director of the Advisory Commission on Intergovernmental Relations and Mr. Albert H. Aronson, Director, Office of State Merit Systems, Department of Health, Education, and Welfare, for their innovative suggestions.

Mr. President, I urge that the Senate agree to the House passed version of S. 11, the Intergovernmental Personnel Act of 1970. Its passage will mark a significant stride forward in the improvement of public administration in the United States.

Mr. President, I now move concurrence in the House version of S. 11.

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

Mr. MUSKIE. I yield.

Mr. JAVITS. Mr. President, this is a very interesting bill which the Senate should know about. The bill proposes to train and help improve the quality of State and local governments' personnel, by offering the assistance of the Federal Government—both in terms of funds and actual technical assistance.

The PRESIDING OFFICER. The Senate will be in order. Even the Chair has difficulty in hearing.

The Senator may proceed.

Mr. JAVITS. Mr. President, I speak in connection with the bill only because the Senator from South Dakota (Mr. MUNDT), the ranking minority member of the committee, is ill, as we know, and I rise now only because I rank immediately after him. During the 90th Congress and the beginning of this Congress, the Senator from South Dakota had a very important hand with the Senator from Maine in working out this bill. I speak only because the Senator from South Dakota cannot be with us.

This is a very worthwhile effort to do something about upgrading the quality of training received by State personnel. This is a constructive bill and it took a long time to work out the problems. I gather the problems have now been worked out and that the Senator from Maine is now prepared to have the bill passed.

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

Mr. MUSKIE. I yield.

Mr. PERCY. Mr. President, I wish to add one further point. The bill not only helps in connection with the existing conditions but it looks ahead to the future. State and local governments would be growing at such a rapid rate that they will have to recruit 2.5 million additional employees. This bill will supplement and implement the training of those people. Certainly, if we go into revenue sharing we will have to have skilled people at the State and local levels, and this bill will help in that regard.

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

Mr. MUSKIE. I yield.

Mr. JAVITS. I wish to ask the Senator if he is satisfied with the bill as it now stands and with what he wants the Senate to do; and that it meets the compromise view of himself and the Senator from South Dakota (Mr. MUNDT).

Mr. MUSKIE. Yes. I would like to express my appreciation for the work which was done in connection with this bill during two Congresses by the Senator from South Dakota (Mr. MUNDT). In addition, we have had the full cooperation of the Civil Service Commission in both administrations and support from the Conference of Mayors, the League of Cities, and the National Association of County Hospitals. Everyone concerned has made an input and we have an excellent piece of legislation. I am delighted to accept the recommendations of the Senator from South Dakota.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to.

SECURITIES INVESTOR PROTECTION ACT OF 1970—CONFERENCE REPORT

Mr. MUSKIE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19333) to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

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

(For conference report, see House proceedings of December 18, 1970, pages 42580–42588, CONGRESSIONAL RECORD.)

Mr. MUSKIE. Mr. President, I expect there will be considerable discussion of this conference report because of the special interest of the Senator from Massachusetts (Mr. BROOKE) in some provisions in the report. I wish to ask the Senator from Massachusetts whether we may expect a rollcall vote. I do not know, but I do expect the discussion will last for 45 minutes or longer, to clarify the point in which the Senator from Massachusetts is interested.

Does the Senator from Massachusetts expect to ask for a rollcall vote?

Mr. BROOKE. I have no intention of doing so.

ORDER OF BUSINESS

Mr. WILLIAMS of Delaware. Mr. President, earlier I made a suggestion which I thought would meet with the approval of most Senators. In talking with them I think a majority of the Members on both sides of the aisle are perfectly willing to take this action, which was to recommit the pending bill on social security, welfare, and trade, with instructions to delete those controversial proposals and report it back forthwith, but with nothing included except social security, medicare, and medicaid.

I was hoping we could get that decision tonight so Senators would know what our position will be on Monday. I was trying to get a vote on that proposal tonight.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. CURTIS. Mr. President, I hope the distinguished Senator from Delaware will offer his motion to recommit. I think it is very likely to carry, and it is entirely possible we could finish the social security bill Monday.

Mr. WILLIAMS of Delaware. Mr. President, I would be willing to agree to a limitation of time of 5 minutes or 10 minutes to a side. We have discussed the matter adequately, and we could vote in 10 minutes.

Mr. MUSKIE. Mr. President, this is a piece of legislation we can get out of the way. This is important legislation. The Senator from New York (Mr. JAVITS) has spoken several times on the floor of the Senate about its importance, including a colloquy with the distinguished majority leader last evening. We worked it out. It had not been as visible a problem as some of the other problems, but it is a real one. There have been many negotiations today to work out the problem of the Senator from Massachusetts, and we have the bill ready to go. I would like to move ahead with it today. This is a piece of legislation we could enact tonight in the Senate, and I would like to get it done.

Mr. RIBICOFF. Mr. President, in answer to the distinguished Senator from Delaware, I hope we do not act on this problem tonight for several reasons. First, the chairman of our committee is not present in Washington at this time. I do not know when to expect him. He is snowbound in New York. I think in due courtesy to the distinguished chairman no action should be taken until he is here.

The Senate should understand if we take action tonight on this proposal, for all practical purposes it would kill the family assistance plan without giving an opportunity to the Senate to vote on it.

The Senator from Delaware and I tried to work out the matter so that we would have had an opportunity to vote on family assistance and allow the Ribicoff-Bennett amendment to be open to amendment, but there was objection and we could not work it out.

I know the Senator is trying to bring about an expeditious decision on the basic issue.

I wonder if the Senator from Delaware would agree to put off the vote on the motion to recommit to a time certain on Monday.

Mr. WILLIAMS of Delaware. The only trouble is that we debated another matter from 9 a.m. until 3 p.m. today and at 3 p.m. we started on this matter. I hear so much enthusiasm on the part of Senators to bring this matter to a vote, I do not understand that when we get ready to vote there is a reluctance.

I would be willing to agree to vote at 5:30 p.m. Call the roll on this motion right now. The matter has been fully debated. We know what we are doing. I am ready to vote.

Mr. President, I ask unanimous consent that we vote at 5:30 p.m. on this proposal.

Mr. MUSKIE. Mr. President, I have listened all afternoon to much of the discussion on questions raised by the distinguished Senator from Delaware. I am in full sympathy with his desire to bring several of these issues to a head, but nothing has happened. This is something that can happen. I would like to proceed and get it out of the way.

If the pattern of the early afternoon is a precedent for what would happen now if I yielded, it would be 1 hour or an hour and a half from now and I would still be waiting to get action on this matter which could be disposed of in 45 minutes.

So with all respect to the Senator from Delaware, I would like to proceed with the discussion on this bill, which is the pending business, if I am correct.

The PRESIDING OFFICER. It is the pending business.

Mr. WILLIAMS of Delaware. I understand the Senator's position. I want the RECORD to show that we could vote at 5:30. I have been willing to vote since 3:30. Everybody talks about voting and nobody wants a rollcall. I think we should sit down and call the roll.

Mr. MUSKIE. The Senator has made my argument better than I could. I think we should get on with this legislation, which we can dispose of.

Mr. WILLIAMS of Delaware. Perhaps we can have a vote later in the evening.

Mr. MUSKIE. I hope so.

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

Mr. MUSKIE. I yield.

Mr. MILLER. Did the Senator plan to ask for the yeas and nays?

Mr. MUSKIE. No, I had not planned to do that. One point that we will try to clarify in the debate is of concern to the Senator from Massachusetts. He has indicated he will not request a rollcall vote. I do not intend to, but any Senator who wants to can ask for a rollcall vote.

Mr. President, this bill, which comes back to us from conference, is the so-called broker-dealer insurance bill which I introduced on June 9, 1969. Events which have occurred since that time have made this legislation a matter, I think, of national urgency.

During 1969 and 1970, approximately 110 firms have disappeared from the securities industry because of financial difficulties. The majority of these firms were merged into other firms and their customers did not suffer. However, some are still undergoing liquidation and their customers have not yet received the money or securities due them. It is unlikely that the customers of these firms will ultimately lose because of the responsible action taken by the New York Stock Exchange and its member firms, as well as other exchanges and firms. In 1964, for example, the New York Stock Exchange established a trust fund, made up contributions from all its member firms, to indemnify customers against possible losses through the failure of a broker or dealer.

Until just recently, these trust funds appeared to be adequate protection. But, the tremendous acceleration of the difficulties of the industry within the last 2 years has depleted most of these trust funds. Indeed, the trust fund concept itself is no longer adequate in view of the potential losses.

For this reason, it has become necessary to enact the legislation embodied in the conference report now before the Senate. The members of the Senate Banking and Currency Committee and the House Interstate and Foreign Commerce Committee have worked long and hard on this legislation. We spent many hours of troubled contemplation on the matter due to our recognition of one key point: The enactment of this investors protection program is not the answer to the problems now confronting the securities industry. It is not even a partial answer, for the major problems are derived from the structure of the industry itself. And this, I think, gets to the point which concerns the Senator from Massachusetts and so many of the rest of us.

This fact became obvious to all during the hearings held in connection with this legislation prior to its presentation to the Senate and the House. Although we were able to ascertain that the problems of the industry were structural in nature and that positive legislative or regulatory steps must be taken in order to alleviate these problems, we were continually frustrated in our efforts to decide precisely what steps should be taken immediately. This frustration was caused primarily because of a devastating lack of precise information concerning the exact condition of the industry and the causes of the problems it is experiencing. We recognized that to take positive steps to make changes in the industry without knowing the precise effect of these changes could very well bring about the very event we were so arduously working to avoid: a disaster in the stock market of major proportions. Each time we contemplated a specific reform, we learned that the immediate institution of this reform, though it might be needed in the long run, might cause the failure of another large number of brokers or dealers. This in turn, we were told, would accelerate further the deterioration of the industry, might cause more investors to lose money, and might expose the insurance fund being authorized by this legislation to heavy losses.

We decided that it was necessary to go ahead with the insurance program at this time. However, we are all agreed that it is only the first of many steps that are necessary to be taken in order to ultimately solve the problems of the securities industry.

The bill agreed to by the conference committee did not specify what reform steps are to be taken in various areas. But the legislation does specify that the Securities and Exchange Commission shall institute rules and regulations designed to bring about reform in certain crucial areas. This device gives the Securities and Exchange Commission the necessary authority and the necessary mandate to move in an orderly way toward a resolution of the problems of the industry. I shall discuss the specific problem areas in a moment.

I have previously discussed the great frustration experienced by the Members of the House and the Senate while dealing with this legislation. But I am sure that that frustration was shared by the Securities and Exchange Commission and by the officials of the various stock exchanges and of the various brokers and dealers. Obviously, they wished to cooperate with us in the passage of a sound insurance program. And I believe that they agree fully that basic structural changes must be made in order to create a sound securities industry. Neither the Securities and Exchange Commission nor the industry could provide us, however, with the necessary specific information with which we could enact sound reform legislation. This was true simply because this information is not available.

It is for this reason that the House Interstate and Foreign Commerce Committee and the members of the Senate Banking and Currency Committee have undertaken to hold hearings in the near future on the problems now facing the securities industry. The legislation before us today also contains a provision for a study of unsafe and unsound practices in the securities industry to be performed by the Securities and Exchange Commission. I am looking forward to the full cooperation of both the securities industry and the SEC in these undertakings so that we might move rapidly toward the solution of the problems of the industry.

The two bills passed by the House and Senate were identical in many respects. There were, however, certain key differences. I believe it will be helpful at this point to discuss the resolution of those differences.

The bill passed by the House of Representatives provided for a seven-man Board of Directors of the Securities Investor Protection Corporation. Of these seven members, four would have been representatives of the securities industry. Thus, the House provided that the Board of Directors would be controlled by members of the securities industry. This was based upon the premise that the money being utilized initially by the Securities Investor Protection Corporation is paid by the members of the industry. The House bill further provided that if the Treasury borrowing authority au-

thorized by the legislation was ever utilized, the President would have been required to appoint four additional public Directors in order to convert the Board into one with a public majority.

The Senate bill, on the other hand, provided for a five-member Board of Directors. The Board would have been made up of the Chairman of the SEC, the Secretary of the Treasury, the Chairman of the Federal Reserve Board, and two members, appointed by the President with the advice and consent of the Senate, from the securities industry. The Senate believed that the House formula was inadequate to protect the public interest because the action, or inaction, of the corporation, even before Treasury borrowing authority, might very well accelerate the use of the Treasury borrowing authority. Since the purpose of the legislation is to benefit the public as a whole, the Senate decided that the securities industry representation of the Board should be a minority.

I am happy to report that the conference committee agreed to a compromise Board makeup which retains the important concept of a Board of Directors with a public majority. The conferees agreed that there would be a seven-member Board of Directors. One member would be an employee of the Department of the Treasury designated by the Secretary of the Treasury; one member would be an employee of the Federal Reserve Board designated by the Board, five members would be appointed by the President with the advice and consent of the Senate. Of the five members appointed by the President, three are required to be persons associated with and representative of the different aspects of the securities industry. Those three members shall not all be from the same geographical area of the United States. The remaining two members shall be appointed by the President and shall be the Chairman and Vice Chairman of the new corporation. The legislation specifies that they shall be selected "from the general public from among persons who are not associated with any broker or dealer, within the meaning of paragraph (18) of section 3(a) of the 1934 Act, or similarly associated with a national securities exchange or other securities industry group and who have not had any such association during the 2 years preceding appointment."

The conferees considered specifying that these two individuals be required to have an understanding of the securities industry. However, the conference committee agreed not to so specify, and also to require that these two individuals cannot have been associated with the industry for a 2-year period prior to their appointment in order to assure that these two members are indeed representative of the general public rather than of the interests of the securities industry.

During the debate on the Senate floor, several amendments were adopted. The first would have required that the SIPC set entrance requirements for new brokers or dealers applying for the insurance protection in the future. It also provided that SIPC would make a study and report within 6 months of unsafe and unsound practices in the securities industry and what the SIPC was doing to correct these situations.

The second amendment would have specified certain action to be taken with respect to the custody and use of securities belonging to customers and with respect to the maintenance of cash or free credit balances. It also would have required that reserve requirements for cash and free credit balances be set up.

These amendments were readily agreed to during the debate because I believe we all felt that these are among the necessary steps that must eventually be taken in order to ultimately solve the problems of the industry.

These provisions were discussed long and vigorously during the conference. I believe it is fair to say that a majority of the conferees are greatly concerned about the problems contemplated by these amendments. But it was the view of the majority of the Conferees that to require action at this time, with the specificity contained in the two amendments, might very well cause more problems within the industry that would be solved. This would have in all likelihood resulted in a great drain on the insurance fund and would cause problems concerning not only the stability of the industry but also in public confidence. In addition, the prevailing view of the conferees was that the authority and even the mandate contained in the two amendments was either explicit in the amendment being made by this bill to section 15(c)(3) of the Securities Exchange Act of 1934.

That new language prohibits any broker or dealer from using interstate commerce in an attempt to make a sale if it is in contravention of "such rules and regulations as the Commission shall prescribe as necessary or appropriate in the public interest or for the protection of investors to provide safeguards with respect to the financial responsibility and related practices of brokers and dealers including, but not limited to, the acceptance of custody and use of customers' securities, and the carrying and use of customers' deposits or credit balances. Such rules and regulations shall require the maintenance of reserves with respect to customers' deposits or credit balances, as determined by such rules and regulations."

Thus, the language of the statute provides that rules and regulations shall be promulgated in those areas of concern dealt with by the two amendments I have just discussed.

These are the two amendments offered by the distinguished Senator from Massachusetts, which we will discuss later in the colloquy on the floor today.

I think it is helpful to note the discussion contained in the statement of the managers on the part of the House with respect to this provision.

That report says:

It was the clear intent of your committee that the general authority provided in the amendment to section 15(c)(8) contained in the original House bill (and clearly the language of the conference substitute) grants to the Commission authority to set forth in Commission rules the details contained in the Senate amendment. By not embodying that detail in the legislation, the Commission's hand is stronger in that it has the flexibility to meet changing situations and needs. Indeed, a situation may develop in which the Commission determines that it is in the public interest to promulgate rules even more restrictive than the specific provisions contained in the part of the Senate amendment in question. The Commission, under the conference substitute, has broad power, and it is expected that it will use that power in a strong and vigorous manner to protect the interests of investors and the public interest.

With respect to the entrance requirements for future broker-dealers, the conference substitute does not contain the specifics of the Senate amendment. Obviously, this amendment was designed to raise ultimately the standards in this industry, and your conferees strongly share that desire. However, your conferees believe that this, too, can better be handled by the broad grant of rulemaking authority to the Commission in section 15(c)(3).

I fully subscribe, and I believe the other Senate conferees will agree with me, to the expectation expressed by the House managers that the Securities and Exchange Commission will immediately and vigorously utilize the new authority given in section 15(c)(3) to promulgate regulations covering this subject matter. We are in full accord that these type regulations are needed as part of the necessary reform which must occur within the securities industry.

Another difference contained in the two versions of the bill passed by the respective House was the respect to the maximum possible assessment ceiling. The Senate bill provided that that maximum could not exceed one-half of 1 percent of the gross revenues of the securities industry. The House bill provided for a 1-percent ceiling. The conference committee agreed to accept the 1 percent ceiling with a specific provision in the bill that the extra one-half of 1 percent can only be used in times when the financial condition of the industry is sufficiently strong to support the increased assessment without compounding any financial difficulties of the industry, with increased danger to investors that that would imply.

One of the floor amendments on the Senate bill which I have just discussed included a provision for a study and report to Congress of unsafe and unsound practices in the securities industry coupled with a report of what is being done to alleviate these problems. The amendment as adopted on the Senate floor would have required this study and report to have been conducted by SIPC. That provision was retained by the conference committee although it was modified to have the Securities and Exchange Commission do the study and report rather than SIPC.

The Senate approved another floor amendment which lowered the maximum insurance protection per customer from $50,000, which was the amount approved by the Senate Banking and Currency Committee, to $20,000. The bill passed by the House provided for maximum coverage in the amount of $50,000.

The conference committee agreed to retain the maximum of $50,000 total insurance coverage, not more than $20,000 of which can be for cash.

Mr. President, these are the major provisions which were worked out in conference. I was impressed throughout the conference with the virtually unanimous agreement in principle of all the conferees as to what was needed in this legislation. The primary differences occurring in the conference were due to varying judgments by the members as to precisely what was the most effective and safe manner of dealing with these particular problems at this time. I believe the resulting bill is a good compromise and, given the accord among the conferees, will result in the provision of this necessary insurance protection to investors and, more importantly, will result in immediate steps being taken by the Securities and Exchange Commission and the industry toward reform in those areas I have discussed, as well as in other areas.

I yield to the Senator from Utah (Mr. BENNETT), who is the ranking minority member in the conference.

Mr. BENNETT. Mr. President, I join with the Senator from Maine, who is chairman of the committee that handled this legislation, in recommending that the Senate approve the conference report on the Securities Investor Protection Act of 1970. I have listened to the statement of the floor manager of this bill, the Senator from Maine, and wish to lend my support to that statement. I do not intend to speak at length. Certainly in the closing days of this Congress we can do without unnecessary repetition and time consuming statements.

Having carefully read the statement of managers on the part of the House, I find that it is in complete accord with my understanding of the decision of the conferees. I would only add that in my opinion our decision on the Board of Directors of the Securities Investor Protection Corporation will result in neither a pro-Government nor proindustry Board, but will result in a Board which will take into consideration the views of the industry, the views of the public, and the views of the Federal Government. As was so clearly brought out in the statement of managers, this bill does not nor is it intended to solve the basic problems of the securities industry at this time. It does, however, provide additional authority for the Securities and Exchange Commission to promulgate rules and regulations through which these problems can be solved. Furthermore, it directs the Securities and Exchange Commission to promulgate such rules and regulations.

There has been some concern that the conference committee did not accept certain provisions of the Senate bill which were adopted on the Senate floor at the last minute. It has even been reported that the conference report is regarded as a cave-in to the brokerage industry.

I offered one of the amendments which was accepted on the Senate floor at the last minute and which was dropped by the conference committee. I argued for the amendment in the conference, but the final decision of the conferees was to delete it. I do not argue at this time with the decision of the conferees, despite the fact that I believe the bill would have been better if it contained my amendment. Furthermore the action by the conferees to either alter or delete the other last minute floor amendments was not a cave-in to the brokerage industry. Let there be no mistake. No member of the conference committee to my knowledge was interested in continuing improper industry practices. The conferees were very concerned that to accept amendments which had neither the backing of the SEC, the Treasury, or any industry experts, without change would result in bringing about the bankruptcy of marginal firms and untold hardship on their customers, which may very well be avoided if we allow the Securities and Exchange Commission to work out solutions to the major problems in the industry in a more gradual manner. The majority of both the Senate and House conferees were opposed to approving legislation, the consequences of which were uncertain and which could result in an immediate draw on the $1 billion Treasury backup which is provided in this legislation.

We have in the conference report a balanced approach to the problem, I believe. Our major attempt at this time is to bring about investor confidence. Once this has been done, I am sure the SEC will act without delay, as we have directed, to help solve the problems which exist in the industry.

The letter which the Securities and Exchange Commission sent to Senator SPARKMAN, the chairman of our committee should assure any who may have questioned the responsiveness of the SEC to congressional direction, that the Commission will act in accordance with the new legislation and the intent of the conferees.

I ask unanimous consent to have the letter printed at this point in the RECORD.

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

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., December 22, 1970.

Hon. JOHN J. SPARKMAN,
Chairman, Banking and Currency Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We understand that a question has arisen concerning the action which the Commission would take pursuant to the authority granted by H.R. 19333 as reported by the Conference Report appearing in the Congressional Record of December 18, 1970, upon the enactment thereof with respect to such matters as the segregation of customer's securities and the maintenance of reserve with respect to customer's free balances. With respect to the maintenance of reserves, Section 7(d) of the bill is clear that the Commission shall, by rules and regulations require the maintenance of reserve with respect to customer's free balances and the Commission proposes to do so. The exact timing and nature of such regulations will necessarily depend upon conditions existing at the time and we must, of course, follow the requirement of the Administrative Procedure Act concerning notice and opportunity for public comment with respect to such regulations.

With respect to customer's securities in the custody of a broker dealer, the statement of the managers on behalf of the House makes it clear that the Commission has the authority to adopt rules with respect to such segregation which are fully comparable to those suggested in the Senate amendment which was not adopted by the Conference. Existing Section 8(c) of the Securities Exchange Act and Rule 8(c)(1) thereunder, prohibit the commingling of customer's securities with those of persons other than a customer including the broker dealer himself and also prohibit the hypothication of customer's securities for indebtedness which exceeds the aggregate indebtedness of all customers to the broker dealer with respect to securities of customers in the custody of such broker dealer. The bill would contain additional authority for the Commission to adopt rules concerning the segregation of customer's fully-paid and excess margin securities and the conditions under which securities held for the account of customers may be subjected to liens. The report of the managers states that the Commission under the bill would have broad power and it is expected that it will use that power in a strong and vigorous manner to protect the interests of investors and the public interest.

The Commission fully expects to conform to this direction and to adopt, again in conformance with the Administrative Procedure Act, appropriate regulations requiring the segregation of customer's fully-paid and excess margin securities and respecting the circumstances under which securities may be subject to liens.

Sincerely yours,

HUGH F. OWENS,
Commissioner.

Mr. PROXMIRE. Mr. President, I want to commend the able leadership of Senator MUSKIE on the broker-dealer insurance bill. He saw the need for an insurance program to protect small investors from brokerage firm failures long before the need became generally recognized by the securities industry, by the SEC, and by the Treasury. Indeed, his early sponsorship of the legislation helped to educate the public and the administration on the need to insure the small investor against brokerage house failures. That we now have a general consensus on the need for investor insurance is due in no small part to the efforts of Senator MUSKIE.

Although I believe we need an insurance program to protect investors, I did not sign the conference report on this legislation. It was a difficult decision on my part. We need an insurance program, but we also need substantial reforms in the securities industry. To provide insurance without specific guarantees that the necessary reforms will be enacted would be the height of fiscal irresponsibility. It would be like handing a blank check to Wall Street without insisting that they take steps to upgrade their financial practices.

In fact, one may well argue that an insurance program without reform is worse than no bill at all. The forces of the marketplace may eventually act to force broker-dealers into reforming their financial practices. If the investing public loses confidence in the financial solvency and prudence of brokerage firms, the business will gradually shift to those firms willing and able to conduct themselves with a higher degree of financial responsibility. Indeed, this is the classic way a free enterprise economy weeds out marginal and inefficient firms.

Unfortunately, in the case of brokerage firms, the classic free enterprise solution can be painful. The customers

of failing firms would suffer if the firm was not financially solvent. For this reason, an insurance program has been proposed. But unless long-term reforms are also pushed through, the problems of the securities industry will grow worse and not better. There is even a danger that the temporary relief afforded by an insurance program will make the industry less willing to tackle the tough problems which have brought it to the edge of insolvency. In this sense, an insurance program without reform is counter productive and worse than no legislation at all. It would merely postpone the inevitable day of reckoning and accentuate the resulting financial chaos. Moreover, the Federal taxpayer would be forced to pay a large part of the bill since the Securities Investor Protection Corporation is authorized to borrow up to a billion dollars from the Treasury if it runs out of money. The Secretary of the Treasury is also permitted to reduce the interest rate, presumably to zero, if he found it to be in the national interest.

Mr. President, I am by no means alone in my argument that a weak insurance bill is worse than no bill at all. The president of the Nation's largest brokerage firm testified before our committee last April and made substantially the same point. At that time, Mr. Donald T. Reagan, president of Merrill Lynch said:

> I would like to explain to you why I believe that insurance plans, of whatever kind, treat only the symptoms and not the cause of the disease.

Mr. Reagan went on to list three areas of needed reform—additional capital, tighter rules on the definition of capital, and restrictions on the use of customer funds. Mr. Reagan concluded by saying that—

> Once such regulations are in effect, the need for a huge insurance fund will be less acute. We would not be worrying about giving each passenger a parachute. Instead, we will be directing our attention to a safe navigation.

Mr. President, Mr. Reagan could not have put the matter more succinctly. We need better navigation, not a parachute. This is not some ivory tower professor speculating about the problems of the industry. It is from the president of the Nation's largest securities firm. His words should be given great weight.

Unfortunately, not all members of the securities industry had quite the same view of the problem as Mr. Reagan. An industry task force developed a proposed insurance bill with Treasury-SEC backing which was notably lacking in financial safeguards. The insurance program would have been run by industry appointed men. The assessment formula was inadequate compared to the Federal Government's financial commitment. Moreover, the bill failed to specify the list of practices the industry would have to modify in order to get insurance. Some of these weaknesses were corrected in committee and on the floor of the Senate under the able leadership of Senator MUSKIE. But in my view, the bill recommended by the conference committee is deficient in two respects.

First of all, it deletes a provision in the Senate bill which I introduced to establish entry requirements with respect to new broker-dealers applying for insurance protection. Second, it deletes a provision offered by Senator BROOKE which would require brokerage firms to segregate securities held for their customers. It was argued in the House managers report that the SEC already had adequate authority under the bill to establish similar requirements. If this is the case, I have a hard time understanding why any one would object to their inclusion in the bill. The SEC has demonstrated a notable lack of urgency in policing the securities industry to date. It can certainly do no harm and might do some good if Congress prescribed specific guidelines in this area.

Senator BROOKE has described the Senate provision dealing with the segregation of securities, and I support his statements on the need to have these protections spelled out in the bill. I would like to outline for the Senate the need for establishing entry requirements on new brokerage firms before they gain access to the insurance program.

Entry requirements, are of course, nothing new. They have been a prerequisite on all previous insurance programs which have involved acclaim upon the Federal Treasury. The FDIC is directed to screen commercial banks before they become eligible for deposit insurance. The FSLIC is directed to screen savings and loan associations before they become eligible for deposit insurance. And the National Credit Union Administration is authorized to screen credit unions before they become eligible for share insurance. Indeed, Senator BENNETT, the author of the credit union share insurance bill insisted on these entry provisions, and properly so, in order to protect the solvency of the insurance fund.

My amendment to the Senate bill would have applied the same entry requirements to new brokerage firms who applied for insurance after the effective date of the legislation. It would have directed that brokerage firms be rejected for insurance if they do not meet the requisite standards of financial responsibility. It was aimed at minimizing the risk to the insurance fund and to the Treasury by preventing the entry of new firms which are likely to present an undue risk to the fund. No private insurance company would agree to issue insurance policies without some type of underwriting examination. The SIPC and the SEC should be no less demanding.

As originally drafted, my amendment would have required the SIPC to screen new brokerage firms. It was pointed out that the SEC should be the agency to perform this task, and I was willing to modify my amendment to this extent. Also, some of the house conferees apparently felt that the specific entry requirements were too detailed and that more general language would have been preferable. Again, I would have been willing to modify my language to this extent.

Unfortunately, before any of these modifications could be formally presented to the House, a motion was made on the Senate side to recede from the entire amendment. This motion carried, and the House conferees thus had no opportunity to vote on accepting the entry provisions subject to the specific modifications which had been suggested. Had the modified provisions been offered by the Senate, I believe, there is a good chance they would have been accepted by the House conferees.

In recounting this history of the conference committee, I want to make it clear that I intend no criticism whatsoever of Senator MUSKIE who strongly supported the Senate position on entry requirements. I am also gratified for the support of Senator SPARKMAN, the chairman of the Banking and Currency Committee.

My refusal to sign the conference report is in no way a reflection upon the leadership of Senator MUSKIE or Senator SPARKMAN. Nor is it a protest that my particular amendment was rejected by the conference committee. Had the Senate conferees formally presented the modified entry proposal to the House and if the House stood adamant in rejecting any entry provision, I would have accepted the decision, although reluctantly. However, it was not the adamance of the House, but the willingness of a majority of Senate conferees to recede which led to the conference dropping the entry provision.

I am sure that those Senate conferees who voted to recede did so on the merits of the issue, and I intend no personal criticism of them either, even though I think they were wrong. In the final analysis, each Senator must act to uphold the public interest as he sees it. However, the experience on this bill once again illustrates the weakness in Senate conference committee procedures where a majority of Senate conferees apparently opposed to the Senate position are appointed.

By dropping the entry requirements and the securities segregation provisions of the Brooke amendment, the bill before us today is considerably less certain in its impact than the bill which passed the Senate.

I have less confidence than others that the SEC will act vigorously to protect the solvency of the insurance fund when it permits new firms to enter the brokerage business. I would hope that the managers of the legislation can assure the Senate that it is the intent of the conference report that the SEC act with vigor in the areas covered by the Brooke and Proxmire amendments. We certainly need to leave the SEC to act with enough flexibility. I only hope the legislative history is clear enough to indicate that Congress expects prompt action from the SEC in these areas.

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

Mr. PROXMIRE. I yield.

Mr. MUSKIE. I should like to say that I fully supported the Senator's amendment on the Senate floor because I thought it made sense. I was troubled that this legislation might be interpreted to permit new broker-dealers to come into the business not in accordance with new standards but with the old standards, which have resulted in such tremendous problems.

We discussed this question very vigorously in conference. Many conferees were concerned—and this is revealed in the House manager's report—that if we were to apply rigid standards to new entrants into the field, it would result in discrimination between them and those broker-dealers already in the field. So I felt that was something those now in the business could live with, because what we are talking about are standards toward which they should move. But that was the nature of our conference. So I did support the Senator's position in the conference. I regret it was not supported fully, but may I say now, looking upon this side of it, undertaking to build some steam under the effort to move in the direction of the Senator's amendment, that I ask unanimous consent to have printed in the RECORD section 15(c)(3) of the Securities and Exchange Act of 1934. The House conferees assured us that the SEC will do exactly what the Senator's amendment proposes to do. Second, I ask unanimous consent that the entire House manager's report be printed. This gives only the House interpretation of the authority in that section. I put that in the RECORD in order to support the Senator's position and in order to build a fire under the SEC to move in the direction of the Senator's position.

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

COMPROMISE PROPOSAL

Section 15(c) of the Securities Exchange Act of 1934 is amended by adding at the end thereof the following new paragraph:

"(6)(A) Securities received or held by a broker or dealer to which any customer is entitled to immediate possession without the payment of any sum to such broker or dealer shall not be pledged by, or loaned by or to, such broker or dealer, unless a written agreement designating the specific securities to be pledged or loaned is first obtained from such customer with knowledge of the consequences thereof and proper safeguards are provided. No broker or dealer shall lend or pledge securities received or held by such broker or dealer for the accounts of customers not so entitled to immediate possession in an amount that is not fair and reasonable in view of the aggregate indebtedness of such customers to such broker or dealer. The Commission shall, by such rules or regulations as it deems necessary or appropriate in the public interest or for the protection of investors, prescribe the amount or amounts that are fair and reasonable in relation to aggregate indebtedness.

"(B) Except for securities to be transferred or delivered or otherwise removed from custody or segregation in connection with any transaction effected by or for the account of such customer or in accordance with any instruction by or on behalf of such customer when a broker or dealer receives or holds securities for a customer that, pursuant to subparagraph (A) above cannot be loaned or pledged and that are in excess of all loan value or margin requirements imposed by law, by any national securities exchange or registered national securities association or by such broker or dealer,

"(a) such broker or dealer shall maintain such securities (i) in the custody of a bank (including a bank acting as transfer agent or registrar) which has an aggregate capital surplus and undivided profits of such specified minimum amount as may from time to time be prescribed by the Commission by rule or regulation, or of a central certificate service of any clearing corporation or any similar depositary, (ii) in any manner which conforms with a determination by the Commission that such property is held for the account of customers of the debtor in such other manner as the Commission, by rule or regulation, for the protection of customers and other creditors on a fair and equitable basis, shall have determined to be sufficiently identifiable as the property of such customers, or (iii) in accordance with such rules as the Commission shall prescribe in the public interest and for protection of investors, or

"(b) if such customer is entitled to immediate possession of such securities without payment of any sum to such broker or dealer and requests in writing delivery of such securities, subject to the terms of any pledge or loan made in conformity with subparagraph (A) above, such broker or dealer shall promptly deliver such securities to such customer or to the transfer agent or registrar for such securities for registration of such securities in the name of, and delivery to, such customer. Such request may be given at any time with respect to particular securities or may be a standing request for all securities.

"(C) For the purpose of this paragraph (6), the term "customer" shall not include a broker or dealer except as the Commission may otherwise provide and shall not include any person to the extent that such person has an interest in or claim for cash or securities which by contract, agreement, or understanding, or by operation of law, are part of the capital of a broker or dealer or has an interest or claim for cash or securities that is subordinated to the claims of creditors of such broker or dealer.

"(D) This subsection shall become effective pursuant to regulations promulgated by the Commission. In no event, however, shall the effective date of this subsection be later than one year from the date of enactment of the Securities Investor Protection Act of 1970.

"(E) The foregoing provisions shall not limit the authority otherwise granted to the Commission by any other provision of law."

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19333) to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment struck all after the enacting clause of the House bill and inserted a substitute text. The conference agreed to a substitute for both the text of the Senate amendment and the text of the House bill.

The conference substitute uses the structure and format of the House bill. Aside from technical, clerical, and minor drafting changes, the substantive differences between the bill as passed by the House and the substitute agreed to in conference are noted below.

1. Board of Directors.—The House bill provided for a convertible Board of Directors. The board would have had seven members—a majority of whom would have been industry representatives—until there was an application for funds from the United States Treasury. At that time the President would have been required to appoint four additional public directors so as to convert the Board into one that had a majority of public members. Under the House bill the Board of Directors would have had 4-year, staggered terms, and the Chairman would have been elected by the Board.

The conference substitute provides for a seven member Board of Directors composed as follows:

One member, designated by the Secretary of the Treasury, from the Department of the Treasury;

One member designated by the Federal Reserve Board from the Federal Reserve Board; and

Five members appointed by the President with the advice and consent of the Senate. Of these five members, three are to be persons associated with and representative of the securities industry and two are to be from the general public. The term for each director is three years, and the terms are staggered. The chairman and vice chairman are to be designated by the President from the two members selected by him from the general public.

2. Ceiling on assessments.—The House bill, as amended by the Interstate and Foreign Commerce Committee (the "committee") amendment on the House floor, provided for a ceiling on assessments of 1 percent of gross revenues from the securities business.

The conference substitute includes this 1 percent ceiling, but it specifies that assessments above ½ of 1 percent should only be used in times when the financial condition of the industry is sufficiently strong to support such an increased assessment without compounding any financial difficulties of the industry (with the increased danger to investors that that would imply). This is totally inconsistent with the debate on this amendment on the House floor. At that time it was stated that the committee did not intend that the Board of Directors impose an assessment above ½ of 1 percent without regard to what the industry could properly afford. It was clearly recognized that this increased assessment should be imposed only when the conditions in the industry could economically accept an assessment above ½ of 1 percent and if it is needed for the proper buildup and maintenance of the SIPC fund. When good times occur, the interests of the securities industry, as well as the public interest, may be well served by a higher than ½ of 1 percent assessment.

3. Gross revenues from the securities business.—The House bill, in effect, exempted revenues from the sale of mutual funds, variable annuities and investment advice to registered open-end investment companies, as well as revenues from the business of insurance. In addition, it exempted commissions earned in connection with the distribution of bonds, bills and notes of the U.S. Treasury when the broker was acting as agent for the Federal Reserve Board.

The conference substitute continues the exemption for commissions on the sale of mutual funds and variable annuities; revenues for the business of insurance; and revenues derived from the rendering of investment advice, but the exemption would include advice to both open-end and closed-end registered investment companies.

The conference substitute does not include an exemption for commissions earned in the sale of U.S. Treasury securities. In initially providing for such an exemption, your committee sought to protect reporting dealers for the Federal Reserve Board from suffering competitive disadvantages with certain commercial banks which are also recognized as reporting dealers. However, it became apparent to the conferees that such relief could not be formulated without other unintended effects—notably competitive disadvantages between broker-dealers who are recognized as reporting dealers and broker-dealers who are not so recognized. The conference substitute, therefore, does not include an exemption on this subject.

The conferees attention was also directed to the section of the bill which provides that

gross revenue of a broker-dealer shall be computed on a consolidated basis with the broker-dealer's subsidiaries. This is desirable in order to avoid the possibility of evasion of assessments by the use of subsidiaries. It should be clear, however, that in the case of subsidiaries, as in the case of the parent broker-dealer, gross revenues from the securities business shall include only such revenues as are defined in the bill.

In addition, both the Securities and Exchange Commission (the "Commission") and SIPC are given certain exemptive powers in view of the possibility that certain revenues will be subject to assessments when this is not equitable nor in accordance with the purposes of the Act. For example, the Commission or SIPC well might determine that it would be inequitable and not in accordance with the intended purposes of this legislation to include in the assessments levied on a parent company income that a subsidiary which is a registered investment company receives from investments which are really investments for the benefit of its (the subsidiary's) public investors (and the income from which insures to the benefit of its public investors).

4. *Extent of customer protection.*—The House bill provided that SIPC should advance monies necessary to satisfy claims of each customer of a member-broker dealer in liquidation, but that such advances should not exceed $50,000 for any one customer.

The conference substitute continues the $50,000 limitation, but provides further that, insofar as all or any portion of a customer's claim is for cash (as distinct from securities), the amount advanced for such claim to cash shall not exceed $20,000.

5. *Financial responsibility of broker-dealers.*—The House bill would have amended section 15(c)(3) of the Securities Exchange Act of 1934 so as to grant broad rule making authority to the Commission to promulgate rules to provide safeguards with respect to the financial responsibility and related practices of broker-dealers.

The conference substitute also provides for such broad rule making authority but strengthens it by requiring that the Commission promulgate such rules and by specifying that such authority includes authority to make rules relating to the acceptance of custody and use of customers' securities and the carrying and use of customers' deposits or credit balances. In addition, it specifies that such rules shall require the maintenance of reserves with respect to customers' deposits or credit balances.

The intent of the House provision has always been that the general authority granted to the Commission by the original House language includes the specific language now contained in the conference substitute. Your committee has been concerned about the need for a general upgrading of financial responsibility requirements of broker-dealers, and it recognized this when it stated in its report: "It is clear that the protections provided by the proposed SIPC fund are really only an interim step. The long-range solution to these problems is going to be found in the ultimate raising of the financial responsibility of the brokerage community." Your committee has always intended that the provisions of the House bill would give the Commission broad authority to deal effectively with this matter.

Two parts of the Senate amendment were extensively and thoughtfully discussed in the conference, but are not included, in their specifics, in the conference substitute. One of these parts sets forth, in detail, certain requirements for a broker-dealer with respect to the custody and use of customers' securities. The other would have, in effect, required entrance requirements for future broker-dealers before they would have been admitted into SIPC membership.

With respect to the detailed provisions on custody and use of customers' securities, it was the clear intent of your committee that the general authority provided in the amendment to section 15(c)(3) contained in the original House bill (and clearly the language of the conference substitute) grants to the Commission authority to set forth in Commission rules the details contained in the Senate amendment. By not embodying that detail in the legislation, the Commission's hand is stronger in that it has the flexibility to meet changing situations and needs. Indeed, a situation may develop in which the Commission determines that it is in the public interest to promulgate rules even more restrictive than the specific provisions contained in the part of the Senate amendment in question. The Commission, under the conference substitute, has broad power, and it is expected that it will use that power in a strong and vigorous manner to protect the interests of investors and the public interest.

With respect to the entrance requirements for future broker-dealers, the conference substitute does not contain the specifics of the Senate amendment. Obviously, this amendment was designed to raise ultimately the standards in this industry, and your conferees strongly share that desire. However, your conferees believe that this, too, can better be handled by the broad grant of rulemaking authority to the Commission in section 15(c)(3). In addition to having the advantage of flexibility, this also avoids the disadvantages which your conferees found in the Senate amendment—namely, the discriminatory features of having different standards for existing broker-dealers as opposed to broker-dealers registering in the future; and the situation in which the customers of some broker-dealers would be protected by the SIPC fund and the customers of other broker-dealers would not have such protection.

Your committee shares completely the concerns which are indicated by these parts of the Senate amendment. However, your conferees believe strongly that the concerns will be better and more flexibly handled by giving the Commission a broad delegation of authority to deal with financial responsibility and related practices of broker-dealers. Your conferees, as your committee, expect and direct the Commission to be vigorous in this area. As was stated in the debate on this bill on the floor of the House and in your committee's report: ". . . [Y]our committee directs and expects the Commission to be alert and strong in this area. This will, of course, require similar alertness and strength from the self-regulatory organizations, and if that is not forthcoming, the Commission and, if necessary, the Congress, will have to insure it."

5. *Study of industry practices.*—The conference substitute adds a provision which did not appear in any form in the original House bill. This provision requires that the Commission make a study of unsafe and unsound practices of broker-dealers, and that the Commission report to the Congress, within twelve months, the steps being taken to eliminate these practices and its recommendations for additional legislation which may be necessary to eliminate such practices.

6. *Minimum initial assessments.*—The House bill provided for an initial assessment of one-eighth of 1 percent of gross revenues from the securities business for 1969, with a minimum assessment of $250.

The conference substitute also provides for an initial assessment of one-eighth of 1 percent but reduces the minimum assessment to $150.

7. *Required size of SIPC fund.*—The House bill provided that the Securities and Exchange Commission could increase the ultimate size of the SIPC fund.

The conference substitute provides that the Commission may increase or decrease the ultimate size of the fund.

8. *Public access to information.*—The House bill provided that the public would have access to information about the affairs of SIPC unless SIPC or the Commission determined that disclosure would not be in the public interest. The conference substitute contains this same provision.

The conferees' attention was focused on this provision, and they clearly intend that any documents or information shall be provided under conditions and in a manner which will assure that customers of SIPC members and the public interest in confidence in the securities markets will be protected.

HARLEY O. STAGGERS,
JOHN E. MOSS,
JOHN M. MURPHY,
JAMES HARVEY,
HASTINGS KEITH,
Managers on the Part of the House.

Mr. PROXMIRE. I want to ask the Senator from Maine, as to his interpretation of the intent of the legislation, that the SEC should provide financial standards and give assurance that the firms which will be admitted to the insurance program will follow the practices that will provide security and safety for investors, and that they have safeguards that will protect the investor.

Mr. MUSKIE. That is what I understand to be the House managers' intention. I reassure the Senator on that point. I am glad that I can make that clear on the floor of the Senate today.

Mr. PROXMIRE. That is the same kind of attempt to insure safety as we have in the FDIC for people who make deposits in banks.

Mr. MUSKIE. That is right.

This is not to detail the specificity of the kinds of things, but what we should make sure of, and what the Senator is concerned with, is that as new people come into the field, they will meet the standards of performance and safeguards for investors that the current condition in the securities market dictates to be in the public interest. That is what should be the standard. That is what the FDIC does. That is what the agency does. This is what is specifically stated to be done under, of course, the supervision of the SEC.

Mr. BROOKE. Mr. President, I rise today to discuss issues of utmost importance regarding the conference report on the Securities Investor Protection Act of 1970, H.R. 19333. I am deeply concerned about the condition of the securities industry, both from the standpoint of investor and taxpayer protection, but also because of the economic implications involved.

While this bill may protect certain investors up to specified limits, it does not address the underlying problems which have contributed to the precarious position of the securities industry. At a time when the Federal Government stands ready to back up an industry-funded corporation with $1 billion in Treasury borrowing authority, I believe Congress must give serious consideration to the question of whether this bill provides those reforms which are necessary to eliminate future crises. The Senate-passed measure provided necessary safeguards; however, these safeguards were rejected in the conference committee

without House consideration of the provisions.

In objecting to certain aspects of this conference report, I recognize the fine effort which the Senator from Maine (Mr. MUSKIE) has made to achieve a sound and responsible piece of legislation which protects both investors and the Public Treasury, while at the same time contributing to the stability of the securities industry. Mr. MUSKIE introduced legislation which the industry opposed strenuously from the beginning; however, as conditions became more serious, representatives of the industry modified their earlier stance while nevertheless opposing vital reforms.

The primary issue at stake is whether brokerage houses will be able to use investors' cash and securities for whatever needs they deem fit. The magnitude of the problem becomes evident when one realizes that New York Stock Exchange members alone now hold approximately $2.2 billion of investors' cash, commonly referred to as "free credit balances," in addition to approximately $47 billion of customers' securities. There are presently no restrictions on the use of free credit balances and, although it is contended that the SEC has authority, there is no evidence that strict segregation of customers' securities from those of broker-dealers is being attained.

Inasmuch as the threat of customer losses in recent months has stemmed from the failure of brokerage houses to adequately segregate cash and securities belonging to investors, there is some reason to believe that proper attention to these issues might, in fact, obviate the need for an insurance program. While I believe that insurance is useful under certain circumstances, I also believe we must address the issue of proper segregation if responsible legislation is to be enacted.

The conference committee adopted the Senate provision requiring the establishment of reserves against cash which is a step in the right direction. While the SEC will be charged with the responsibility of developing reserve requirements in an amount and according to a time table which it deems appropriate, the ultimate goal is indisputable. We must attain a level of reserves which will adequately protect the funds of American investors.

When this issue was discussed on the Senate floor, the Senator from New Hampshire (Mr. MCINTYRE) and I engaged in a colloquy concerning the proper amount and timetable for these reserves. At that time, I did not specify any figures, but rather expressed my feeling that the SEC should move with deliberate speed, taking into account the ability of the industry to respond.

I believe these reserves may ultimately approximate 90 or 100 percent of free credit balances; however, the exact requirement must be settled upon by the SEC. I would also like to see initial reserve requirements pegged at 25 percent of free credit balances, with the level of reserves increased over a period of approximately 2 years to the levels previously mentioned; however, I will await SEC judgment on this matter.

I am pleased to note that the conferees rejected any assertion that the SEC should take into account or be bound by reserve requirements promulgated by the Federal Reserve Board with respect to commercial banks. I believe reserves against free credit balances have no relation to those required of commercial banks and, in fact, I believe they should be considerably higher than commercial bank reserve requirements when the initial regulations are promulgated.

Even though section 15(c)(3) of the conference version does not specify how these reserves are to be kept, it is clear that a failure to adequately segregate reserves from brokerage house funds would not carry out congressional intent. Therefore, it is contemplated that reserves will be maintained in the form of Government securities or other similar obligations of a nature and in a manner which will carry out the brokerage industry's fiduciary obligation to its customers.

While the conference committee dealt with the issue of free credit balances, it failed to deal with the issue of proper segregation of customers' securities. As previously stated, the magnitude of concern is reflected in the fact that approximately $47 billion of customers' securities are held by New York Stock Exchange members alone. The statement of managers on the part of the House refers to section 15(c)(3) as vesting sufficient authority in the SEC over this matter. It should be noted, however, that the Commission has presumably possessed power to act in this area for some time but has failed to do so.

It has been argued that the insurance program adopted by the conferees adequately protects investors; however, while the program might protect them in their capacity as investors up to the statutory limits specified, it most assuredly will not protect them in their capacity as taxpayers. The Treasury and, in turn, the American taxpayer could be "on the hook" for $1 billion if customer losses occur. There have been no specific steps taken to insure that brokerage houses will properly segregate customer securities and hence reduce the incidents of risk.

Despite stock exchange rules which prohibit the pledging of customers' securities against bank loans, many large brokerage houses engage in this practice. Under existing law, banks would be able to seize these securities in the event of bankruptcy although their right to do so might be stayed for a limited period of time pursuant to requirements adopted by the conferees. The fact that brokerage firms are able to pledge fully paid for customers' securities against bank loans certainly justifies the need for stricter provisions.

The need for proper segregation of customers' securities is also evident in the fact that one large New York stock exchange firm physically lost $15.5 million in securities last year. While the "back offices" of many brokerage firms have been in a state of chaos in recent months, losses of this nature can hardly be tolerated.

Few investors who trade through brokerage houses and entrust their cash and securities to broker-dealers for safekeeping are aware of the consequences of doing so. While they will now be protected as investors up to specified limits under the SIPC bill, they will not be protected in their role as taxpayers in the event that losses occur and the Treasury borrowing authority is used. Furthermore, if such authority is used, a "transaction charge" or an additional levy may be made on their purchases and sales of securities which will cost them additional money. Thus, they will ultimately pay dearly for industry shortcomings in one form or another unless steps are taken to institute reforms.

The industry wants this legislation for many reasons. First, it will presumably reduce the present outflows of cash, as customers are reassured that their funds are secure. In doing so, brokerage houses will have the use of customers' funds exceeding $4 billion, thus enabling them to earn several hundred million dollars which otherwise would not be available to them. This legislation—as embodied in the conference report—also permits broker-dealers to continue using customers' securities at will and provides little incentive for future reforms since Treasury borrowing authority will be available to cover losses. Finally, I fear that the industry will be able to dispose of a series of political issues which have plagued it for years and thereafter be tempted to withstand congressional pressures for reform.

In summary, if we do not impose reasonable reforms on the industry now as a quid pro quo for this legislation, industry resistance in the years to come will frustrate congressional efforts in this area. I do not believe that the bill under consideration without more will adequately address these serious problems. When one realizes that in excess of $50 billion of the public's funds are involved, the gravity of the problem is appreciated.

I introduced stringent measures on the Senate floor which were adopted by my colleagues to regulate the handling of securities. I am pleased to say that these measures were adopted unanimously by the Senate. I am sorry to note, however, that the Senate position was not upheld in conference.

If this bill is adopted in the form urged upon this body by the conferees, it will not correct the basic causes of brokerage house problems and will potentially subject the public treasury to unprecedented drains. I do not believe we can tolerate this result.

The Senate-passed bill contained sufficient safeguards and, at the same time, flexibility to enable the industry to function responsibly; however, further compromises were reached before the issue was addressed in the conference. While neither the Commission nor the Treasury Department officially supported this compromise, the staffs of both governmental entities agreed that it was "technically acceptable."

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the text of this compromise proposal.

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

Section 15 (c) of the Securities Exchange Act of 1934 is amended by adding at the end thereof the following new paragraph:

"(6)(A) Securities received or held by a broker or dealer to which any customer is entitled to immediate possession without the payment of any sum to such broker or dealer shall not be pledged by, or loaned by or to, such broker or dealer, unless a written agreement designating the specific securities to be pledged or loaned is first obtained from such customer with knowledge of the consequences thereof and proper safeguards are provided. No broker or dealer shall lend or pledge securities received or held by such broker or dealer for the accounts of customers not so entitled to immediate possession in an amount that is not fair and reasonable in view of the aggregate indebtedness of such customers to such broker or dealer. The Commission shall, by such rules or regulations as it deems necessary or appropriate in the public interest or for the protection of investors, prescribe the amount or amounts that are fair and reasonable in relation to aggregate indebtedness.

"(B) Except for securities to be transferred or delivered or otherwise removed from custody or segregation in connection with any transaction effected by or for the account of such customer or in accordance with any instruction by or on behalf of such customer when a broker or dealer receives or holds securities for a customer that, pursuant to subparagraph (A) above cannot be loaned or pledged and that are in excess of all loan value or margin requirements imposed by law, by any national securities exchange or registered national securities association or by such broker or dealer,

"(a) such broker or dealer shall maintain such securities (i) in the custody of a bank (including a bank acting as transfer agent or registrar) which has an aggregate capital surplus and undivided profits of such specified minimum amount as may from time to time be prescribed by the Commission by rule or regulation, or of a central certificate service of any clearing corporation or any similar depositary, (ii) in any manner which conforms with a determination by the Commission that such property is held for the account of customers of the debtor in such other manner as the Commission, by rule or regulation, for the protection of customers and other creditors on a fair and equitable basis, shall have determined to be sufficiently identifiable as the property of such customers, or (iii) in accordance with such rules as the Commission shall prescribe in the public interest and for protection of investors, or

"(b) if such customer is entitled to immediate possession of such securities without payment of any sum to such broker or dealer and requests in writing delivery of such securities, subject to the terms of any pledge or loan made in conformity with subparagraph (A) above, such broker or dealer shall promptly deliver such securities to such customer or to the transfer agent or registrar for such securities for registration of such securities in the name of, and delivery to, such customer. Such request may be given at any time with respect to particular securities or may be a standing request for all securities.

"(C) For the purpose of this paragraph (6), the term "customer" shall not include a broker or dealer except as the Commission may otherwise provide and shall not include any person to the extent that such person has an interest in or claim for cash or securities which by contract, agreement, or understanding, or by operation of law, are part of the capital of a broker or dealer or has an interest or claim for cash or securities that is subordinated to the claims of creditors of such broker or dealer.

"(D) This subsection shall become effective pursuant to regulations promulgated by the Commission. In no event, however, shall the effective date of this subsection be later than one year from the date of enactment of the Securities Investor Protection Act of 1970.

"(E) The foregoing provisions shall not limit the authority otherwise granted to the Commission by any other provision of law."

Mr. BROOKE. Mr. President, the Senate conferees voted however to recede on this provision and thus deleted essential reforms from legislation which the industry deems vital to investor confidence and to the health of their business.

As stated earlier, it is doubtful that the securities industry will be receptive to future reforms in light of the fact that it resisted enactment of this legislation and offered support only after industry conditions deteriorated substantially and investor confidence waned. These factors must also be seen in light of the fact that enactment of this bill will reassure American investors that all is well in the securities industry when, in fact, reforms are vitally needed.

I believe we must think not only of investors but of the impact on taxpayers generally if losses occur in the industry. Brokers and dealers must be thought of as fiduciaries in regard to the handling of customers' cash and securities. To require less would be to abrogate our responsibilities.

Mr. President, this is a very serious matter. I am aware that the investment industry knows of the gravity of this problem. Most of the securities men that I have talked to in recent months have indicated that they are aware that this practice is not morally right and should not be condoned.

I refer the industry to a case which was reported in 92 Northeastern Reporter at page 128, People against Meadows.

Mr. President, I will paraphrase very briefly from this case. It involved a principal who instructed a broker to purchase stock. The broker, in turn, notified the principal that he had made the purchase at the specified price and the principal then transmitted to him a certain sum of money. He placed these funds on deposit in his private bank account and never delivered the stock.

He was found guilty of embezzlement.

I think this is an important case which I call to the attention of the securities industry and their counsel, because I think that case on its facts is on point with regard to practices which have been engaged in for a long period of time by the securities industry.

Mr. President, I also call the attention of the securities industry to a Harvard Law Review article on the subject, entitled "Federal Regulation of Over-the-Counter Brokers and Dealers in Securities."

It is in the Harvard Law Review, volume 59, 1945 to 1946, beginning at page 1237. I refer to the footnotes on page 1272.

They read:

There are authorities tending to show that the use by a securities firm in its own business of funds in its possession belonging to customers is unauthorized under the law of agents. "Restatement, Agency 33."

It also refers, among other cases to *People* v. *Meadows*, 199 New York, 92 Northeastern, the 1910 case to which I have previously referred.

Mr. President, in an attempt to compromise this matter, I have had consultations with the distinguished manager of the bill, the Senator from Maine (Mr. MUSKIE), the distinguished chairman of the Banking and Currency Committee, the Senator from Alabama (Mr. SPARKMAN), the distinguished ranking minority member of the committee, the Senator from Utah (Mr. BENNETT), and with the distinguished chairman of the Securities Subcommittee, the Senator from New Jersey (Mr. WILLIAMS), and the distinguished ranking majority member of the committee, the Senator from Wisconsin (Mr. PROXMIRE).

We have attempted to work out a compromise, because all of us feel that the stability of the securities industry is paramount at this time. In an effort to compromise, we have also talked with the Securities and Exchange Commission. The Securities and Exchange Commission, in turn, sent a letter dated December 22, 1970, addressed to Hon. JOHN J. SPARKMAN, chairman of the Banking and Currency Committee, which I wish to read into the RECORD.

It reads as follows:

DEAR MR. CHAIRMAN: We understood that a question has arisen concerning the action which the Commission would take pursuant to the authority granted by H.R. 19333 as reported by the Conference Report appearing in the CONGRESSIONAL RECORD of December 18, 1970 upon the enactment thereof with respect to such matters as the segregation of customer's securities and the maintenance of reserve with respect to customer's free balances. With respect to the maintenance of reserves, Section 7(d) of the bill is clear that the Commission shall, by rules and regulations require the maintenance of reserve with respect to customer's free balances and the Commission proposes to do so. The exact timing and nature of such regulations will necessarily depend upon conditions existing at the time and we must, of course, follow the requirements of the Administrative Procedure Act concerning notice and opportunity for public comment with respect to such regulations.

With respect to customer's securities in the custody of a broker dealer, the statement of the managers on behalf of the House makes it clear that the Commission has the authority to adopt rules with respect to such segregation which are fully comparable to those suggested in the Senate Amendment which was not adopted by the Conference. Existing Section 8(c) of the Securities Exchange Act and Rule 8(c)(1) thereunder, prohibit the commingling of customer's securities with those of persons other than a customer including the broker dealer himself and also prohibit the hypothication of customer's securities for indebtedness which exceeds the aggregate indebtedness of all customers to the broker dealer with respect to securities of customers in the custody of such broker dealer. The bill would contain additional authority for the Commission to adopt rules concerning the segregation of customer's fully-paid and excess margin securities and

the conditions under which securities held for the account of customers may be subjected to liens. The report of the managers states that the Commission under the bill would have broad power and it is expected that it will use that power in a strong and vigorous manner to protect the interests of investors and the public interest.

The Commission fully expects to conform to this direction and to adopt, again in conformance with the Administrative Procedure Act, appropriate regulations requiring the segregation of customer's fully-paid and excess margin securities and respecting the circumstances under which securities may be subject to liens.

Sincerely yours,

HUGH F. OWENS,
Commissioner.

Mr. President, I have been very critical of the failure of the Securities and Exchange Commission in the past to use its authority to bring about reforms in this area. I am satisfied, however, that the Commission—pursuant to this letter addressed to our distinguished chairman—is not only aware of its authority but intends to exercise that authority fully in keeping with the intent of the Senate and House conferees as set forth in this bill. And further that they will also draw upon that authority which has been granted to them under prior legislation to carry out their responsibilities. I feel this is a giant step in the right direction. I commend them for their cooperation in this regard.

Mr. President, with the assistance of all those I have named before—and I would add the senior Senator from New York (Mr. JAVITS)—I have been in touch with the New York Stock Exchange and I have received from them the following telegram. The telegram reads as follows:

We are pleased that the Senate will shortly be considering the conference report relating to the Securities Investor Protection Act of 1970, HR 19333. In doing so, we feel it is appropriate to express our understanding that our members will adhere to the rules and regulations promulgated by the SEC pursuant to Section 15(c)(3) of the Securities Exchange Act of 1934. It is our understanding that this section would require the adoption of rules and regulations establishing reserves against free credit balances of customers, as determined by such rules and regulations, and would also authorize the SEC to require segregation of securities owned by customers from those owned by brokerage houses. We assure you and your colleagues of our cooperation in a spirit of constructive reform, as we believe this provision represents a suitable objective of the regulatory structure governing our industry.

I have been very critical also of the New York Stock Exchange and broker-dealer firms across the country because of these practices which I deem to be both immoral and illegal. I feel that in sending this telegram they have indicated not only an awareness of this serious problem, but also their commitment to curtail these practices and to cooperate with the Securities and Exchange Commission in doing so.

I am very hopeful that in addition thereto our distinguished chairman, the Senator from Alabama (Mr. SPARKMAN) and the distinguished chairman of the Securities Subcommittee, the Senator from New Jersey (Mr. WILLIAMS) early in 1971, and hopefully on or before March 1, if possible, will have hearings so that we can delve further into these practices and develop as much evidence as we possibly can in moving toward reform in this general area.

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

Mr. BROOKE. I am pleased to yield.

Mr. SPARKMAN. I am very glad the distinguished Senator from Massachusetts has brought out that point. I supported the amendment of the Senator from Wisconsin, which has been discussed heretofore. I supported it in conference. I supported the amendment of the Senator from Massachusetts in the conference. Unfortunately, we lost by a single vote, as the Senator is aware.

I remember a long time ago when I first read in a broker's statement that they could use as part of their own operations the funds and the securities left with them. I was shocked. I did not know that was true, but I never paid too much attention to it until we got into this matter and we saw there was considerable trouble in the securities industry.

The distinguished Senator from Massachusetts offered his amendment to the bill, it was agreed to, and went to conference.

I am pleased the Securities and Exchange Commission has given us this assurance and I know they will do what they say they will do. Certainly, we shall be watching. We have oversight over the Securities and Exchange Commission but I am confident they will do what they say. I am pleased with the telegram from the New York Stock Exchange because that seems to give every indication of full cooperation.

I will say for the RECORD, as I have said to the Senator from Massachusetts personally, that I shall be very glad just as soon as we conveniently can do so after convening the new Congress to arrange hearings to give us an opportunity to go fully into this matter. I do not mean casual hearings; I mean hearings in depth.

I have talked to the Senator from New Jersey, who is the chairman of the subcommittee, and I am sure he will cooperate fully to that end. I know the Senator from Maine who initiated this legislation will do likewise.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. WILLIAMS of New Jersey. Mr. President, this subject matter has not been heard by our subcommittee. It should be heard, and as far as I am concerned, as chairman of the subcommittee it will be heard as soon as possible in the next session.

Mr. BROOKE. I thank the distinguished chairman of the Committee on Banking and Currency, and also the Chairman of the Securities Subcommittee, the Senator from New Jersey (Mr. WILLIAMS), for their assurances of early hearings.

I think the statement made by our distinguished chairman that he was shocked when he found out such practices existed is certainly not uncommon in the Nation.

I just cannot believe that most investors would knowingly permit their money or securities to be used by broker-dealers for their own purposes. I have brought this question up with several of our colleagues in the Senate, who were unaware of these practices—men of business background, men of legal background—who just did not realize that these practices existed.

I think we have a simple rule involved here. It involves the fundamental difference between "mine" and "thine." If I hold your money in safekeeping for you and use that money for my own personal uses, I think it is quite clear that I have been guilty of embezzlement and that I would be chargeable for the use of that money. There should be no difference because the securities industry is involved.

The securities industry says this has been the practice. Of course, the mere fact that they have been doing it for a number of years does not make it right, nor does it make it right that circumstances are such that to do otherwise would be injurious to them financially. That is very unfortunate. We regret that. We want to maintain stability in the securities business. We want to maintain, and increase, public confidence in the securities industry.

I think what we have done to now, with the agreement on the part of the SEC and the spirit of cooperation on the part of the New York Stock Exchange; however, this is only a modest beginning. But I think we ought to warn them, as our chairman has said, that we will be giving this matter careful attention. We will be watching them. We will be expecting them to restructure and eliminate these practices which are really not fully understood and accepted by the American investing public.

So I thank the distinguished chairman and the distinguished Senator from New Jersey for their comments and for their reassurance of an in-depth hearing on this very important matter.

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

Mr. BROOKE. I yield to the distinguished Senator from Wisconsin.

Mr. PROXMIRE. I warmly commend the Senator from Massachusetts for his efforts in this respect. As the Senator from Alabama (Mr. SPARKMAN) and other Senators have said, very few people understand what is going on with investors' money. As a matter of fact, the amount of money involved is tremendous—$3 billion in cash. I talked to one of the leaders in the industry, a very fine and honest man, and he told me that if we did not permit them to use that cash to get a return on it, they would be deprived of $3 billion a year. In other words, the brokers now earn about a 10-percent return on other peoples' money.

In addition to that, one firm alone, Merrill Lynch has $18 billion in customers' securities available to them. Merrill Lynch has an excellent reputation for thorough honesty but this gives some impression of the huge funds available.

It is my understanding that in other countries, in England; for example, this availability of cash to be used by brokers just is not done. It is not permitted. What happens is that the investors' money is deposited. We could argue that the American investor's money should be

escrowed and put in complete safekeeping and any return on it should go to the investor, and not the broker.

This is a clear conflict of interest involved. After all, if the investor has an account with the broker, the broker has every reason not to make a prompt investment. Why should he, when he gets a return on the investor's money?

What the Senator from Massachusetts is doing is vitally important to tens of millions of investors. It is particularly important to have this protection now, while we have some bargaining power. The industry wants this insurance bill. It wants it now and in the worst way. We think they should have it, but now would have been the time to insist on the Brooke provision.

It is very unfortunate that the amendment of the Senator from Massachusetts, which Chairman SPARKMAN and Senator MUSKIE supported vigorously, was not accepted by the House. If that had been the case, it would have been a substantial reform.

It is well that we have been assured that this Senate will provide oversight of this new insurance program but we will not have the bargaining power in the future we have this year. Now is the time to drive the bargain. Unfortunately, we are not going to do it. But the Senator from Massachusetts has done a superb job of making the record for protecting the investors in the future as they have not been in the past.

Mr. BROOKE. I thank the Senator. He has been very ably discussing reform in this industry. I know he had some problems also that he had hoped would have been resolved along with the granting of insurance, which we all agree is essential if the industry is to maintain its stability. But I have great faith and confidence in the Securities and Exchange Commission. I know they are honorable men. I know that they will abide by the letter to the Senator from Alabama (Mr. SPARKMAN). I also have confidence and faith in the president of the New York Stock Exchange.

I am well aware that we will have voted borrowing $1 billion in Treasury borrowing authority for them and that next year, when we begin hearings, the bill will have been passed and they will have had that available to them. However, we will still have oversight. We must insure that the investing public has complete protection, because that is what we are striving for in this legislation.

So I think while this legislation may not be all we would like, circumstances today are such that we cannot go all the way. But we are serving notice and puting them on guard as to congressional intent. That congressional intent, as I interpret it, is to give maximum protection to the investing public which will in turn inure to their benefit and to the stability of our economy.

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

Mr. BROOKE. I yield to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, in the first place. I wish to confirm the telegram which the Senator received from the New York Stock Exchange, signed by the president of the exchange, Bob Haack, and by the chairman of the board, Bernard Lasker.

I have personally talked twice today with Mr. Haack about the draft of the telegram, so I can assure the Senator that Mr. Haack authored the final version which the Senator has received. The form in which the Senator has it is almost the same form in which Mr. Haack, his lawyer, and I agreed over the telephone would be satisfactory.

I think all the encomiums which have been paid to the Senator are richly deserved. It is a fact that the stock exchange practice which he has described is, generally speaking, not vividly known to those who have brokerage accounts, but the fact is that they do sign a customer's agreement, or the broker will not take their accounts. That is one of the rules of the exchange.

I have maintained brokerage accounts for family trusts, et cetera, and I have always insisted on receiving checks for cash received, and I have always asked that securities be delivered to me. That is what every investor should do. There is no reason why every investor cannot protect himself and make sure that the firm is a good one.

One reason why the brokerage houses have the cash and securities is that the customers do not draw them down. Margin accounts are a different story. In that case the account is such that the client is speculating; he must run certain risks in borrowing money, and the broker must borrow money in his name. But with respect to cash accounts, there is one thing that every investor in the United States should understand and that is there is no reason in the world why he should not draw his cash when he has a cash account. When he buys securities, he ought to take delivery on them, and when he has cash, he ought to draw it down. Brokerage houses do not pay interest; therefore there is no reason why the investor should not draw the money down.

Also I think it is only fair to say that agreement is required, as I say, to these customers' accounts. We would not revoke SEC legislation because of the doctrine of caveat emptor. That is what was argued once against the SEC: You buy securities, and if anyone misrepresents them, they go to jail. But that is long after you have lost your money.

It is the same here. If a broker becomes insolvent, and your securities and cash, even though you are entitled to them, are mixed up with those of every other customer, after that broker becomes insolvent, either you get them after a long time or you get a percentage of your money. Obviously this is no longer an acceptable procedure, when the hard-earned savings of millions of investors are in question.

I think the Senator has performed a great service. He has put his finger on one of the real ills of this business, and one of the real reasons for having insurance.

The Senator is certainly not a man who decides these things lightly or can be easily influenced, but he finally decided what I hoped and prayed he would decide, that the jeopardy to the whole economy of the Nation—and perhaps of the world, because we are the center of international finance here in the United States, and especially New York City—if one or more houses went bad, or even if there was a serious threat that they would, was so great that it for the present outweighs the problem which he very properly pointed out.

So he has obtained what I think are very solid and solemn assurances of three kinds. I would like to recapitulate them, because I think it is important that our colleagues understand them. First, from the committee members, that they will dig into this problem; second, from the SEC, that it is going to use the regulatory powers in this bill and its other powers that it has always had; that was one of the Senator's big points—and third, a commitment which I think is a commitment of honor from the New York Stock Exchange.

To me, the most important sentence in the wire from the stock exchange is the last one. Senator from Wisconsin (Mr. PROXMIRE) says, "Well, right now they want this." They certainly do want it; they need it; that is why they want it. They need this bill urgently.

Senator PROXMIRE says, "You have got them right now." I might tell my colleague, "You have always got them. There is such a body of legislation on the books with respect to securities and their regulation, that the members of this industry had better be in right with the Banking and Currency Committee, or they will be in even more trouble than they are now.

So I emphasize the importance of the last sentence, which says:

> We assure you and your colleagues of our cooperation in a spirit of constructive reform, as we believe this provision represents a suitable objective of the regulatory structure governing our industry.

That is the commitment which I think the Senator wanted, and has got.

One final point, and then I shall be through. I know the purpose of the Senator's comments today. None of this was designed to injure the securities business. That would be the worst thing we could do. Hence, we had to temporize with reality. The fact is that these practices—failure to segregate accounts—have persisted for so long, and become so ingrained in this business, that we need time and some practical means for the phasing out of them; and that is what the Senator expects the SEC will do; and I would like to tell him I join with him in his expectation. After all, it is my State and my city which are most intimately involved here, and I am very conscious of the problems of the securities market as well as its great advantages to our country. But I assure the Senator I will join with him to see that measures are taken promptly to deal with the problems.

Again I congratulate my colleague for performing what I think is a highly statesmanlike act in letting this legislation pass, because it is urgently needed right now.

Mr. BROOKE. Mr. President, I assure the distinguished Senator from

New York that I welcome his assurance and am very grateful for his rich contribution.

I call the distinguished Senator's attention to the CONGRESSIONAL RECORD of December 10 of this year, at page 40905, where the distinguished Senator from New York (Mr. JAVITS) read a telegram which he had received from Bernard J. Lasker, chairman of the board of the New York Stock Exchange.

It reads as follows:

Assuming the SIPC legislation presently pending in Congress becomes law, I will recommend to the board of governors that the exchange provide assistance, if necessary, to the customers of the First Devonshire Corp., Charles Plohn & Co. and Robinson & Co. I am confident that the board of governors would follow my recommendation.

I call that to the distinguished Senator's attention because it would appear now that this bill is going to pass—and I, for one, have some personal knowledge of First Devonshire Corp.; that is a company in my own State which is in bankruptcy at the present time, and many investors are having great difficulty and spending large sums of money getting legal counsel to try to identify their cash and securities held by that company in bankruptcy.

I think this is one of the problems that we are trying to resolve. So it would be most helpful if the distinguished Senator from New York would remind the chairman of the New York Stock Exchange that when this bill is finally passed and signed by the President he has a commitment to fulfill. These companies are in very serious trouble, and the investors involved are in very serious trouble. This situation must be rectified.

Mr. JAVITS. If the Senator will yield, I will follow up on this matter promptly. The Senator's concern is entirely warranted, because the customers of those firms will not be covered by this bill. I promise the Senator I will follow it up. This is a matter which concerns me as much as it does the distinguished Senator from Massachusetts (Mr. BROOKE), Many of these customers are residents of my own State, and I have been following closely the developments affecting their interests. I might have been reluctant to give my full, unqualified support to this bill had I not been assured by Messrs. Lasker and Haack that the stock exchange will treat these individuals and their difficulties fairly and expeditiously. We now have a commitment, in the strongest form possible given the democratic structure of the exchange; I will remind Mr. Lasker of it, and I have not the slightest doubt that it will be honored.

Mr. BROOKE. That will be very kind.

Mr. President, again I thank the distinguished Senator from Maine (Mr. MUSKIE) for his leadership regarding this legislation and for his assistance in trying to work out the difficulties. I am satisfied that they have been resolved in the best manner possible under existing circumstances, and I want him to know that many, many investors across the country are very grateful for his leadership.

Mr. MUSKIE. I thank the distinguished Senator from Massachusetts, and compliment him on the superb record he has made in support of his presentation.

Mr. McINTYRE. Mr. President, I shall vote for the adoption of the conference report on the broker-dealer insurance bill. Before doing so, however, I want the record to be clear regarding my feeling that the bill, while perhaps the best that could be arrived at in the closing days of the Congress, still requires more amendments which will have to be added in future years.

To begin with, although I can understand the reasons for the action of the conferees in retaining the $50,000 insurance limit per account for securities, I am disappointed that they did so. I am, however, pleased that the conferees were persuaded of the merits of my suggestion that the limits be reduced to $20,000, so far as cash is concerned, but I wish that they had come to the same conclusion regarding securities.

The investors who will be receiving the benefits of the $50,000 insurance represent the wealthiest segment of our society. Fifty thousand dollars is a great deal of money. According to the most recent census, less than 1 percent of all American households earn that much money in any year of their existence.

Now by saying all this, I do not mean to detract from the importance or the urgency of this legislation. It is clearly needed as an essential first step toward averting panic in our financial markets, panic which could result in adversely affecting the well-being of all Americans, whether they have investments or not. I can understand how the House conferees might wish to insist on a $50,000 figure, and certainly the Senate debate last week showed how strongly some Senators feel about that limit, but I for one cannot agree with it.

I particularly regret that the conferees were unable to agree with the full proposal of the junior Senator from Massachusetts, as modified, which would have been, in my opinion, a very basic first legislative step toward requiring full segregation of client's and broker's assets. This is a step which must be taken, and if the industry does not move promptly on its own to do so I am hopeful that we may face the issue on the Senate floor in the next Congress.

I cannot finish my comments on this bill, Mr. President, without adding one further word on its origins. This is a good example of congressional initiation of solutions to our Nation's problems. At a time when the securities industry itself was unwilling to take the action which was necessary to put its own house in order, when the Securities and Exchange Commission was too paralyzed by its own inertia to act for the protection of investors, when the administration failed to perceive the public interest as requiring basic investor safeguards, the Senator from Maine (Mr. MUSKIE) not only saw the problem but was able to propose a solution which has proven to be a workable one. He deserves a great deal of credit for this, and the Congress as an institution deserves credit for acting upon his suggestion and passing this bill.

Mr. President, the Monday edition of the Washington Post carries a good analysis by Philip Greer of the difficulties in the Stock Exchange and the SEC which permitted the present situation to arise. I ask unanimous consent that it be printed at this point in the RECORD.

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

WALL STREET IGNORES WARNINGS TO CURE INTERNAL ILLS

(By Philip Greer)

NEW YORK, December 20.—Early in 1967, the 33 governors of the New York Stock Exchange attended an unusual screening of a motion picture produced by an accounting firm just for their viewing. The 30-minute film illustrated the bottlenecks which the firm had found in the back offices of its brokerage clients. The governors watched politely, thanked the acountants—and did nothing.

Late in 1969, top officials of the NYSE were briefed by outside investigators who, in the course of probing another matter, found that one of the exchange's largest members was in severe financial trouble. The NYSE people ordered the broker to make up a plan to secure more capital and, until the crunch became almost lethal this year, did nothing else.

That in a nutshell, typifies Wall Street's "self-regulatory" response to the procedural and financial foul-ups that very nearly wrecked the securities industry in 1969 and 1970. It has been slow-moving, unwilling—or unable—to recognize emergencies, incapable of taking the definitive action called for, steadily postpones the inevitable.

If there is one conspicuous truth to emerge from the crisis it is the failure of industry self-regulation and the absence of aggressive governmental oversight.

Broker after broker interviewed for this series—some whose firms were in trouble and some who were not—charged that neither the NYSE, which has primary responsibility for policing its members, nor the Securities and Exchange Commission, whose actual power extends far beyond its mandated "oversight" stance, fully grasped the extent of Wall Street's erosion until very late. Even then, they add, while the exchange thrashed around in frantic efforts to hold faltering firms together, the SEC provided virtually no leadership at all.

It would be unfair to place all the blame on any individual, either at the big board or at the SEC. The crisis began when the commission was chaired by Manuel F. Cohen and reached its peak with Hamer H. Budge at the helm. The big board's first warning came when Keith Funston held the presidency and the most damaging effects were felt under Robert W. Haack.

Neither can Wall Street's institutions be fully faulted for the inaction that led to the crisis. While the organization of the NYSE, for example, does not lend itself to prompt action, it has been hampered by the attitudes of the membership and the governors.

For the most of the crisis period, the NYSE placed its heaviest reliance on the special trust fund and its guarantee—mostly implied—that public investors would be protected if brokerage firms were forced into liquidation. The trust fund, which started at $25 million (and rose to $55 million when the exchange was forced to forego plans for a new headquarters building) proved to be as much a hinderance to effective regulation as it was a help in sending mortally wounded firms to a quiet grave.

The trust fund was begun in 1964, following the bankruptcy of Ira Haupt & Co. after the "salad oil scandal." Realizing that their

business was just beginning to blossom and fearing a body blow to investor confidence from the $12 million bankruptcy, the governors assessed members for $10 million and established lines of bank credit for an additional $15 million.

The very fact that the exchange had the trust fund and could make payments to the public—neither the SEC nor the American Stock Exchange had funds for that purpose—made it the top dog in any matter involving liquidation of firms. One condition attached to the fund is that the NYSE must appoint the liquidator for the firm. If the exchange did not want to close a firm, it simply did not appoint the liquidator. Both the SEC and the Amex could close firms, but both ran the risk of causing losses to the investing public.

Irving Pollack, director of the division of trading and markets at the SEC, agrees that the trust fund gave the NYSE the upper hand in dealing with faltering firms. "We were lulled by the trust fund," Pollack says.

"They (exchange officials) used to come down here and say, 'look, SEC, this is a businessman's problem, not something the government should get into.' "

Pollack also notes that, in late 1967, analysis of complaints coming to the SEC indicated that paperwork processing in back offices—ultimately the chief cause of Wall Street's financial crisis—was becoming bogged down. "We wrote to ten of the largest firms," he says. "Nine of them said you can't help us, it's temporary due to the high volume. The tenth listed the steps it had taken."

It was not until the spring of 1968, when complaints increased, that the SEC gave priority to back-office operations. Historically, complaints from the public about undelivered securities have rung a bell at the commission, because they were a sign of illegal "bucket shop" operators. Checking the complaints, however, the commission found the developing back-office snarl and started a broad probe, eventually inspecting the back offices of about 800 brokerage firms, according to Pollack.

By that time, the exchange also knew its members were in trouble. Early in June, the NYSE ordered all trading halted one day a week to allow back offices to catch up on their paperwork. At that time, the value of undelivered securities stood at $2.67 billion.

The closings—usually on Wednesdays—hardly served their purpose. With the market shut down, many salesmen, who were needed to help unsnarl records, simply took the day off. Those who came in spent their time drumming up business for the following day and Thursdays were often tumultuous in all the markets. By the end of 1968, the value of "fails" had risen to $4.1 billion and the exchange decided on a new tack—open five days a week but only four hours a day instead of the normal five and a half.

Such palliatives were popular at the exchange. Later on, as the crisis deepened, the governors established a "crisis committee" to monitor the more afflicted firms. Though the problem was centered in large, multi-branch retail firms, none of the four members came from that segment of the business. It's chairman was Felix G. Rohatyn, from the investment banking firm of Lazard Freres & Co. The other members were the exchange's chairman, who is a floor trader and specialist, the vice-chairman—from an investment banking firm—and a partner from a bond-trading firm.

A partner in one of the firms that was monitored by the crisis committee, who requested anonymity, remembers it this way. "When the governors found out, they were petrified, worried about their own personnel liability. So they created the Rohatyn Committee, which didn't have a single soul who knew what a firm like this was all about."

There were other "corrective" steps that didn't work. For example, the exchange ordered that all "fails" over 30 days be balanced out by buying and selling stock in the market. While that cut the total of fails, it also created more trades and more confusion in back offices.

There is also some question about the effectiveness of the Rohatyn Committee. When Goodbody & Co. was headed for the rocks last September, the exchange was told by the committee that the firm had to set up a reserve of $2.1 million because of unsettled differences in its records. When the auditors finished, they found the reserve should have been $10.1 million. That was the beginning of the Goodbody crisis.

While the trust fund existed, the exchange was able to gloss over many problems. Theoretically, the fund should regenerate itself. The money is used only to facilitate the movement of stocks, so that the books can be closed. In practice, it doesn't work that way. By the summer of 1970, with ten firms being liquidated under the fund and one more—Hayden, Stone, Inc.—being kept alive with it, the fund ran out of money and the exchange's luck almost went with it.

First, three smaller firms were shut down for violating exchange capital requirements. With no money left in the fund, the customers of those firms were left to care for themselves and some have brought suit against the exchange.

The heaviest blow, however, was the near-collapse of Hayden, Stone and Goodbody, two of the five largest member firms in the business. Exchange officials, including Chairman Bernard J. Lasker, president Haack and Rohatyn searched for—and finally found—rescuers for both firms. Hayden, Stone was split up and merged with Cogan, Berlind, Weill & Levitt, Inc., and Walston & Co. Goodbody was taken over by Merrill-Lynch, Pierce, Fenner & Smith, Inc., with the exchange membership insuring Merrill for up to $30 million in possible losses. A third firm, F. I. du Pont, Glore Forgan & Co., almost went over the brink, but was saved by its virtual sale to a group headed by Texan H. Ross Perot.

And where was the SEC through all of this? Retiring Chairman Budge told the convention of the Investment Bankers Association earlier this month: "Personally, I think there are very few things wrong with this industry."

The ACTING PRESIDENT pro tempore (Mr. ALLEN). The question is on agreeing to the conference report.

The report was agreed to.

AUTHORITY FOR THE SECRETARY OF THE SENATE, THE PRESIDENT PRO TEMPORE AND THE VICE PRESIDENT TO TAKE CERTAIN ACTION DURING THE ADJOURNMENT

Mr. MUSKIE. Mr. President, I ask unanimous consent that during the adjournment of the Senate following the completion of business today, December 22, until Monday, December 28, the Secretary of the Senate be authorized to receive messages from the President of the United States and from the House of Representatives, and that the President pro tempore or Acting President pro tempore of the Senate be authorized to sign duly enrolled bills.

The ACTING PRESIDENT pro tempore. Does the Senator wish to include the Vice President in his request?

Mr. MUSKIE. Yes.

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

SOCIAL SECURITY AMENDMENTS OF 1970

The Senate continued with the consideration of the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). The question now recurs on the amendment offered by the Senator from Connecticut.

Mr. KENNEDY. I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

CHANGE OF NAME OF CERTAIN PROJECTS FOR NAVIGATION ON THE ARKANSAS RIVER

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 13493.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate H.R. 13493, to change the name of certain projects for navigation and other purposes on the Arkansas River, which was read twice by its title.

Mr. MANSFIELD. I ask unanimous consent that the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

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

Mr. RANDOLPH. Mr. President, this bill would designate the Arkansas River navigation project under construction by the Corps of Engineers, as the McClellan-Kerr Arkansas River navigation system. In addition, it would designate other projects in the overall system in honor of a deceased Member of the House of Representatives, the Honorable W. F. Norrell of Arkansas. It also honors the late John Murray of the Little Rock Chamber of Commerce. Both of these individuals were long associated with the project.

The bill also names various features of the project for geographical and historical features associated with the project.

We all know the efforts our colleague Senator MCCLELLAN has made in fostering the development of the Arkansas River Basin. He served with distinction as a member of the Committee on Public Works during the years when the Arkansas River project was in its formative stage. He later served and is still a member of the Subcommittee on Public Works Appropriations, where under his able sponsorship funds were obtained for

construction of the many elements of the waterway.

The name of this great waterway would also be shared by a former Member of this body, the Honorable Robert S. Kerr of Oklahoma. Senator Kerr was also a member of the Committee on Public Works and chairman of its Subcommittee on Flood Control—Rivers and Harbors. He was long a champion of the canalization of the Arkansas River. Prior to coming to the Senate he devoted much of his efforts while Governor of the State of Oklahoma to development of the Arkansas River Basin.

Mr. President, both Senator McCLELLAN and Senator Kerr played a major role in the development of the Arkansas River navigation project and it is fitting that the waterway which will bring navigation from the Mississippi River some 450 miles to the heartland of the Nation, near Tulsa, Okla., be named in their honor.

I accordingly move the passage of H.R. 13493.

Mr. HARRIS. Mr. President, by enacting this legislation, the Senate will honor two of its most able, most effective and most dedicated Members—and will give credit where credit is due—to JOHN L. McCLELLAN of Arkansas and the late Robert S. Kerr of Oklahoma.

These two men are truly the "fathers" of the vast Arkansas River navigation program, now nearing completion. It is fitting and proper that the project be named after them, and I urge the Senate to adopt this resolution.

More than 20 years have passed since Senators McCLELLAN and Kerr pushed through the legislation authorizing the first work on a $2.5 billion program to extend navigation from the Mississippi River up the Arkansas River across the State of Arkansas and through northeastern Oklahoma to Tulsa.

At that time, the skeptics came forth in great numbers. They called the project a pipe dream. Some said it was a boondoggle.

But, Kerr and McCLELLAN never gave up. They know what great impetus this project would give to the economic development of the heartland of America. They kept pressing forward, even during the tribulations of a "no new starts" philosophy in Government in the mid-1950's—and eventually they persevered.

These two men—Kerr and McCLELLAN— fully realized what a dramatic impact this waterway would have on the States of Arkansas and Oklahoma. They had vision. I am proud to have stood with both of them, first with Kerr as a young man and member of the Oklahoma State Senate and later with McCLELLAN as a Senate colleague, following his leadership in the drive for completion.

I wish it were possible for all Senators to tour the Arkansas River, as I did recently, and see firsthand the large port developments and industrial plants taking shape at this very moment. The navigable channel is to be opened to Tulsa in the next few weeks, and we are planning appropriate dedication ceremonies there next June.

Barge traffic on part of the system, already in operation, has more than doubled the anticipated tonnage. In 1968, the channel was opened through eastern Arkansas to Little Rock. Officials had estimated traffic the first year at 1 million tons, but the actual tonnage in those first 12 months totaled 2.225 millions.

The States of Oklahoma and Arkansas and, in a very real sense, the entire Nation, are indebted to Senator McCLELLAN and the late Senator Kerr for their leadership in building this important inland waterway—a waterway which, I hope, will soon bear their names.

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

NAMES OF CERTAIN FEDERAL BUILDINGS

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 19857.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate H.R. 19857, to name certain Federal buildings, which was read twice by its title.

Mr. MANSFIELD. I ask unanimous consent that the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

AUTHORIZATION FOR SPEAKER OF THE HOUSE TO ACCEPT AND WEAR THE CAVALIERE DI GRAN CROCE, OF THE ORDER AL MERITO DELLA REPUBBLICA

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Joint Resolution 1420.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate House Joint Resolution 1420, authorizing the Honorable JOHN McCORMACK, to accept and wear the Cavaliere di Gran Croce, of the Order Al Merito della Repubblica, an award conferred by the Government of the Republic of Italy, which was read twice by its title.

Mr. MANSFIELD. I ask unanimous consent that the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered, ordered to a third reading, read the third time, and passed.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar, beginning with Calendar No. 1521 and the succeeding measures in sequence.

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

ESTABLISHING CIRCUIT COURT EXECUTIVES

The bill (H.R. 17901) to improve judicial machinery by providing for the appointment of a circuit executive for each judicial circuit 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. 91–1511), explaining the purposes of the measure.

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

PURPOSE

The purpose of the bill is to improve the administration of justice in the Federal appellate courts by providing for the appointment of a circuit court executive for each judicial circuit.

GENERAL STATEMENT

H.R. 17901, reported herein, is the product of nearly 3 years of careful legislative study.

On February 29, 1968, Senator Tydings introduced legislation (S. 3062, 90th Cong.) to provide each judicial circuit with a court administrator, trained in modern managerial techniques. A hearing on the proposed legislation was held on July 25, 1968.

On March 12, 1969, Senator Tydings introduced S. 1509 a revised version of the earlier bill, that incorporated suggestions made during the hearing held on that bill. Senator Scott cosponsored S. 1509.

Subsequently, on April 15, 16, and May 5, 7, 1969, testimony was heard on S. 1509, as part of extensive hearings addressed to the omnibus judgeship bill (S. 952, Public Law 91–272) and related proposals.

During these hearings, testimony was taken not only on the need for additional district judgeships, but also upon the need for court executives or administrators and upon other proposals designed to increase the administrative efficiency of the Federal judicial system. On the basis of this testimony from Chief Judges Weick, Brown, Lumbard, and others, S. 952 was refined to include provisions for the creation of court executives in each of the 11 circuit courts of appeals and in approximately 18 multijudge district courts (those with more than six permanent judgeships).

With this and other amendments, S. 952 was passed by the Senate on June 23, 1969.

In the House of Representatives, however, the court executive provisions were deleted from the bill. In its report on S. 952, the House Judiciary Committee indicated sympathy with the need for providing the courts with expert managerial assistance, but expressed its view that S. 952 was an inappropriate vehicle for providing such assistance. As enacted, S. 952 (Public Law 91–272) did not contain the court executive provisions.

Subsequently, on June 2, 1970, Senator Tydings and Senator Hruska introduced S. 3916, incorporating a revised proposal for providing the circuit councils with the assistance of court executives. In the same date, H.R. 17901, the bill herein reported, and H.R. 17906 were introduced by Congressman Celler and Congressman McCulloch, respectively. All of these bills were identical.

On July 8, 1970, hearings on the proposed legislation were held before Subcommittee No. 5, House Committee on the Judiciary. Testimony was received from the Director, Administrative Office of the U.S. Courts, and the president of the American Bar Association, and the Associate Deputy Attorney General of the United States, all of whom endorsed the concept of the court

executive. The then president of the American Bar Association advised the committee of the establishment of the Institute of Court Management sponsored by the American Bar Association, the American Judicature Society, and the Institute of Judicial Administration. The project is financed by a $750,000 grant from the Ford Foundation under which a 2-year program to train prospective court administrators has been undertaken.

In the past 8 years the caseload of the Federal appellate courts has more than doubled. In fiscal 1969, 10,248 new cases were commenced, a 12-percent increase over the prior year; in 1970, 11,662 new cases were docketed, a 14-percent increase. A similar increase in the appellate courts is forecast for fiscal 1971. The tasks of administering these growing circuit courts with their growing numbers of appeals has fallen on the chief judge of the circuit. Recent estimates are that the chief judges devote one-third to one-half of their time performing administrative and management duties rather than the job for which they were primarily appointed, that of adjudicating.

H.R. 17901 would permit, not require, each judicial council to appoint a circuit executive from among persons who were determined by a board of certification to be qualified by experience and training to administer a court system. The executive would serve at the pleasure of the judicial council. The duties of the circuit executive would be determined by the judicial council of the circuit, and H.R. 17901 furnishes a list illustrative of the duties which may be assigned. These duties would be performed under the general supervision of the chief judge of the circuit.

A circuit court executive could free the chief judge of the court of appeals from the day-to-day chores of managing the court's business by performing such duties as setting up and maintaining adequate accounting and budgeting systems, formulating and administering personnel policies, and maintaining property control. He could also oversee the compilation of statistics on the operation of the court. The executive would bring modern management techniques of these functions as well as apply them to studies of the courts of appeals and the courts in the circuits to determine ways in which their operations could be improved. The committee believes that improved management of the courts should have a substantial effect on the ability of judges to perform their judicial function without having to spend significant time on court administration.

H.R. 17901 authorizes that Judicial Conference of the United States to establish the annual salary of the circuit executive, not to exceed $36,000 per annum. It is estimated by the Administrative Office of the U.S. Courts that the approximate cost of a court executive, including secretarial assistance, per circuit would be $45,000 annually.

SECTION ANALYSIS

H.R. 17901 contains one section which amends section 332, title 28, United States Code, by designating the paragraphs therein (a), (b), (c), and (d), respectively, and by adding two new subsections (e) and (f). The subsections that follow refer to the subsections in section 332, title 28, United States Code.

Subsection (e) authorizes, but does not require, the judicial council of each circuit to appoint a circuit executive from among persons who are certified by the Board of Certification which is established in subsection (f) below.

The subsection also specifies 10 types of duties illustrative of those which may be delegated to the circuit executive. It is expressly provided that all duties delegated to the circuit executive shall be subject to the general supervision of the chief judge of the circuit.

Subsection (f) establishes a Board of Certification which is directed to promulgate standards for certifying persons as qualified circuit executives. Such standards are to include experience in administrative and executive positions, familiarity with court procedures, and special training. The Board is directed to consider all applicants who apply for certification, certify those who are qualified, maintain a roster of those certified, and furnish the standards for certification.

The subsection provides that the Board shall consist of five members, three of whom shall be appointed by the Judicial Conference, at least one of which shall have had experience in executive recruitment and selection. The additional two members shall be the Director, Administrative Office of the U.S. Courts, and the Director, Federal Judicial Center. Judicial Conference appointees shall serve for 3-year terms except that the initial appointees shall serve for staggered terms. Three members shall constitute a quorum but no action shall be taken unless three members of the Board agree.

The subsection directs the Director, Administrative Office of the U.S. Courts to provide staff assistance to the Board and provides that the expenses of the Board are to be borne by the expense funds appropriated to the Federal judiciary. The Board members who are officers or employees of the United States shall serve without compensation. Other members shall receive the daily rate for GS–18.

The subsection provides that the salary of each circuit executive shall be established by the Judiciary Conference of the United States, but shall not exceed $36,000 per annum. The circuit executive shall serve at the pleasure of the judicial council of the circuit and may appoint, with the approval of the council, employees in such number as may be approved by the Director, Administrator of the U.S. Courts.

DEVELOPMENT OF THE CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK

The bill (H.R. 19342) to establish and develop the Chesapeake and Ohio Canal National Historical Park, and for other purposes, 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. 91–1512), 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. 19342 would establish and develop the Chesapeake and Ohio Canal National Historical Park in the District of Columbia and the States of Maryland and West Virginia, and would thus preserve an outstanding recreational, natural, and historical resource for public enjoyment and appreciation.

LEGISLATIVE HISTORY

Efforts to protect and preserve the historic Chesapeake and Ohio Canal and its environs have extended over the past two decades. During the 85th, 86th, and 87th Congresses, this committee and the Senate approved legislation to establish the canal as a national historical park. The passage of H.R. 19342 by the House of Representatives by voice vote on October 5, 1970, marked the first time that such legislation has received the approval of the other body.

In concept and in most of its specific provisions, H.R. 19342 is very similar to S. 1859, introduced by Senator Mathias and endorsed by Senator Tydings. The bill also incorporates most of the recommendations of the Department of the Interior.

After an extensive hearing in Washington on December 15, the committee is convinced that the legislation enjoys the support of a wide spectrum of conservation organizations and a great majority of the elected officials and citizens of the Potomac valley, and indeed, from throughout the Nation.

HISTORICAL BACKGROUND

The natural wealth of the Potomac Valley has been treasured since colonial days. "Nature has declared in favor of the Potomac," George Washington wrote to Thomas Jefferson. Jefferson himself declared that the view from Harpers Ferry, one of the most spectacular vistas in the Nation, was "worth a voyage across the Atlantic."

Even before the American Revolution, the Potomac Valley was envisioned not only as a flourishing economy in itself, but as a commercial gateway to the West. George Washington was among those who became interested in the prospects of developing a navigable waterway from the Potomac estuary to points west of Cumberland, Md. After resigning his commission as commander in chief of the Continental Army, Washington began his efforts to fulfill this mission in 1784 when he helped to secure a charter for the "Potomac Co."

By 1802, the Potomac Co. had substantially completed the river and canal system which it hoped would become a major artery of commerce. Washington, as president of the company, devoted considerable amounts of his time to the project. Despite great ingenuity in engineering, however, it proved impossible to remove all obstacles to navigation, and the company's charter was ultimately revoked in 1821.

In the 1820's, general enthusiasm for internal improvements grew and the Erie Canal demonstrated the economic practicality of waterborne commerce. The failure of the Potomac Co. was regarded as a temporary setback rather than a permanent defeat. New plans were pursued, involving the construction of a 360-mile canal over the Alleghenies to connect the Potomac tidewater with the Ohio River. The dream of linking Georgetown with Pittsburgh by water was a persistent and influential one, given an added impetus by growing competition from the railroads also pushing west from Baltimore.

After studying the route for the canal, considering its dimensions and estimating its construction costs, promoters of the canal for the Potomac Valley organized the Chesapeake and Ohio Canal Co. in June 1828. This company absorbed the charter rights of the old Potomac Co. At the groundbreaking in Georgetown on July 4, 1828, an occasion of great pomp and civic pride, President John Quincy Adams declared:

"The project contemplates a conquest over physical nature, such as has never yet been achieved by man. The wonders of the ancient world, the Pyramids of Egypt, the Colossus of Rhodes, the Temple of Ephesus, the Mausoleum of Artomisia, the Wall of China, sink into insignificance before it—insignificance in the mass and momentum of human labor required for the execution—insignificance in the comparison of the purposes to be accomplished by the work when executed."

The elaborate ceremony was followed by years of toil. Using axes, stump pullers, shovels, and scrapers, thousands of laborers, including more than a thousand indentured workmen from England and Ireland, cleared the path for the canal and gouged a ditch more than 15 feet wide. The first section

opened was the stretch from Little Falls to Seneca, Md.

Beset with all kinds of problems—including dissension among the laborers, the cholera epidemic of the early 1830's, and legal complications with the Baltimore & Ohio Railroad Co.—progress was slow. By 1833 only 62 miles of canal were completed and the $3 million with which the company had started was nearly depleted. After the State of Maryland assumed a large part of the financial burden the canal moved on and navigation was possible to a point 7 miles west of Hancock by 1839, but there the canal terminated and was not opened to Cumberland until 1850. By this time the dream of a canal connecting the tidewaters and the Ohio River had been abandoned. More than $11 million had been spent constructing the 184.5-mile canal.

Boats began to use the canal as soon as the first section was completed. In the main, cargoes were limited to flour, grain, building stone, and whiskey, but it was not until after 1850, when the canal reached Cumberland, that a profitable level of commerce developed. From that area, coal was routed to the tidewater region via the canal. Trade grew rapidly and eventually more than 500 boats plied the canal, but in 1871 traffic reached its peak and began to decline as coal operators shifted their trade to the railroad. The flood of 1889 literally washed out the company and, with insufficient capital to repair the damage, forced it into bankruptcy. The trustees in bankruptcy operated the canal until 1924 when operations ceased.

In 1938, the United States purchased the narrow canal right-of-way stretching from Georgetown, D.C., to Cumberland, Md. Altogether, it included 5,253 acres and extended for 184.5 miles.

Since its acquisition, the lower portion of the canal, about 22 miles, has been restored to operation by the National Park Service. The western segment of the canal from Seneca to Cumberland was designated as a national historical monument by President Eisenhower on January 18, 1961. The entire property is now administered as a part of the National Capital region of the National Park Service.

PRESENT OPPORTUNITIES

The narrow Chesapeake and Ohio Canal property in Federal ownership today provides 184.5 miles of history, beauty, and refuge, reaching from the streets of the Nation's Capital through hills and meadows to the rugged slopes of the Alleghenies. The setting along the canal and the nearby Potomac River is peaceful and picturesque. Students of nature have an exceptional opportunity to view numerous birds and a variety of other wild creatures which inhabit the area. A luxuriant plant life abounds along the route. In season the dogwoods and tulip trees, and the violets, touch-me-nots, wild sunflowers, black-eyed susans, goldenrods, and asters add flares of color and interest to the towpath.

The canal today also serves as a path through American history. Although it never fulfilled President Adams' vision as "a great central chain of union" between Chesapeake Bay and the Ohio Valley, the canal even in its present state is probably the finest relic of the great engineering feats of the canal-building era. Modern visitors marvel at the sturdy locks, the arched masonry aqueducts, and the magnificent Paw Paw Tunnel, which reaches over 3,000 feet through a mountain. Equally fascinating is the lively culture of the canallers, which survives in many valley towns and is being rediscovered by professional and amateur historians. In addition to its intrinsic historical attractions, the canal also is in close proximity to colonial sites such as Georgetown and Fort Frederick, and Civil War battlefields such as Harpers Ferry and Antietam.

Located within easy reach of the millions of people in the District of Columbia, Maryland, and neighboring Virginia, West Virginia, and Pennsylvania, the Chesapeake and Ohio Canal is already extremely popular. Even with the limited restoration which has been done and the rudimentary public facilities available, nearly 2½ million visitor days were estimated for the area in 1969. Use of the present national monument (Seneca to Cumberland) this year, between January and September, has been estimated at over 1,770,000 visitor-days, while the lower segment of the canal, from Georgetown to Seneca, has been heavily used and is actually crowded on pleasant weekends. Many hiking and conservation groups have developed special programs focusing on segments of the canal. The area's Boy Scout Councils have created a special merit badge for hiking the canal, and since 1967 over 60,000 Scouts have walked or cycled over 1.6 million miles along the towpath.

The canal now provides a great variety of public recreation virtually on a shoestring. Its present property and status are clearly inadequate, however, to serve present and future recreational needs, to insure protection of its vast and varied scenic and natural assets, and to provide stabilization and interpretation of its historical features.

The acquisition plan for this park is intended to preserve and protect the scenic Potomac riverscape and the environs of the canal, and to provide new opportunities for public use and enjoyment of the canal and the river. Through this expansion program the national historical park will gain the scope required to serve increasing recreational demands, and to resist the growing pressures of metropolitan growth in the Washington area.

The development plan for this historical park emphasizes the historic features of the canal. Much of the money required for the park will be used for restoration purposes. Some of the locks and lockhouses, aqueducts, tunnels, and bridges will be restored or stabilized, and much of the canal and towpath will be repaired and parts of it restored and rewatered. Interpretive exhibits will be developed.

All of this activity and expense would not be justified unless adequate efforts were made to accommodate the visiting public. For this reason, the development plan envisions appropriate facilities to disperse the millions of visitors expected in this area each year. Adequate parking areas, camping areas, and related visitor facilities must be available to serve those who will use the park. As conceived by the National Park Service, these should be unobtrusive and yet be constructed to meet the anticipated future needs, since projections suggest that nearly 6 million visitor days are expected by 1985.

Once developed and properly managed, this park will serve a wide spectrum of recreational needs. For young and old, however energetic or lazy, the park will provide places to hike and cycle, to fish, to paddle a boat or canoe, or simply to sit quietly, free of the rush and roar of a contemporary society. For naturalists and historians, the park will offer countless opportunities for study and investigation. With many points of public entry along its 184.5 miles, this unique ribbon of beauty and tranquillity will answer the varied needs of millions, from the 2-hour summer picnic to the 2-week solitary camping trip. It will be a national asset for all seasons, all ages, and all Americans.

NEED

Although the Chesapeake and Ohio Canal never realized the ambitions of its founders, it can now fulfill a new national mission as a valuable and irreplaceable historical and recreational resource. H.R. 19343 authorizes the additional land acquisitions and the development and restoration necessary to enable this waterway, to benefit millions, from the Chesapeake to the Ohio and beyond.

In many respects this legislation is in response to public demand, expressed in the continuing and growing public support for such a bill and evidenced even more clearly through burgeoning public use of the towpath. To date, the efforts of the National Park Service to respond to public interest and needs have been hampered by the extreme narrowness of the public property and the lack of funds. H.R. 19342 remedies these problems and opens the way for a unique addition to the national park system, one which will also serve as the backbone of future recreational and conservation programs in the valley of the Nation's Capital.

Mr. MATHIAS. Mr. President, the Senate has just given unanimous approval to H.R. 19342, to establish the Chesapeake and Ohio Canal National Historical Park, thus clearing this important legislation for the President's signature.

After more than a decade of efforts to preserve and develop this great natural and historical resource, today's Senate action is deeply gratifying to me and to countless residents and friends of the Potomac Valley.

The Chesapeake and Ohio Canal National Historical Park will be among our finest national recreational areas. Along its 184.5 miles, Americans of all ages and interests will be able to find beauty, calm, and recreational opportunities unmatched anywhere in the East. From the heart of the Nation's Capital to Cumberland, the C. & O. Canal will offer millions of Americans the chance to become acquainted with a unique slice of our history and the varied scenic and natural attractions of this region.

I will not attempt to list all of the individuals and groups who have taken part in the long campaign which has culminated in the Senate's approval of this bill today. Their energetic walking, working and waiting has provided a notable example of citizen involvement in the battle to save and secure our irreplaceable natural heritage. To all who have contributed to this effort, I extend my thanks.

I do want to record my particular gratitude to the distinguished chairman of the Committee on Interior and Insular Affairs, Senator JACKSON, and the chairman of the Subcommittee on Parks and Recreation, Senator BIBLE. Without their sustained interest in the C. & O. Canal, and their recognition of the importance of action this year, this bill would never have become a reality.

It is heartening to note that, in reporting H.R. 19342 to the Senate, the Interior Committee recognized the legitimate concerns which had been expressed in the recent public hearing, and included in its report language which explicitly protects Maryland's jurisdiction over the Potomac River and maintains necessary access to the river under the act of August 1, 1953. With these safeguards, the Chesapeake and Ohio Canal National Historical Park will be a great national resource and an asset to the entire Potomac Valley.

Mr. President, I ask unanimous consent to include in the RECORD at this point the statement I presented to the Com-

mittee on Interior and Insular Affairs on December 15 in support of H.R. 19342 and my own similar bill, S. 1859.

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

STATEMENT OF SENATOR CHARLES MCC. MATHIAS, JR.

Mr. Chairman, I deeply appreciate this opportunity to testify in strong support of H.R. 19342 and my similar bill, S. 1859, to establish the Chesapeake and Ohio Canal National Historical Park. Your willingness to hold this hearing today, at the busiest time in the Congressional year, is typical of the hospitality to this project which you have displayed many times over the years.

Nine and one-half years ago, when I was a freshman Representative from the Sixth Congressional District of Maryland, I appeared before this subcommittee to endorse legislation introduced by Senator J. Glenn Beall, Sr., to create the Chesapeake and Ohio Canal National Historical Park. At that time, on April 12, 1961, I stated, "Considerations of need, of opportunity and of economy urge approval" of the park.

As you know, Mr. Chairman, shortly after that hearing this committee and the Senate did approve C & O Canal legislation. Ever since then we have been working and waiting for consideration of it by the House. This year our efforts finally bore fruit with the unanimous passage of H.R. 19342 by the House on October 5.

In concept and in its major features H.R. 19342 is very similar to my bill, S. 1859. A few points should and can be clarified through legislative history, as I have outlined below. But in the main H.R. 19342 is a very good bill, and I am pleased to urge you to approve it now.

The considerations of need, opportunity and economy which were attractive in 1961 are absolutely compelling in 1970. In 1961, when I first introduced C & O Canal legislation, my objectives were to preserve this historic waterway and to encourage recreational use of it. Now our obligation is to respond to demonstrated public interest and increasing use, before the Canal deteriorates beyond repair or the price of preservation soars beyond our reach.

We literally can't afford to wait. Nine years ago the Interior Department testified that it would cost about $1.5 million to acquire 10,000 acres along the Canal between Cumberland and Seneca in Montgomery County. Now the Department has requested and H.R. 19342 authorizes $20 million to acquire at least an interest in about 12,156 acres between Cumberland and Georgetown. With the extension of the proposed park into Washington, the area to be acquired has increased twenty-one percent compared to 1961, but with the passage of time, the cost has gone up twelve *hundred* percent.

Yet even at today's high prices, the C & O Canal National Historical Park is within our grasp. If we delay, at tomorrow's prices it could be beyond our means.

Mr. Chairman, the Chesapeake and Ohio Canal is an exceptional public resource. In its 184.5 miles, the Canal capsules the Potomac Valley's growth, its commercial hopes, its enduring natural values and its great human appeal. Envisioned by President John Quincy Adams as "a great central chain of union" between the Eastern seaboard and the West, the Canal never reached the Ohio Valley, but is still the finest example of our nation's canal-building era and its impressive engineering feats. Equally fascinating is the lively culture of the canallers, a unique slice of American history which survives today in many Potomac Valley towns and is being rediscovered and preserved by area historians.

A trip along the C & O Canal offers a breadth of natural assets unequalled anywhere. The towpath, starting as an urban trail a few steps from the streets of Georgetown, proceeds up the valley through beautiful hills and meadows to the rugged mountain slopes of the Alleghenies. No other park can boast such varied scenery, wildlife and history so close to millions of Americans, and yet so undisturbed.

For over three decades, from the end of commercial operations in 1924 until the 1950's, the Canal was an abandoned ditch, largely neglected and unused. During the past fifteen years, however, the public has rediscovered the Canal with energy and appreciation. Over 1.5 million people—hikers, bikers, campers, canoeists, sportsmen and naturalists—used some segment of the Canal last year. Area Boy Scouts have been particularly active: since 1967, when a special Canal merit badge was created, over 60,000 Scouts have hiked or cycled over 1.6 million miles along the towpath.

The potential public use of the Canal is staggering. Over 5.3 million Americans live in the District of Columbia and those parts of Maryland, Virginia, West Virginia and Pennsylvania within an hour's drive of some section of the Canal. The valley is within relatively easy reach of about 9 million Americans now, a total that will exceed 12 million by 1985.

The Canal now is in no shape to serve these millions. As one hikes along the towpath today, the need for legislative action is evident at every mile. In some areas National Park Service personnel have worked wonders in providing rudimentary public services within the severe constraints of inadequate funds and very narrow property lines. But at major points of public entry there is a clear need for inobtrusive parking lots, modest picnic areas and campgrounds, boat ramps and other basic public facilities. There is an obvious need to expand the narrow, 5250-acre Canal property to insure scenic protection, to provide more space for public enjoyment, and to enlarge public access to the Potomac River before the shoreline succumbs to the pressures of metropolitan growth.

Equally evident is the need to stabilize the major features of the Canal itself before they succumb to the erosions of time. The National Park Service has already largely restored the magnificent Paw Paw Tunnel. But many of the historic masonry aqueducts are crumbling. Locks have ceased to work. Over half of the Canal's 174 culverts are badly silted or otherwise need repair.

Finally, except at Great Falls there is a lack of interpretive programs and exhibits to educate this generation of Americans about the area's natural wealth and 19th-century commerce and engineering.

All of these needs would be met by H.R. 19342, which is, as I have stated, very similar to my own bill, S. 1859. As passed by the House, H.R. 19342 would grant National Historical Park status to the Canal, authorize acquisitions of land and interests in land up to a total park of about 20,000 acres, and authorize funds for both acquisition and the initial stages of restoration and development. The bill establishes a citizens' advisory council to promote communications between the Interior Department and area citizens and officials. Finally, it includes provisions intended to promote cooperation between Federal and State park programs, and necessary access across the Canal to the Potomac River.

Mr. Chairman, there are a few aspects of H.R. 19342 which I urge the committee to clarify in the course of action on the bill. I am prepared to offer amendments if necessary, but believe that strong legislative history should be adequate. The points are:

1. *Maintenance of state jurisdiction over the Potomac.* The State of Maryland owns the Potomac River to the low-water mark on the Virginia side. Concern has been expressed that, unless an explicit disclaimer is included in the bill, the riverfront acquisitions authorized might inadvertently lead to Federal preemption or abridgement of the jurisdiction over the river and its water which the state has traditionally exercised.

Certainly no such result is intended. The Interior Department has stated that the Maryland side of the Potomac would be the southern boundary of the park and of Federal jurisdiction. During House floor debate Congressman Saylor, one of the prime sponsors of the legislation in the House, stated, "The Potomac River is not included in this legislation and will not be subject to administration by the Secretary under the terms of this bill."

To make the legislative intent unmistakable, I urge you to state in your report on the bill that nothing in H.R. 19342 is intended or should be construed to alter or abridge Maryland's jurisdiction over the Potomac River.

2. *Access to the Potomac for utilities.* Along its entire 184.5-mile length, the Canal property lies between Western Maryland communities and the Potomac, the area's major water source. The possibility that access across the Canal for water lines and other necessary utilities might be denied by the Federal Government has been a prime source of area apprehension for many years.

In 1953 Congress, recognizing the indisputable need for guaranteed access for local utilities, approved the Act of August 1, 1953 (67 Stat. 359). Section 1 of that Act states:

"The Secretary of the Interior is hereby authorized and directed to grant perpetual easements, subject to such reasonable conditions as are necessary for the protection of the Federal interest, for rights-of-way through, over, or under the parkway lands along the line of the Chesapeake and Ohio Canal, now or hereafter acquired, for the purposes of electric, telephone, and telegraph lines or conduits, gas, oil, and water pipelines, tunnels, and water conduits, or for other utility purposes incident to industrial, commercial or agricultural use, or to the supply of water for domestic, public, or any other beneficial use. . . ."

Section 4 of the Act authorizes the Secretary, "in his discretion," to grant additional easements "for railroad tracks or for other utility purposes," subject to appropriate conditions.

The primary importance of the Act of August 1, 1953, is its guarantee that access for utilities, under reasonable conditions, will be granted by the Federal Government. During the 17 years since enactment of this legislation, it has not caused or permitted any wholesale intrusions on or degradation of the Canal and its environment. To the contrary, the Act has actually been invoked only twice, most recently for the construction of a major underground water line by the Frederick County Metropolitan Commission, which found that a perpetual easement was necessary to assure financing of its project.

Mr. Chairman, the Department of the Interior has endorsed the 1953 Act and recommends its continuation and its application to the National Historical Park. H.R. 19342 does not refer to the 1953 Act at all. Given this silence in the bill, I urge the committee to adopt report language to the effect that given the importance of local access, the limited nature of the 1953 Act, and its inclusion of environmental safeguards, the committee regards the 1953 Act as fully applicable to the park.

3. *Options for landowners.* Under general law, the Department of the Interior is authorized to negotiate a wide range of arrangements with owners of land within the boundaries of national parks. The Department has expressed its intent to pursue a number of approaches, including scenic easements, acquisition of development rights, provisions for life tenancy or tenancy for a

stated number of years, and leaseback or sellback agreements, where appropriate. Such alternatives are especially valuable with regard to the conservation groups and sportsmen's clubs which own lands along the Canal and have been reliable trustees of the area for many years. I hope the committee will express its support for a flexible approach which minimizes the disruption of present landowners wherever present usage is not incompatible with the park.

In conclusion, I believe the Chesapeake and Ohio Canal National Historical Park is needed and should be created now. This legislation is fully justified in its own right; it assumes double importance as the backbone of environmental protection efforts for the Potomac Valley as a whole. As Secretary Hickel stated in transmitting his official endorsements of the legislation to Congress on May 27, the establishment of the C. & O. Canal National Historical Park "will constitute an essential first step in a continung program of protection and development of the entire river."

I strongly support this legislation and urge this subcommittee to approve H.R. 19342 and bring it before the Senate for action this year.

GULF ISLANDS NATIONAL SEASHORE

The Senate proceeded to consider the bill (H.R. 10874) to provide for the establishment of the Gulf Islands National Seashore, in the States of Alabama, Florida, Louisiana, and Mississippi, for the recognition of certain historic values at Fort San Carlos Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, line 4, after the word "numbered", strike out "NS GI 7100II, and dated July 1970:" and insert "NS–GI–7100J, and dated December 1970:".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the action of the Senate in passing Calendar No. 1523, H.R. 10874, an act to provide for the establishment of the Gulf Islands National Seashore, and so forth, be rescinded and that the bill be placed back on the calendar.

The PRESIDING OFFICER (Mr. SPARKMAN). Without objection, it is so ordered. The action of the Senate will be rescinded and the bill will be placed back on the calendar.

VOYAGEURS NATIONAL PARK

The Senate proceeded to consider the bill (H.R. 10482) to authorize the establishment of the Voyageurs National Park in the State of Minnesota, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments. On page 2, line 10, after the word "the", where it appears the third time, strike out the word "park." and insert "park: *Provided further*, That the Secretary shall not acquire other lands by purchase for the park prior to such donation unless he finds that acquisition is necessary to prevent irreparable changes in their uses or character of such a nature as to make them unsuitable for park purposes and notifies the Committees on Interior and Insular Affairs of both the Senate and the House of Representatives of such findings at least thirty days prior to such acquisition.".

On page 7, after line 18, insert:

(c) All mining and mineral activities and commercial water power development within the boundaries of the park shall be prohibited, and further, any conveyance from the State of Minnesota shall contain a covenant that the State of Minnesota, its licensees, permittees, lessees, assigns, or successors in interest shall not engage in or permit any mining activity nor water power development.

And on page 8, line 18, after "(3)", insert "recreational".

The amendments were agreed to.

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

The bill was 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. 91–1513) explaining the purposes of the measure.

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

PURPOSE

The purpose of H.R. 10482, as introduced by Representative John Blatnik, is to provide for the establishment of the Voyageurs National Park in the State of Minnesota.

DESCRIPTION OF THE AREA

The area involved in H.R. 10482 is located along the United States-Canadian boundary just east of International Falls in the famous Minnesota lake country. Altogether, the proposed park consists of approximately 139,000 acres of land and 80,000 acres of water. Most of the land involved is located on, or in the vicinity of, the Kabetogama Peninsula (103,850 acres), but part of it, popularly referred to as the Crane Lake area, is within the boundaries of the existing Superior National Forest (35,280 acres).

If established, the park will be dominated by three large lakes—Rainy Lake, Kabetogama Lake, and Namakan Lake—which, along with hundreds of smaller lakes in the area, were gouged in the land by the great ice sheets which shaped this entire region thousands of years ago. Taken together, these lakes and the network of connecting waterways make this area a unique and beautiful setting for a national park.

No other area of the national park system is quite like the region which H.R. 10482 would designate as a national park. The Kabetogama Peninsula bounded as it is by the waters of the three prominent lakes, is relatively undeveloped and is accessible mainly by water. Along the shoreline, the landscape varies from intimate bays and coves to shores composed of rocky glacial debris and exposed smooth glaciated areas.

The interior lands also bear the marks of the Ice Age. Most of the once barren bedrock surface has long since developed a thin layer of soil, but, in some places, the glaciers deposited some of the fertile soils collected as they moved and, in other, exposed rock remains visible. These factors largely control the vegetation of the area. There are a few groves of Norway, jack and white pines along the shorelines, and boggy areas support black spurce, cedar and ash, but the aspen, birch, balsam, white spruce, oak and maple are more common at the higher elevations. At one time, some of these areas were climax forest, but fires were probably instrumental in altering the habitat to subclimax forests. The nature of the forest and its related vegetation, of course, is an important factor in the animal life in the area. Caribou, which have now completely disappeared from the scene, require climax vegetation, while moose and deer favor subclimax forests.

Now the area continues to support, in addition to moose and deer, black bear, beavers, timber wolves, muskrat, fox, mink, weasel, otter, fisher, coyote, bobcat, Canada lynx and other species, as well as a wide variety of birds. When the landscape has completely returned to its natural condition, it is anticipated that caribou will be re-introduced in the area.

In addition to the geological and natural values which this part of the country offers, it has a rich historical background. Here, before the West was settled, the French-Canadian Voyageurs paddled and portaged their canoes in search of furs. Engaging in commerce with the Indians along the way, these early adventurers plied their way among the maze of lakes and streams which gives this place its fame and gives the park its name. Recapturing the color and romance of those times will not be easy, because there is little physical evidence of their travels remaining in the area. The Voyageurs are gone, but the lands and waters they knew and traversed remain. Some places have been substantially altered by man in the decades that followed but the forests and shorelines, and islands within the proposed park boundaries which are characteristic of the places they knew can depict this phase of our cultural inheritance.

BACKGROUND AND NEED

Consideration was given to setting aside the proposed Voyageurs National Park before the turn of the century, but the need for special status was not considered urgent at that time. It is now apparent that with the available land base for parks rapidly shrinking, and with the nearly geometric rise in recreational demands of a more mobile and affluent society, this area is most deserving of national park classification. The Voyageurs area has been under serious consideration for inclusion in the national park system since the early 1960's, when the State of Minnesota asked the National Park Service to study the area.

Because this area contains significant natural and geologic features worthy of national recognition, because it possesses nationally significant scenic and recreational values, and because it offers an opportunity to interpret, for the edification of the public, the historic role of the Voyageurs in our cultural heritage, it was recommended for national park classification by the Park Service in 1964.

In 1969, several members of the Subcommittee on National Parks in the House of Representatives visited this area to get some firsthand experience with its potential as a national park facility and to conduct a local hearing on the proposed legislation. Many witnesses were heard, both for and against the park. Later, in July 1970, extensive hearings were held in Washington.

Following passage of H.R. 10482 by the House of Representatives on October 5, 1970, the bill was referred to this committee. The Parks and Recreation Subcommittee chaired by Senator Bible held 2 days of hearings on H.R. 10482 on December 4 and 7 in Washington, D.C.

BASIC PROVISIONS OF H.R. 10482, AS AMENDED

As recommended by the Senate Committee on Interior and Insular Affairs, H.R. 10482 authorizes the Secretary of the Interior to establish the Voyaguers National Park when (1) he deems sufficient interest in the lands and waters within the park have been

acquired for administration in accordance with the act, but (2) not before the lands owned by the State of Minnesota and its political subdivisions have been donated to him for the park.

While it is not unusual to require the donation of State-owned lands to the United States, the Congress has not always required that the State action precede the establishment of the park. In this instance, however, the State and county holdings are substantial and are essential to a viable national park. To assure the management of these lands in a manner compatible with the park, the committee concluded that these publicly owned lands should be transferred to the Secretary prior to the actual establishment of the park.

The bill also expressly prohibits the Secretary of Interior from acquiring privately owned lands located with the park boundaries until such time as the State of Minnesota and its political subdivisions donate their lands. Only in the case of an emergency where certain uses of privately owned lands within the park boundaries can be demonstrated to pose a threat to the integrity of the park may the Secretary acquire private property prior to land donation by the State and its political subdivisions. In the event such an instance should arise, the Secretary would be required to inform the Interior Committees of both the House and Senate 30 days in advance of acquisition of the circumstances which he feels compel him to complete the purchase expeditiously.

The committee has received assurances from the Governor and attorney general that the State of Minnesota could and would make its lands available for the national park. (See telegram of December 19, following departmental reports.) If this legislation is enacted into law, it is the desire of the committee that the State and its political subdivisions move without hesitation to donate these properties so that land price escalation of privately owned lands will be minimal. If delays occur, creation of the park as presently envisioned may be jeopardized since the bill contains an appropriation authorization ceiling of $26,014,000 for land acquisition. Land price escalation during the past several years has averaged 5 to 10 percent per year, with prime recreational land rising at an even higher rate.

The bill retains a provision added by the House for inclusion of the Crane Lake area in the proposed Voyageurs National Park. The Crane Lake unit contains approximately 35,000 acres of land and 18,250 acres of water all within the boundaries of the Superior National Forest. This committee agrees that this area should be made a part of the park because it meets the same high standards of the other portions of the proposed park and because the Kabetogama Peninsula and the Crane Lake area are united by continuous and contiguous waters traveled by the voyageurs, and comprise an integrated ecological unit. The committee felt that the Crane Lake addition would be afforded greater protection as part of the proposed park than in its present status within the 3-million-acre Superior National Forest.

The committee also added language prohibiting mining and mineral activities and commercial water power development within the park boundaries. These are nonconforming uses and such language may be superfluous. However, it was felt necessary as an added safeguard.

The committee considered amended section 302 by deleting the word "recreational" as it pertains to fishing because it wished no implication that the Secretary's authority as it applies to fishery regulation should apply only to recreational and not commercial fishing. However, we decided against such an amendment since he has at present authority to regulate both, consistent with State law, and he should take whatever steps necessary to insure a properly managed fishery resource.

Lastly, the committee amended section 302 by adding the word "recreational" when referring to the use of watercraft in the proposed park. This was done because of the concern of the committee over the possibility that certain watercraft owners might attempt to establish a permanent residence within the park during the summer months. Many national parks have a 2-week limitation on the length of stay, and the addition of the word "recreational" in this measure would insure that the right to enjoy national parks was not abused by people equipped to and desirous of establishing residence in the area. The Secretary should have adequate authority to make appropriate regulations in this regard.

This section also enables the Secretary, in planning for the development of the park, to include the use of snowmobiles and other winter sports activities when they are appropriate conforming uses. It should be emphasized that the use of over-the-snow vehicles are permitted in Yosemite, Sequoia-Kings Canyon, Lassen Volcanic, Yellowstone, Grand Teton, Crater Lake, Olympic, and Mount McKinley National Parks.

COMMITTEE AMENDMENT AND SECTION-BY-SECTION ANALYSIS

The preamble of the bill merely states that the purpose of the legislation is to establish the Voyageurs National Park in order to preserve the area and its natural and scenic values for the benefit of all Americans for all times.

Section 101 authorizes the Secretary to establish the park by publication of a notice in the Federal Register, but it forbids its establishment before the lands belonging to the State and its political subdivisions are donated. The section also prohibits acquisition of any private lands until the State and its political subdivisions have donated their land within the park boundaries. Only in instances of emergency where private land must be acquired to protect the quality of the proposed park may the Secretary purchase property prior to donation of land by the State and its political subdivision. In the event the Secretary finds that emergency acquisition is necessary, 30 days notice of such findings by the Secretary must be given the Interior Committees of both the House and Senate prior to actual acquisition.

Section 102 establishes the boundaries of the park by reference to a map which generally included the Kabetogama Peninsula and the Crane Lake Addition, but the committee, also, required the Secretary to attach a legal description of the area to the map within one year after acquiring title to the publicly owned lands. Under the terms of the bill, the Secretary may make minor adjustments in the boundaries of the park, but such revisions may not add more than 1,000 acres to the park.

Section 201 provides that the Secretary may acquire by donation, purchase or exchange, any privately owned lands within the park boundaries, but it reiterates that lands owned by the State or its subdivisions may be acquired only by donation. To avoid severance damages, the Secretary is granted the usual authority to acquire a complete property even if it is partly outside the park boundaries, but any property outside the boundaries must be used for exchange purposes or disposed of as provided by law. When it appears certain that the publicly owned lands will be transferred to him for the park, the Secretary should consider all offers to sell properties within the park boundaries as expeditiously as possible.

Section 202 extends to those owning improved properties which are used as noncommercial residential dwellings the right to retain the use and occupancy of them for terms of 25 years or life, at the election of the owners. When such a right is retained, the Secretary is required to pay the owner the fair market value of the property less the fair market value of the right retained. Similarly, persons holding leases for noncommercial or residential purposes on lands donated by the State of Minnesota may be permitted to continue their use and occupancy for a term of up to 10 years. In the event that any right of use and occupancy is terminated, the Secretary must pay the fair market value of the right terminated.

Section 203 permits the Secretary to negotiate with owners of commercial, recreational, or resort properties for the continued operation of such enterprises if he deems them necessary for the accommodation of visitors.

Section 204 provides that if the State of Minnesota decides to exchange State lands located outside the park for privately owned timber lands within the park, then the Secretary may pay any difference between the value of the timberlands exchanged and the higher value, if any, of those lands for recreational purposes.

Section 301 provides that the lands acquired for the park shall be administered by the Secretary of the Interior in accordance with the general statutory authorities regarding the national park system. Within 4 years from the rate of the establishment of the park, he is to cause studies to be made to determine if any part of this park should be designated as wilderness. A new subsection (c) was added to this section which provides that the Secretary shall prohibit any exploration or development of minerals or development of water power resources within the park, and that—

"any conveyance from the State of Minnesota shall contain a covenant that the State of Minnesota, its licensees, permittees, lessees, assigns, or successors in interest shall not engage in or permit any mining activity nor water power development."

Section 302 explicitly provides for fishing within the park, but emphasizes that this activity is subject to regulations issued by the Secretary and applicable to State and Federal laws.

This section also permits the State to continue its fishery management activities at Shoepac Lake if a mutually acceptable plan can be agreed upon by the State and the Secretary.

Section 303 authorizes the Secretary to include in his development plans for the park, provisions for the use of oversnow vehicles, seaplanes, and all types of watercraft.

Section 304 disclaims any intent to abrogate in any way any existing international agreement or treaty concerning the use of any waters within the park boundaries.

Section 305 provides specific statutory authority for the Secretary to construct such roads within the park as may be necessary to assure access to public facilities within the park.

Section 401 contains the authority to make appropriations to carry out the purposes of this act. As indicated below, appropriations are limited to no more than $26,014,000 for land acquisition and $19,179,000 for development. In addition, the bill allows the Secretary to adjust his request for appropriations for development in accordance with standard construction cost indexes. In the event that it is anticipated that this feature of the bill will be implemented the Committee expects to be advised of the circumstances that require such action in advance of any request for appropriations in excess of the ceiling specified.

COST

The bill recommended by the committee contains the usual provision limiting the amounts authorized to be appropriated to the amounts which the Department indicated would be needed. For land acquisition, in-

cluding privately owned lands in the Crane Lake addition, the bill authorizes the appropriation of $26,014,000. For the purpose of development of the area, the bill calls for the appropriation of $19,179,000, but it should be noted that this does not include any funds for development at Crane Lake.

The committee was advised that the privately owned lands in the Crane Lake addition are valued at more than $5 million, but that the usual detailed development plan for this area had not yet been formulated. In light of this fact the committee was disinclined to add to the development authorization ceiling an amount which it could not reasonably justify. Instead, it was decided that it would be more appropriate for the Secretary to make the necessary study of the area and forward a development plan for it, together with reliable cost estimates. It is anticipated that this information will be submitted to the Congress within 1 year after the enactment of this legislation and that it can then consider authorizing legislation for the implementation of the development plan.

ORDER OF BUSINESS

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

APPROPRIATIONS FOR FOREIGN ASSISTANCE AND RELATED PROGRAMS, 1971—CONFERENCE REPORT

Mr. McGEE. Mr. President, I submit a report of the committe of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17867) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes. I ask unanimous consent for the present consideration of the report.

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

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

(For conference report, see House proceedings of December 14, 1970, p. 41427, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. The question is on adoption of the conference report.

The conference report was rejected.

Mr. McGEE. Mr. President, I move that the Senate insist upon its amendments and request a further conference with the House on the disagreeing votes of the two Houses thereon, and that the Presiding Officer appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McGEE, Mr. ELLENDER, Mr. HOLLAND, Mr. MONTOYA, Mr. FONG, Mr. PEARSON, and Mr. YOUNG of North Dakota conferees on the part of the Senate.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 87) providing for an adjournment of the two Houses of Congress, with an amendment, 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, and they were signed by the Vice President:

H.R. 212. An act to clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes;

H.R. 17255. An act to amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air;

H.R. 17825. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes; and

H.R. 17853. An act for the relief of Carlo Bianchi & Co., Inc.

ADJOURNMENT OF THE TWO HOUSES OF CONGRESS

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives.

The PRESIDING OFFICER (Mr. SPARKMAN) laid before the Senate the amendment of the House of Representatives to the concurrent resolution (S. Con. Res. 87) providing for an adjournment of the two Houses of Congress, which was to strike out all after the resolving clause, and insert:

That when the Senate adjourns on Tuesday, December 22, 1970, it stand adjourned until 12 o'clock meridian on Monday, December 28, 1970; and that when the House adjourns on Tuesday, December 22, 1970, it stand adjourned until 12 o'clock meridian on Tuesday, December 29, 1970.

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

DISPOSITION OF FUNDS APPROPRIATED TO PAY JUDGMENTS IN FAVOR OF THE MISSISSIPPI SIOUX INDIANS

Mr. McGOVERN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 14984.

The PRESIDING OFFICER (Mr. SPARKMAN) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 14984) to provide for the disposition of funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359–363, and for other purposes.

Mr. McGOVERN. Mr. President, the Indian Claims Commission awarded more than $12 million to the Mississippi Sioux Tribes who are residents of North and South Dakota and Minnesota. Funds have been appropriated to satisfy the judgment, and it is necessary to enact legislation to provide for the distribution and use of these funds.

As passed by the House, H.R. 14984 provided that the funds would be distributed on the basis of rolls to be prepared by the Secretary of the Interior containing the names of living descendants of the aboriginal bands. The Senate amended the bill to insert a different formula, suggested and recommended by the Indians, for the distribution of the money. The Senate passed the amended bill on November 14, and on November 16 the House rejected the Senate amendment but did not request a conference to resolve the different versions of the bill.

The Mississippi Sioux Indians, along with many other Indians in this country, have waited many, many years to have their claims against the United States adjudicated, and the funds due and owing them paid for past injustices. It is most regrettable that our colleagues in the other body did not see fit to consider the Senate language, or at least agree to discuss the language the Senate adopted at the urging of the beneficiaries of this award. The hour is growing late, and if the Indians are to receive any benefits from their funds in the immediate future, this can only be done if the Senate recedes from its position.

Mr. President, reluctantly I move that the Senate recede from its amendment to the bill, H.R. 14984, thereby agreeing to the measure as passed by the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Dakota.

The motion was agreed to.

TRIBUTES TO SENATOR YOUNG OF OHIO ON MONDAY

Mr. KENNEDY. Mr. President, it is the intention of the leadership, if the Senator will yield further, that I ask unanimous consent that an hour be set aside, when the Senate convenes on Monday, December 28, 1970, at the hour of noon, for an opportunity for Members of the Senate to pay tribute to a retiring Member of the Senate, the distinguished Senator from Ohio (Mr. YOUNG).

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

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. RANDOLPH. Mr. President, I ask that the Senate be in order because I know that the Senator from Indiana does not mean to speak long tonight on this subject. But he is intensely interested in this vital matter which concerns 18-year-old voting. I am sure that Senators will wish to have his counsel.

The PRESIDING OFFICER. There will be order in the Senate.

CONSTITUTIONAL AMENDMENT ON 18-YEAR-OLDS VOTING IN STATE AND LOCAL ELECTIONS

Mr. BAYH. Mr. President, I appreciate the thoughtful remarks of the Senator from West Virginia. I wish to ask the Senate's indulgence for just a very few minutes this evening. I wish to call attention to and better define the colloquy that the Senator from West Virginia and the Senator from Indiana cooperated in last evening.

I do so because I think the subject matter is of some significance, even though I realize that the hour is late, and that this session is about to come to a close increases the urgency of the need for action.

We are all aware of yesterday's Supreme Court ruling. The Court upheld the major portion of the Voting Rights Act of 1970. But they did strike down the 18-year-old voting provision, insofar as it applied to State and local elections.

I agree, Mr. President, with the Supreme Court that 18 year olds should be entitled to vote. I think that idea has great merit. I do not intend to enumerate all the merits this evening, but I only intend to say that I think yesterday's decision was a giant step in the right direction.

However, I think it is important for us to understand that the Supreme Court decision, while shoring up the hope of many young people that they will have the chance to exercise their franchise and work within the system and thus make a very great productive contribution to our system, has also created some rather significant problems.

I have had a number of calls and a number of inquiries from various individuals in different parts of the country pointing out that this will impose a significant hardship on secretaries of State, election boards, election commissions, county clerks, and others who will have to compile two separate and distinct voting registers, one voting register for the 18-, 19-, and 20-year-olds who are entitled to vote in Federal elections and another for the 21-year-olds who are entitled to vote in all elections.

Certainly we have to recognize the complexity and confusion that will result from the Supreme Court decision. I do think there is a way for us to solve this problem, however.

I do not make this suggestion lightly, but only to point out the problem and our responsibility to try to solve it.

A number of Members of the Senate have spoken eloquently of the need to give 18-year-olds the right to vote.

Since the passage of this legislation, the Senator from West Virginia, the Senator from Massachusetts, the Senator from Montana, and the Senator from Washington, just to name a few, have pointed out the need to pursue a constitutional amendment to try to shore up the weakness which will follow as a result of this Supreme Court decision.

I think we still have an outside chance, admittedly not a very good chance, but an outside chance of passing the constitutional amendment proposed by the Senator from West Virginia, the one that has 73 sponsors.

I belive the Senator from Massachusetts introduced a joint resolution yesterday. Earlier in this Congress a number of other Senators also introduced joint resolutions that would amend the Constitution to give the 18-, 19-, and 20-year-olds the right to vote in all elections. The approval of two-thirds of the membership of the House, two-thirds of the membership of the Senate, and three-fourths of the State legislatures is required, of course.

I do think the present situation is intolerable. We have an administrative quagmire in which each local and State election official will be faced with an insurmountable task of determining who is supposed to vote in what election. It seems strange that the Supreme Court of the United States has said that 18-, 19-, and 20-year-olds are qualified to vote for the President of the United States, but they are not qualified to vote for a school board member, a mayor, a county alderman, or State legislator.

I offer as a proposal to the Senate that we bring up one of the two House joint resolutions that have already passed the other body and that have been the subject of some significant debate in the Senate. We have two such resolutions. One is House Joint Resolution 681, which relates to electoral reform. The other is House Joint Resolution 264, the Equal Rights amendment. Both of these, I reluctantly suggest, are safely in the legislative graveyard for this Congress.

I suggest we use House Joint Resolution 681 as a vehicle for amending the Constitution to allow 18-year-olds to vote in all elections.

Mr. President, we could make one of these measures the pending order of business for a brief period of time, and then ask to substitute the language of Senate Joint Resolution 147, which is cosponsored by 73 Senators. We thus would have a chance to see if two-thirds of the Senate was in favor. If they were we could quickly send the measure to the House, the House could act and the measure could be sent to the States for possible ratification.

I know this is an irregular way to proceed. For those who might feel this course of action is precipitous, let me point out that Senate Joint Resolution 147 and other measures have been the subject of extensive hearings before the Subcommittee on Constitutional Amendments, of which I am chairman. The matter has been discussed up one side and down the other. We have had testimony by Senators and other witnesses. The committee has held open hearings and has held executive sessions.

On July 28, 1970, Senate Joint Resolution 147 was passed by the subcommittee and it is now before the Committee on the Judiciary.

We were advised by the attorneys who were arguing the case before the court that it would be unwise to seek full committee action on these matters while this issue was pending before the court because the court might say, "Let us see what Congress does before we act." We wanted to see if the court would sustain the Voting Rights Act of 1970.

The subject has been discussed on the merits during the debate on the Voting Rights Act of 1970. This is not a new subject for this body. By a vote of 64 to 17 the Senate voted to attach this provision to the 1970 Voting Rights Act.

Interestingly enough, if one goes back to the debate on the Voting Rights Act of 1970 in connection with which the Senator from Massachusetts and others played a significant role, it will be found that Senator after Senator who voted with the 17 Senators who opposed the measure, said, "I am for the 18-year-old vote but I think it should be done in the form of a constitutional amendment."

I think we would have almost unanimous support today in this body to do this with a constitutional amendment.

Time is of the essence. Most of the State legislatures will be meeting early in January. Many have only a very short session. We ought to give them the chance to decide whether three-fourths of them would vote to ratify the amendment.

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

Mr. BAYH. I yield.

Mr. RANDOLPH. Mr. President, it is true that I have 73 cosponsors on Senate Joint Resolution 147. It is also factual I have letters from Members of the Senate who are not cosponsors, in the number of eight, making approximately 82 Members of the Senate who are in favor of the constitutional amendment and who are either cosponsors, as has been indicated—74 of them—or others who are in support of my resolution.

It has been my responsibility to bring this issue to the attention of the Senate over and over again. I did talk with many of my colleagues one by one over a period of months to encourage them to affix their signatures to Senate Joint Resolution 147. There have been hearings, very thorough hearings, and a favorable report from the subcommittee so ably chaired by the Senator from Indiana. I have discussed the matter with the able Senator from Nebraska (Mr. HRUSKA) earlier today. He has a concern, as a member of the Judiciary Committee, as to procedural steps.

I feel the Senator from Indiana is laying the groundwork, as we did a little earlier and a little less adequately yesterday, for possible discussion and action. But whether we are able to accomplish the course of action mentioned by the knowledgeable Senator from Indiana in

the coming week prior to the conclusion of the 91st Congress will be a determination for Senators, both Republican and Democrat, and by those persons who are members of the Committee on the Judiciary, and of course, the Democratic and Republican leadership of this body.

I wish to again express my appreciation for those who have joined in the Senate joint resolution that I have sponsored, a Senate joint resolution which has been introduced and has the support of 74 Senators, and eight other Senators supporting it, and they have so stated.

I trust whatever methodology is conceived and carried forward may be the sense of the Senate and the sense of Congress as we move to meet the deficiency which has been well set forth by the Senator from Indiana. As we come to the important elections of 1972 we want to be able to have a participation of our youth in voting for all the offices, Federal, State, and local.

It is my desire to continue to be very active in this matter as I have been over a long period of time. Indeed, when the first resolution I introduced in 1942 was an opening wedge, I continued in the House of Representatives, when I was a Member of the other body, and since coming to the Senate in 1958 I have continued to work on this matter in this body. I have testified as a witness before the subcommittee of which the Senator from Indiana is the chairman. I have continued talking almost on a weekly basis to one or more Senators in the hope that the constitutional approach might resolve this question.

Mr. BAYH. Mr. President, I appreciate the thoughts of the distinguished Senator from West Virginia. For the sake of the record, there was a rather extensive debate at times and some of our colleagues thought it was possible to go the route of the statute instead of the constitutional amendment.

I must admit, as I think the record will show that I was concerned about the constitutionality of this part of the act. Now, in hindsight, I want to salute our colleagues, Senator KENNEDY, Senator RANDOLPH, Senator MANSFIELD, and other Senators who felt this could be done.

We have done half the job. And during that debate we had a full discussion of the merits of giving young people the right to vote. Now the law of the land is that young people shall have the right to vote for Federal officials, for the President and Vice President and Members of the House and the Senate. I think we must take this last step to try to be consistent and give young people the right to vote for officials who are much closer to them.

Young people are deeply concerned that there is no place for them in the system. They cannot seem to get a handle on it. There is no relationship between them and the Government in meaningful form.

Although the Supreme Court decision is a step in the right direction, it seems to me that we have the obligation to try to rectify the injustice that still remains. We should help give them a voice in Government that is closest to the young people of America—their school boards, their township trustees in Indiana, the other local officials with whom they might rub shoulders at regular intervals. They cannot now have a voice. in choosing of those people, although they, fortunately, have a voice now in voting for their Representatives and Senators and President and Vice President.

As the Senator from West Virginia knows, I consulted with the leader to see if he had any objection to this, and he has not. I have been sitting here since the termination of the germaneness rule hoping we could put this matter to a test to see what the will of the Senate was. I think it is now too late to push it to a vote.

I would like to propose a unanimous consent request after the Senator from Nebraska speaks. I understand he desires to be heard. I think it would be appropriate for us to hear from him before proposing this unanimous consent request.

I yield to him.

Mr. HRUSKA. I thank the Senator for yielding.

Mr. President, this probably would not be the time to comment on the content, the substance, and the holding of the decision rendered yesterday by the Supreme Court. As a matter of fact, the Senator from Nebraska at least has not had time to read the opinion—or I should say opinions, because I understand there are five of them. It will take a little reading and a little analysis to find out what it is all about.

Mr. BAYH. If the Senator will yield, may I say only five.

Mr. HRUSKA. Only five. So this would not be the time to make a comment on that decision.

I would like to make the view of the Senator from Nebraska clear. I disagreed with the proposition of trying to make this change by legislation. I have frequently said so. It is for the States to make a decision upon one of two ways. One way is by themselves, as several have done. My State did it only last month. It changed the age to 20 after a vain attempt to lower the age to 19, 2 years ago. That is one way to do it, to have the States lower the age themselves, and all the 50 States are entitled to that privilege. The other way the States could speak on the subject would be to have before them a concrete proposal to amend the Constitution which had been proposed by a joint resolution of Congress, and then if three-fourths of the States should ratify that proposal, it would become a part of the Constitution.

In either event, it would be action taken by a State itself, and not by a Congress that seeks to speak for all the States and all the citizens in regard to a measure which all of us realize does, in fact, involve a change in the Constitution.

This is not an ordinary matter. It is not a matter which involves only legislation which can be repealed next year or perhaps next month. It is a matter which, once the joint resolution is approved, is sent out by the Congress. It does not need the signature of the President. It goes right to the State legislatures for their consideration and possible ratification.

That would mean that whatever we produce here ought to be pretty nearly letter perfect. It ought to be something that cannot be changed. It ought to be something that had better be as nearly perfect as we can get it.

Are we at that point just because we have had part of the measure held constitutional by the Supreme Court? There are several versions. There can be various languages. There can be the proposition of treating only the States or local communities, or both. The arrangement of words sometimes gives some concern and is the subject of some discussion.

The Senator from Indiana remembers the almost innumerable meetings we had, trying to arrange words and put some out and put some in, in the amendment dealing with presidential succession. We all knew what we wanted. We wanted to reach some method by which the goal all of us had in mind could be achieved, and yet it took a long time.

I would like to ask the Senator from Indiana whether or not, in his own mind, he believes that there could be so summarily put on the floor of this body a measure that will be sufficiently exact, sufficiently perfect, sufficiently satisfactory to a difference of opinion in this regard, namely, the matter of language, the technical matter, affected as it is by five opinions filed by the Supreme Court only yesterday.

I doubt very much that at this time of the session, with only a few days remaining, many Members of both bodies of this great Congress are going to sit down and read those opinions and try to fit them together and say, "This is what we want." They would not be speaking in generality. They would be speaking with a certain number of words arranged in a certain way.

I just wonder what the suggestion of the Senator from Indiana is to an analysis of that kind. I was not aware that this matter was being brought up this afternoon until the very enthusiastic and persistent devotee of such a constitutional amendment, the Senator from West Virginia (Mr. RANDOLPH), spoke to me about it. I honor him for what he has done, speaking and acting as he has done ever since 1962. That is a long time.

I pose that question for the consideration of both of my colleagues.

Mr. BAYH. I think the question of the Senator from Nebraska is well taken. I could live to be 100 and not forget for a moment the exercises in frustration that the Senator from Nebraska and the Senator from Indiana went through in trying to find something that would conform to our real intention and not open doors that we did not want opened, or create liabilities that we did not want to create, as far as the 25th amendment was concerned. Indeed, he was very helpful in committee and on the floor. As he will recall, we were discussing this up to the last moment. He was helpful there and in the conference. I think the record will show the contributions he has made.

I think it is accurate to set forth that when we were dealing with the problem

of the succession with respect to the vice presidency and when we were dealing with the problem of how to deal with presidential disability we were dealing with a matter that was significantly more complicated, as far as describing just what we wanted to accomplish is concerned, than when we are trying to accomplish the relatively simple task of saying a person can vote and he shall not be denied the right to vote. This is not untested language. We are using language taken directly from the 19th amendment, which gave women the right to vote.

If it had not been for the fact that this matter and these amendments—I used the plural to the Senator from West Virginia and others—had been the subject of hearings and the subject of discussion in a subcommittee of this body, and has been the matter of some significant debate on the floor relative to the merits of giving a person the right to vote or not, I would not bring it up at this particular moment.

Mr. President, a parliamentary inquiry; if I may.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAYH. Is it appropriate to send to the desk an amendment to a House joint resolution which is on the calendar, but which is not the pending order of business?

The PRESIDING OFFICER. The amendment will be in order.

Mr. BAYH. I would like to send to the desk an amendment which I hope, before we adjourn finally tonight, can be proposed to House Joint Resolution 681, which is on the calendar. If the clerk would just read that amendment, and I think Senators who are present will be able to see it is very simple.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

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

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

" 'ARTICLE —

" 'SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age. The Congress shall have power to enforce this article by appropriate legislation.' "

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. MILLER. Mr. President, will the Senator from Indiana yield for a question?

Mr. BAYH. I am happy to yield.

Mr. MILLER. Do I understand the Senator is proposing to have this printed as an amendment to the so-called direct election of the President constitutional proposal?

Mr. BAYH. That is right.

Mr. MILLER. May I just say to the Senator that, as he knows, there are a good many of us in the Senate who are in favor of the 18-year-old voting amendment, but, on the other hand, are very much opposed to the direct election of the President.

Mr. BAYH. I have been made painfully aware of that fact.

Mr. MILLER. I would hope the Senator would see fit to offer this as an amendment to some other House-passed vehicle, so that those who are in favor of what he is suggesting here will be able to join together, because otherwise I fear that, by offering it as he is doing, he is jeopardizing the chances of his amendment being favorably acted on by the Senate.

Mr. BAYH. Let me suggest that this is a concern that the Senator from Indiana anticipated, and I appreciate the fact that the Senator from Iowa has brought it to the attention of the Senate.

The only other House joint resolution which is on the calendar is the equal rights amendment, and I must say I defy anyone to distinguish between the controversy involved in these two measures. They have both been the subject of significant controversy, and I say, in as much good faith as is possible, to the Senator from Iowa, that I have already prepared another amendment to the equal rights for women amendment, in case he prefers to use that vehicle.

I can submit them both, and then the Senate can consider which of these two they prefer.

What I would like to propose, since the hour is late—and I do not want to try to foist this idea off on an unsuspecting Senate, with Senators gone home now thinking that the Senate has concluded its business, I would like to propose the following unanimous-consent request:

I ask unanimous consent of the Senate that on Monday next, following the suspension of the germaneness rule, that the hour between 3 and 4 p.m. be set aside for the discussion of this particular matter, with one other proviso: That failing the availability of a quorum on Monday next, that the same hour be set aside on the following day, Tuesday, between 3 and 4 p.m., so that the Senate may consider the matter.

There are some Senators who do not like the Supreme Court decision, and did not like the attachment of this measure to the Voting Rights Act, but the Supreme Court has upheld it, it is the law of the land. I think we need to make a last effort to try to rectify some of the confusion that will follow by applying one set of rules to who can vote for Representative, Senator, and President and another set of rules as to who can vote for everyone else.

Mr. MILLER. Reserving the right to object, may I ask the Senator from Indiana if he would elaborate a little more on his unanimous-consent request?

I understood him—and I would like to be corrected if I misunderstood him—to say that he wanted to have 1 hour set aside for a discussion. Then I heard him say something about consideration.

Is he contemplating merely discussion, just speeches, no action, or is he contemplating possible action?

Mr. BAYH. The Senator from Indiana would like to have action. I think we are not going through this exercise just to give our friends in the gallery something to write about. The Senator from Iowa and anyone else who is present here now, by objecting, or later by interposing an objection, can keep this kind of thing from happening. But I think we are on better grounds by putting the Senate on notice.

The Senator from Indiana is within his rights now, as I understand it, to move that this be made the pending order of business, and that then that would be subject to debate in the Senate. I do not want to do that; I would like to see, after a period of considering this, if the Senate next Monday would be willing to do it. If there are any significant number of our fellow Senators who feel that this is a bad idea, rather obviously, at this date in history, they can individually kill this measure.

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

Mr. MILLER. Will the Senator yield further?

Mr. BAYH. I yield to the Senator from Iowa.

Mr. MILLER. Mr. President, as I indicated earlier, one of the concerns I had over this matter is that it is an amendment to a very controversial measure. The Senator is going to put a number of his colleagues in the position of favoring what he is offering, but being very strongly opposed to what he is offering it to; and he is going to deprive them of an opportunity to vote for something they want. Because if he knows the Senators around here, and I am sure he does, they are not about to be blackjacked into passing something they want along with something they do not want, as much as they would want the resolution he is talking about.

It seems to me that at this late hour of the day, to talk about motioning it up, while the Senator is within his rights to move it, others are just as much within their rights to suggest the absence of a quorum when there is no quorum present, so this is just an empty gesture.

I think the Senator ought to wait until Monday, if he feels strongly about the matter, to be offering a motion or such a request. I would hope he would not put such a request, because I think it is much better to have this stand on its own two feet. It can be acted upon very early in the next session of Congress, and will have a lot of support. I grant that the present situation looks like a chaotic situation, the way the Supreme Court's decision left it yesterday. So I think the Senator can get strong support, and I would guess probably a majority or perhaps even unanimous support, I do not know, for this matter on its own merits. But to attach it to something that caused the Senate to lose so much time and have such a horrible controversy I think would be unfortunate, and I would hope the Senator would reconsider.

Mr. President, in view of what I have just stated, I object to the unanimous-consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. BAYH. Mr. President, I want to make sure that my friend from Iowa heard the entire resolution.

Mr. MILLER. The Senator heard it.

Mr. BAYH. Because if this were to be a hybrid vehicle on which the Senate was asked to vote, then I think the Senator from Iowa would certainly be well taken, as an opponent of direct election, to interpose his interjection.

But the proposal of the Senator from Indiana starts out:

Strike out all after the resolving clause and insert in lieu thereof.

So we would not have any electoral reform if the Senator from Indiana's proposal is accepted. The only thing remaining would be the 18-year-old vote.

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

Mr. BAYH. I yield.

Mr. MILLER. Mr. President, the Senator knows that if the amendment should be adopted, both of these constitutional amendments are in conference. The House has already acted on the direct election of the President—ill advisedly, I think, but they have. We do not know what the conference committee might do. It might end up with both of them, coming back with both of these proposals before the Senate. It is open to that action by the conference.

I am afraid we are getting ourselves bogged down in further discussions, of which I think we have already had too many.

I understand what the Senator is trying to do, and I know he is trying to do it in good faith. But I think he ought to raise this matter sometime next Monday of Tuesday, when more of our colleagues are present, because this is a very late time to bring up this question. I would hope that he would not press it.

Mr. BAYH. I simply do not believe that there is any way for that to happen.

Mr. MILLER. I must say, after having just finished a conference with the House today, that the House Members are pretty strong-willed people, and the Senator would find a conference consisting of members probably all of whom, or certainly most of whom, voted for the constitutional amendment calling for the direct election of the President; and he is going to find that they are pretty strong willed. He will probably also find that the possibility of just saying, "Let's take both of them," could well be the result of the conference. I do not think we ought to open this thing up for such a possibility. This is very much in the ball park, I might say.

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

Mr. BAYH. I yield.

Mr. HRUSKA. Mr. President, I find myself in agreement with the Senator from Iowa, and I subscribe to his views.

This is an effort to amend the organic law of this Nation, and we will be undertaking it literally in the closing hours of a very busy, grueling session of this Congress. That is not the type of atmosphere, it is not the type of condition, under which something like this would be done.

I am going to support the proposition, the joint resolution. It is my intention to do so. I shall do so. But I would not rest easily, as a Member of this body, to proceed with a reduced membership in both bodies. Only 2 hours ago we had a little more than 60 Members here, and that is this week. On Monday, I venture to say, further attrition will occur.

I do not know whether the chairman of the Committee on the Judiciary has been consulted. It is in his domain. We have not had an opportunity to consult with the full leadership on our side. I do not know what scheduling of time they have. I do not know whether the Senator from Indiana has an information on it.

But here we are, trying to usurp some of the very precious time of the waning hours of this Congress for a specified purpose which will bear no fruit on the basis of 1 hour's discussion. It cannot. It cannot possibly result in any action.

I would join the Senator from Iowa in the request and the suggestion that the unanimous consent request not be propounded at this time. I reserve the right to object, Mr. President, if it is renewed.

Mr. BAYH. I appreciate the very strong feelings of the Senator from Nebraska. I think that perhaps the use of the word "usurp" is a little strong, a little inconsistent with some things that have happened on the floor of the Senate in the last 10 hours.

So far as productivity is concerned, I think, also, that we can look at some of the things that have been said, some of the motions that have been made, some of the efforts that have been made that have not been very fruitful.

I must say that this is the first time I recall that a Member who wanted to have an hour set aside to discuss something that is a subject of significant concern to some 11 million people has been accused of the type of inconvenience that the Senator from Nebraska suggests.

Mr. HRUSKA. Mr. President, we are trying to run the affairs of a body that has 100 Members. The leadership is sort of entrusted to the business of scheduling the time, particularly in the last hours of a Congress. I do not think it is unreasonable to suggest that the leadership be consulted and that we find out whether or not the time on Monday afternoon is scheduled for something else. I think that makes ordinary commonsense.

Perhaps the convictions of the Senator from Indiana are so strong and so deep that he wants to plow ahead and do a world of things within 60 minutes. But that is not the way it is done, and it should not be done that way. It is not in the interest of orderly procedure, particularly at this time of a congressional session.

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

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

Mr. BAYH. I should like to point out that the Senator from Indiana previously had discussed this matter with the majority leader, and he had no objection to my bringing it up tonight. In suggesting to him earlier that it would be better not to try to have a vote or bring it up tonight, I suggested putting it over until next week, and at that time he seemed to be in agreement. The Senator from Indiana made it clear as to the plowing on, et cetera, that on this type of thing there is no way that can be done unless there is general agreement in the Senate. There is no way to slip something over on anyone.

Mr. HRUSKA. This Senator would have no objection to debate and discussion of it, if the time is not allocated for something else. We have had quite a little bit of volume of talking these past few weeks, and I know that the addition of another 1, 2, or 3 hours will not make much difference unless it impinges on our opportunity to get out of here sometime before December 31.

Several Senators addressed the Chair.

Mr. RANDOLPH. Mr. President, I wonder whether, in view of the discussion and the concern of Members who are all, as I understand it, wanting to come to grips with this challenge to act affirmatively, that we reason together. The situation involves the party leadership. The Senator from Indiana has acted constructively this evening in focusing attention on the need to move ahead. There is no Member of the Senate more intensely interested in acting on this matter—I say with all due deference to my colleagues—than the Senator from West Virginia.

Mr. HRUSKA. Subject to the convenience and to the plans of the leadership for allocation of the time, I certainly have no objection.

Mr. RANDOLPH. I do think the leadership would look favorably upon giving time early next week to the presentation of this issue.

Mr. MILLER. The word "discussion" is very important. The Senator from West Virginia picked it up. I asked him earlier in trying to get the meaning of the Senator's unanimous-consent request, whether he contemplated mere discussion or possible action. I understand him to indicate possible action. If it is mere discussion that is one thing, but of course the Senator from Nebraska has raised the other question; that is, even though there is discussion; how does it fit with the schedule?

We have this proposition involving millions of social security recipients. I venture to say that everyone here is deeply concerned about that, which is something of almost immediacy. I do not think that action on the proposition the Senator from Indiana is making, coming early next year, will be any different from taking action on it tomorrow; but in the case of social security, that is something else. And then there are some other things that are pending. We have been hung up for several days on deliberation over the Department of Transportation appropriation bill, with the SST controversy. So I suggest to him that it may be deferred until Monday. Discussion is one thing, action is another. I would hope that the Senator would not press the action. If he wants to have consideration, that might be all right, but there again, I would not want to have discussion possibly hamper our action on social security. I know that he would not,

either. But I do not know, at this late hour, what the schedule is for Monday. I understand motions will be made early on Monday morning to try to get this thing resolved once and for all.

Mr. KENNEDY. Mr. President, we have listened to the exchange here going on now for almost up to the hour, to decide whether we will have an hour of debate next Monday or whether we will not have an hour's debate.

I would only suggest that, inasmuch as, I believe, the distinguished Senator from Indiana has approached the majority leader on this question of time, I am sure that we will be able to arrange an hour sometime on Monday next. I am confident that we can do it after the convening of the Senate on Monday, when we would have a better knowledge of what business then is to be taken up.

I would like to suggest, as one who supports strongly the approach of the distinguished Senator from Indiana, that we alert the Senator from Indiana on Monday as to what time can be available for this discussion, and to alert further those who have indicated today a considerable interest in this discussion.

I would ask the acting minority leader whether this seems an appropriate way to proceed. Can we not resolve this dilemma?

Mr. GRIFFIN. I would certainly concur in what the acting majority leader has said, that it would seem to be appropriate to bring this matter to the attention of the majority leader on Monday next and see if something cannot be worked out, and perhaps we can all go home tonight.

Mr. KENNEDY. With the good wishes of the assistant minority leader and myself, I am sure that we can persuade our superiors to accord this time to the Senator from Indiana.

Mr. BAYH. Well, as I have tried to make apparent to my colleagues—and I appreciate the contribution of the Senator from Massachusetts and the Senator from Michigan—I thought the Senate should be placed on notice before we proceeded to a further discussion or a further consideration. I did not want to travel under a false flag.

If the Senator from Indiana dared to propose a unanimous-consent request, after consulting with the majority leader, if he has no objection, that an hour for discussion of this matter be set aside after the hour of tributes to the Senator from Ohio (Mr. YOUNG) on Monday next, would there be any objection interposed?

Mr. HRUSKA. I do not think the RECORD should be allowed to stand to the effect that there is the inference here that someone objects to the Senator from Indiana discussing this for an hour, 2 hours, or 3 hours. It is the time and the fashion in which the time would be set aside for that purpose to which I object, because I do not know what other plans have been made for that time. So far as the discussion is concerned, that is one thing. On the other hand, if it is going to be made the business of the Senate and an effort is made for a rollcall vote, or things of that kind, that is a different dish of tea. I think we should be entitled to know whether that is in prospect because I imagine we might try to enlighten the people and the Members of this body as to some of the implications, and the things that would flow from consideration, rather precipitately, at an unfortunate time, which is a weighty matter.

Mr. RANDOLPH. Mr. President, this will be my final comment. I am grateful for the opportunity to have engaged briefly in this colloquy. I think it is very important that on Monday next, at the earliest time following the tributes to the Senator from Ohio (Mr. YOUNG), that this problem be debated. Our discussion tonight has been wholesome. The hour is late. But I say to the Senator from Indiana again that he knows of my intense interest and I do feel that on Monday next we should have the opportunity to discuss this matter, perhaps on that afternoon. Certainly the Senator from Massachusetts and the Senator from Michigan have indicated that would perhaps be possible.

I do hope we may proceed with the thought of a discussion early next week at an appropriate time, hopefully Monday afternoon.

Mr. HRUSKA. Mr. President, I presume that the rule of germaneness would have to be disposed of or outlived. I do not know what effect that would have on the time limit that is being talked about.

Mr. MILLER. Mr. President, may I ask the distinguished Senator from Massachusetts what is the order for resuming the Senate on Monday next? Do I understand the first order of business will be the time set aside for tributes to the Senator from Ohio?

Mr. KENNEDY. The Senator is correct. The majority leader, as the Senator knows, had set the two-session schedule, the first in which to consider the transportation conference report, and the second, principally, to consider the social security package program. He has not indicated that that would be the continuing schedule when the Senate returns. We had hoped that we would be able to make some progress during the course of the day today. He and the minority leader made an appropriate motion earlier this afternoon, designed to affect some programs.

It may be that he will set a similar schedule on Monday for the remaining time of the session.

I am sure that, with the joint efforts of the assistant minority leader and myself, as well as the majority and minority leaders, we can give assurances to the Senator from Indiana that there would be an hour's time on Monday that could be allocated. We could probably do this after tributes have been paid to the Senator from Ohio.

I know that we can make the promise in the best of faith. I am sure that we can give that assurance.

Mr. MILLER. Mr. President, in order to avoid the germaneness rule, could we not agree to have a special order?

Mr. BYRD of West Virginia. Mr. President, there is no question with respect to avoiding the germaneness rule.

Mr. MILLER. Mr. President, the Senator from Nebraska indicated concern about whether the time for the remarks of the Senator from Indiana might conflict with the germaneness rule.

Mr. BYRD of West Virginia. It would not, because there would be no pending business or unfinished business before the Senate.

Mr. MILLER. Mr. President, I appreciate the comments of the Senator from West Virginia. All I want to say is that we could have a special order, as we do almost every day, in which the Senator from Indiana would be recognized for a period of not to exceed 1 hour following the tributes to the Senator from Ohio.

Mr. BAYH. Mr. President, that is what I sought, not only for myself, but also for other Senators. Let me say frankly that as the Senator from Indiana was not looking for an opportunity to come here and hear himself talk for an hour. All I was suggesting was that by alerting the Senate, Senators could be advised and all Senators would be able to discuss the matter. By discussing it, we could come up with an agreement either to agree or disagree.

I would like to point out that, although this is what some might call a precipitous introduction, it is a subject that has been raised before. Some might say that to pursue this matter in the next session would be a better course of action.

Let me suggest right now that no one knows exactly when we are coming back for the next session. We have indicated that we will not be coming back until the last part of January.

Let me add that a number of State legislatures are meeting early next year, and many of them only for 60 or 61 days.

If we are anxious to straighten out the confusion that exists, the best chance to act is now so that all of the State legislatures next January and February will have a chance to ratify this particular proposal. Unless we do it now, we will not get it done. That is a hard fact of life, and the Senate ought to be on notice that that is the situation.

Mr. MILLER. Mr. President, we are probably exceeding the 1 hour's discussion this evening. I am sympathetic with the idea of having a time set aside for a discussion by the Senator from Indiana and other Senators. I myself might wish to join in. But I think that we could just hold this open until Monday when we resume and avoid any further hassling about it, because I do not know of anyone who would not want to have that hour, or even more, set aside.

Mr. BAYH. Mr. President, the Senator from Indiana is very appreciative of the courtesy shown him tonight.

I want the RECORD to show that I have been here since this morning. I sat here until the germaneness period expired. I have listened to some discussions which some might consider not to be productive or even germane. However, I felt that to each Senator who discussed a matter, whether it concerned welfare or beef, that matter was important to that Senator and therefore to the entire Senate.

I think this is worthy of consideration. I will not proceed further. However, I will be here the first thing on Monday.

Mr. MILLER. Mr. President, I should like to make the suggestion that if he

wishes, the Senator from Indiana might propound a unanimous-consent request that following the tributes to the Senator from Ohio on Monday, not to exceed 1 hour be set aside immediately thereafter for discussing the proposal of the Senator from Indiana, and that this will be subject to revocation on the part of the majority or minority leader. I doubt if that will happen. That would take care of it.

UNANIMOUS-CONSENT REQUEST

Mr. BAYH. Mr. President, I propose such a unanimous-consent request.

The PRESIDING OFFICER. Will the Senator state the unanimous-consent request?

Mr. BAYH. Mr. President, I ask unanimous consent that, following the tributes on Monday, an hour be set aside for the discussion of the proposal which has just been sent to the desk, said unanimous-consent agreement to be invalidated at the wish of the majority or minority leader.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. Mr. President, reserving the right to object, I wonder if we ought to put that responsibility on the majority or minority leader.

Mr. BAYH. Mr. President, I withdraw the request. I will be here Monday. I think we will have a chance to discuss it.

Mr. ALLEN. That is exactly what the junior Senator from Alabama was going to suggest, that this request be made Monday.

I think there would be a larger attendance of Senators present, and the majority and minority leaders will both be here.

I do not think we should have a request that is encumbered with so many qualifications.

Mr. BAYH. Mr. President, I made my original unanimous-consent request only because I do not think that anything like this should or could be passed unless the entire Senate is aware of it. It seems to me that the Senate would be more on notice if it were in the RECORD.

I would like to make one remark to my friends, the Senator from Iowa and the distinguished Senator from Nebraska.

If we are concerned about a conference, it is my understanding that the Senate could object to conferees being appointed. The only thing that could possibly happen if this measure passed the Senate would be to get the approval of the House to the amendment of the Senate. This is the only thing the Senator from Indiana has in mind. With that, I yield the floor.

Mr. MILLER. Mr. President, I would just like to make this comment about that possibility that the Senator from Indiana has suggested.

I do not believe that type of procedure, while I understand it is available, is calculated to win friends and influence people in the House of Representatives. I think that kind of procedure should be avoided, if at all possible, and should be followed only in the case of a genuine emergency. I do not believe the matter the Senator from Indiana is going to be discussing, with which I am in sympathy, is that kind of an emergency. I think we have to think about our friends on the other side, and especially at this time of year when we may be trying to get our friends on the other side to agree to whatever action we may take on such terribly important matters as social security and the Department of Transportation bill.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H.R. 17473) to extend the period for filing certain manufacturers claims for floor stocks refunds under section 209(b) of the Excise Tax Reduction Act of 1965, with an amendment, in which it requested the concurrence of the Senate.

TAXES, FLOOR STOCKS REFUNDS

Mr. LONG. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 17473.

The PRESIDING OFFICER (Mr. SPARKMAN) laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the bill (H.R. 17473) to extend the period for filing certain manufacturers claims for floor stocks refunds under section 209(b) of the Excise Tax Reduction Act of 1965, with the following amendment, which was on page 2 of the Senate engrossed amendments, strike out line 8 and all that follows thereafter down through line 15 on page 4.

Resolved, That the House concur in the amendment of the Senate to the title of the aforesaid bill.

Mr. LONG. Mr. President, it is my judgment that this late in the session we would do well to agree to the House amendment and, insofar as the House has disagreed to one of the Senate amendments, that that amendment be sent to the House as part of a subsequent bill.

In order to get on with the business, rather than further delay the matter, reserving the right of the Senator from Iowa to offer his amendment on a subsequent bill, which I would support when offered, I urge that the Senate agree to the House action, which means that we would agree to the amendment the House agreed to, and we would agree to recede with regard to the amendment the House did not accept. I so move.

Mr. HRUSKA. Mr. President, I see a member of the committee here, the Senator from Iowa, and I should like to inquire as to whether or not he is familiar with this and whether his views coincide with those expressed by the distinguished Senator from Louisiana.

Mr. MILLER. Mr. President, I have discussed this matter with the Senator from Louisiana. While I am not at all pleased by the action of the House, I recognize the desirability of this particular amendment getting cleared up at this time. I propose to offer my amendment to another bill that is pending before the Senate when it will be called up.

This amendment, incidentally, was unanimously agreed to by the Senate Finance Committee but I do not see any particular harm done in offering it to a subsequent bill, which we will do this coming week.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to.

ROUTINE MORNING BUSINESS

By unanimous consent, the following routine morning business was transacted:

COMMUNICATION FROM AN EXECUTIVE DEPARTMENT

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

REPORT ON MATTERS CONTAINED IN THE HELIUM ACT

A letter from the Assistant Secretary of the Interior, transmitting pursuant to law, a report on matters contained in the Helium Act dated December 1970 (with an accompanying report); to the Committee on Interior and Insular Affairs.

PETITIONS

Petitions were presented and referred as indicated:

By Mr. PASTORE (for himself and Mr. PELL):

A resolution of the General Assembly of the State of Rhode Island and Providence Plantations; to the Committee on Banking and Currency:

"RESOLUTION MEMORIALIZING CONGRESS TO AMEND THE HOUSING ACT OF 1937 AS AMENDED TO PROVIDE FOR HEALTH ROOMS AND HEALTH SERVICES WITHIN HOUSING DEVELOPMENTS FOR THE AGED

"Whereas, The State of Rhode Island has over 3,000 public housing units especially designed for the elderly constructed, and some 4,500 elderly are housed therein; and

"Whereas, 2,000 other public housing units for the elderly are under construction or in the planning stage; and

"Whereas, These housing units are for the elderly that are on a fixed and low retirement income; and

"Whereas, The elderly as a group are in need of public transportation which is not readily available to travel to health agencies to obtain necessary health services; and

"Whereas, The majority of elderly need varied and continuing health services, and most of the housing developments for the elderly provide health room space within the community building; now, therefore, be it

"Resolved, That the general assembly of the state of Rhode Island hereby urges the Congress of the United States to request the Department of Housing and Urban Development and the Department of Health, Education and Welfare, to provide for adequately furnished, equipped and properly staffed health rooms within housing for the aged; and be it further

"Resolved, That the Secretary of State be and he is hereby authorized and directed to transmit duly certified copies of this resolution to the senators and representatives from Rhode Island in the Congress of the United States."

A resolution of the General Assembly of the State of Rhode Island and Providence Plantations; to the Committee on Finance:

"RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION AUTHORIZING THE FEDERAL GOVERNMENT TO ASSUME ALL WELFARE PAYMENTS INCLUDING ALL COSTS INCIDENTAL TO THE ADMINISTRATION OF THE STATES' PROGRAMS

"Whereas, Rising costs of municipal services are creating many problems; and

"Whereas, To alleviate this condition many states have assumed the welfare payments of their municipalities; and

"Whereas, This action was feasible because of the broader tax base enjoyed by the state over the municipality; now therefore be it

"Resolved, That the general assembly of the state of Rhode Island and Providence Plantations hereby memorializes the Congress of the United States to enact legislation authorizing the federal government, with its still broader tax base, to assume all welfare payments including all costs incidental to the administration of the states' programs; and be it further

"Resolved, That the secretary of state be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the Rhode Island members of the Congress, with the hope that each will exert his utmost to accomplish legislation in keeping with this memorial."

A resolution of the General Assembly of the State of Rhode Island and Providence Plantations; to the Committee on Labor and Public Welfare:

"RESOLUTION MEMORIALIZING CONGRESS TO AMEND THE PROVISIONS OF THE FAIR LABOR ACT OF 1938, AS AMENDED, TO PERMIT 'SCHOOL DROPOUTS' TO BE EMPLOYED GAINFULLY IN INDUSTRY UNDER APPROPRIATE REGULATIONS PROMULGATED BY THE SECRETARY OF LABOR

"Resolved, That the members of Congress of the United States be and they are hereby respectfully requested to make such amendment to the Fair Labor Standards Act of 1938, as amended, so that minors who are school drop-outs, so called, may be gainfully employed in industrial and manufacturing occupations involving the operation of machinery, under appropriate regulations to be promulgated by the secretary of labor for their safety and protection; and be it further

"Resolved, That the secretary of state be and he is hereby respectfully requested to transmit to the senators and representatives from Rhode Island in Congress of the United States duly certified copies of this resolution in the hope that each will use every endeavor to have favorable action taken by Congress on this special matter."

A resolution of the General Assembly of the State of Rhode Island and Providence Plantations; to the Committee on Public Works:

"RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO INITIATE OR CAUSE TO BE INITIATED A 90–10 SEWER PROGRAM SIMILAR TO THE 90–10 EXISTING HIGHWAY PROGRAMS

"Whereas, The making of our environment a fit place in which to live will be America's great challenge of the immediate future; and

"Whereas, The solution to the problem of ecology will hold the key to our very survival; and

"Whereas, The various states and local communities will be compelled to take drastic and long-delayed steps to clean our air and rid our streams and waterways of contamination; and

"Whereas, Many communities will be faced with the construction of sewer systems and water purification plants for which they are ill-equipped financially to provide; and

"Whereas, Air and water pollution know no artificial boundaries, and the solution calls for interstate cooperation as well as an all-out national effort; and

"Whereas, The 10 million dollars set aside for anti-pollution programs will not be adequate to met the crisis; and

"Whereas, It is likewise obvious that the states and local communities cannot afford to join with the federal government on the proposed 40–60 ratio or anything approaching it; now therefore be it

"Resolved, That the members of the Congress of the United States from Rhode Island initiate and work for the passage of legislation calling on the Federal Government for the allocation to the states funds for anti-pollution work on a 90–10 basis, the same as is provided for the joint federal-state construction of highways; and be it further

"Resolved, That the secretary of state be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the senators and representatives from Rhode Island in the Congress of the United States in the hope that thy will use every effort to accomplish the purpose of this resolution."

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The ACTING PRESIDENT pro tempore (Mr. ALLEN) announced that on today, December 22, 1970, the Vice President signed the following enrolled bills and joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

S. 1. An act to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs;

S. 578. An act to include firefighters within the provisions of sections 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in hazardous occupations;

S. 704. An act to amend the act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act;

S. 719. An act to establish a national mining and minerals policy;

S. 2102. An act for the relief of Percy Ispas Avram;

S. 2193. An act to assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the act; by assisting and encouraging the States in their efforts to assure safe, healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes;

S. 3619. An act to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes;

S. 3835. An act to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism;

S. 4106. An act to amend the Public Health Service to authorize the assignment of commissioned officers of the Public Health Service to areas with critical medical manpower shortages, to encourage health personnel to practice in areas where shortages of such personnel exist, and for other purposes;

H.R. 380. An act to amend section 7 of the act of August 9, 1946 (60 Stat. 968);

H.R. 956. An act to rename a lock of the Cross-Florida Barge Canal the "Henry Holland Buckman lock";

H.R. 3107. An act to officially designate the Totten Trail Pumping Station;

H.R. 4982. An act for the relief of Thomas J. Back;

H.R. 4983. An act for the relief of James M. Buster;

H.R. 6049. An act to amend the definition of "metal-bearing ores" in the Tariff Schedules of the United States;

H.R. 6100. An act for the relief of Hershel Smith, publisher of the Lindsay News, of Lindsay, Okla.;

H.R. 6778. An act to amend the Bank Holding Company Act of 1956, and for other purposes;

H.R. 6854. An act to provide for the free entry of a peal of eight bells and fittings for use of Smith College, Northampton, Mass.;

H.R. 7264. An act for the relief of Mrs. Pearl C. Davis;

H.R. 7334. An act to designate the lake formed by the waters impounded by the Libby Dam, Montana, as "Lake Koocanusa";

H.R. 9183. An act to amend the Tariff Schedules of the United States to provide that imported articles which are exported and thereafter reimported to the United States for failure to meet sample or specifications shall, in certain instances, be entered free of duty upon such reimportation;

H.R. 10150. An act for the relief of certain individuals employed by the Department of the Air Force at Kelly Air Force Base, Tex.;

H.R. 10704. An act for the relief of Samuel R. Stephenson;

H.R. 11547. An act to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans;

H.R. 12128. An act for the relief of William Heidman, Junior;

H.R. 12564. An act to rename a pool of the Cross Florida Barge Canal "Lake Ocklawaha";

H.R. 12621. An act for the relief of Lt. Robert J. Scanlon;

H.R. 13182. An act for the relief of Frank E. Dart;

H.R. 14271. An act for the relief of Jack A. Duggins;

H.R. 14683. An act to designate as the John H. Overton Lock and Dam the lock and dam authorized to be constructed on the Red River near Alexandria, Louisiana;

H.R. 15270. An act for the relief of Thaddeus J. Pawlak;

H.R. 15272. An act for the relief of David L. Kennison;

H.R. 15505. An act for the relief of Jack B. Smith and Charles N. Martin, Junior;

H.R. 15911. An act to amend title 38 of the United States Code to increase the rates, income limitations, and aid and attendance allowances relating to payment of pension and parents' dependency and indemnity compensation; to exclude certain payments in determining annual income with respect to such pension and compensation; to make the Mexican border period a period of war for the purposes of such title; and for other purposes;

H.R. 15979. An act to provide that the interest on certain insured loans sold out of the agricultural credit insurance fund shall be included in gross income;

H.R. 16502. An act for the relief of Gary W. Stewart;

H.R. 16506. An act to amend the Internal Revenue Code of 1954 to clarify the applicability of the exemption from income taxation of cemetery corporations;

H.R. 16940. An act to extend until December 31, 1972, the suspension of duty on electrodes for use in producing aluminum;

H.R. 16965. An act for the relief of Richard N. Stanford;

H.R. 17750. An act to grant the consent of Congress to the city of Boston to construct, maintain, and operate a causeway and fixed-span bridge in Fort Point Channel, Boston, Massachusetts;

H.R. 18858. An act to change the name of the West Branch Dam and Reservoir, Mahoning River, Ohio, to the Michael J. Kirwan Dam and Reservoir;

H.R. 19504. An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes;

H.R. 19855. An act to designate the lake formed by the waters impounded by the Butler Valley Dam, California, as "Blue Lake"; and

H.R. 19890. An act to name a Federal building in Memphis, Tennessee, for the late Clifford Davis.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. RANDOLPH, from the Committee on Public Works, without amendment:

H.R. 19857. An act to name certain Federal Buildings (Rept. No. 91-1515).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

S. 4601. A bill to amend section 162 of the Internal Revenue Code of 1954; to the Committee on Finance.

By Mr. SCOTT:

S. 4602. A bill for the relief of Marlena Christine Westerman; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF A BILL

S. 2031

At the request of the Senator from New Hampshire (Mr. COTTON) the Senator from Delaware (Mr. BOGGS) was added as a cosponsor of S. 2031, to provide for the correction of inequities in the crediting of National Guard technician service in connection with civil service retirement.

SENATE RESOLUTION 498—SUBMISSION OF A RESOLUTION SEEKING SENSE OF THE SENATE FOR A COMPROMISE ON APPROPRIATIONS FOR DEPARTMENT OF TRANSPORTATION, 1971

Mr. MANSFIELD (for himself and Mr. SCOTT) submitted a resolution (S. Res. 498) seeking sense of the Senate for a compromise on appropriations for Department of Transportation, 1971, which was ordered to lie over under the rule.

(The remarks of Mr. MANSFIELD when he submitted the resolution appear earlier in the RECORD under the appropriate heading.)

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, December 22, 1970, he presented to the President of the United States the following enrolled bills and joint resolutions:

S. 1. An act to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs.

S. 578. An act to include firefighters with the provisions of sections 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in hazardous occupations.

S. 704. An act to amend the Act of October 15, 1966 (88 Stat. 953; U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act.

S. 719. An act to establish a national mining and minerals policy.

S. 2102. An act for the relief of Percy Ispas Avram.

S. 2193. An act to assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the act; by assisting and encouraging the States in their efforts to assure safe healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes;

S. 3619. An act to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes;

S. 3835. An act to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism;

S. 4106. An act to amend the Public Health Service to authorize the assignment of commissioned officers of the Public Health Service to areas with critical medical manpower shortages, to encourage health personnel to practice in areas where shortages of such personnel exist, and for other purposes;

S. 4571. An act to amend the Central Intelligence Agency Retirement Act of 1964 for certain employees, as amended, and for other purposes;

S.J. Res. 173. Joint resolution authorizing a grant to defray a portion of the cost of expanding the United Nations headquarters in the United States; and

S.J. Res. 249. Joint resolution to extend the time for the proclamation of marketing quotas for burley tobacco for the 3 marketing years beginning October 1, 1971.

EMERGENCY SCHOOL AID ACT OF 1970—AMENDMENTS

AMENDMENTS NOS. 1173 THROUGH 1178

Mr. ALLEN (for Mr. ERVIN) submitted six amendments, intended to be proposed by him, to the bill (H.R. 19446) to assist school districts to meet special problems incident to desegregation in elementary and secondary schools and to provide financial assistance to improve education in racially impacted areas, and for other purposes, which were ordered to lie on the table and to be printed.

(The remarks of Mr. ALLEN when he submitted the amendments appear earlier in the RECORD under the appropriate heading.)

SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENT

AMENDMENT NO. 1179

Mr. MCCARTHY submitted an amendment, intended to be proposed by him, to the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes, which was ordered to lie on the table and to be printed.

PROPOSED AMENDMENT OF THE CONSTITUTION RELATING TO ELECTION OF THE PRESIDENT AND VICE PRESIDENT—AMENDMENT

AMENDMENT NO. 1180

Mr. BAYH submitted an amendment, intended to be proposed by him, to the joint resolution (H.J. Res. 681) proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President, which was ordered to lie on the table and to be printed.

ADDITIONAL STATEMENTS OF SENATORS

CHRISTMAS IN BUTTE

Mr. MANSFIELD. Mr. President, as we move toward adjournment we also come upon a favorite and most festive time of the year—Christmas—which is a time of giving and a time when we try to forget the many complex problems we face throughout the world.

We all are receiving hundreds of Christmas cards and messages of greeting, but occasionally something special comes across a Senator's or Congressman's desk during the holiday season. This week I received a touching report on the activities of the Montana Association for the Blind, Inc., in Butte, Mont. Mrs. Frank Mollish reports of many fine acts of kindness and generosity to the blind of this western Montana city. During this yuletide season I think it is fitting to bring to those of my colleagues here in the Senate some good examples of just a few of the good deeds being done for those afflicted with blindness. They are not being forgotten in the city known for the "richest hill on earth."

Mr. President, I ask unanimous consent to have the text of Mary Mollish's letter printed at the conclusion of my remarks.

My wife, Maureen, and all members of the Montana congressional delegation extend holiday greetings to the Silver Bow blind.

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

MONTANA ASSOCIATION
FOR THE BLIND, INC.,
Butte, Mont., December 14, 1970.

DEAR MR. MANSFIELD: The Forest Service called me recently to tell me of their progress in choosing a site for our Camp for the Handicapped. It seems that Echo Lake is one site, and "a lake near Butte" is the other one. I immediately remarked that Echo Lake is not acceptable because of its distance of 48 miles from Butte—blind and retarded and crippled people depend on others for transportation, and probably would be able to go there only infrequently. Also, Echo Lake is a commercial venture, and there are many private cabins there. I don't think there would be much privacy for our afflicted groups. The Ranger refused to tell me the location of the other site, other than it is near Butte. I was reminded of my experience with second-grade Bluebirds, who also like to be mysterious. If you should receive any

news on this, Mr. Alf and I would love to know, too.

Butte has bought nearly 3,000 of our calendars this year. Forty cents from each calendar goes to the State Association, and three cents to our Silver Bow Blind. We'll make over $300.00 for our Chapter, and I'll pay each blind person 50c an hour for the time spent in selling. The Retired Teachers, 4-H Clubs and the Lions Club help us sell them.

Joe Roberts is giving the Blind a Christmas party at Lydia's Thursday night. This is a wonderful treat, and they are happy and excited. Each blind person will receive a gift certificate from Hennessy's for $20.00—a gift from an anonymous donor. This person gives me money periodically to be spent for the needy Blind. Last week I bought an electric dryer for the family of a blind man who has five children, and sent a Christmas gift certificate for $100.00 to the family of a little boy who lost an eye. We help with medical expenses, etc. that the Welfare and other agencies can't provide for. People in Butte are kind and good, and they care about their own.

Butte is taking on its annual festive air. The headframes are lighted, the streets are crowded, and Christmas trees are being brought in from the country. If charity covers a multitude of sins, so does the lovely white snow and Butte is beautiful. I'm happy a kind Providence brought me here.

The Silver Bow Blind and I wish you and Mrs. Mansfield and your daughter Anne (that's the name of my girl-child, too) a most Happy Christmas and a Good New Year.

Yours sincerely,

Mrs. FRANK MOLLISH.

SPLENDID AMERICAN AWARD

Mr. SCOTT. Mr. President, earlier this month the Thomas A. Dooley Foundation made its annual Splendid American Award. It honors public figures who have most contributed to humanitarian endeavor internationally. And if I may editorialize slightly—we sure need more of this kind of contribution.

This year the man selected is someone whom I personally admire because he has made so many contributions in the fight against illicit drugs shipment.

Many of my colleagues, I am sure, know this gentleman personally and are aware of his outstanding work with Interpol in the continuing fight against drugs.

The remarks made by this year's Splendid American honored by the Thomas A. Dooley Foundation should make one sit back and reflect. I wish to share these comments on the floor today. They are from the acceptance speech given by Sam Pryor, who puts it eloquently.

As an American, I am most grateful to the Thomas Dooley Foundation and may I tell you what I told my fellow international narcotic agents last October speaking to them at their annual banquet after their week-long meetings in Honolulu discussing the seriousness of the world narcotic abuse problem and what I said also to my 15 grandchildren.

Several years ago Mrs. Pryor and I decided to go around the world—promising each other not to discuss politics, war, economics—not to look at television—not to listen to the radio—not to read newspapers, but without these influences to look at the world as it really and truly is. We found we live in a very beautiful world—yes, beauty everywhere. But we could not help imagining how beautiful it was before people came. People cause unhappiness, pollution, war, poverty, disease, and self-destruction by narcotics. Yet the majority of the people of the world are good but they need guidance, help, and leadership—so they can lead the minority toward communicating and understanding each other—leading them toward the goal to eliminate hunger, disease—toward health, happiness, and peace.

This is the role the Dooley Foundation is playing. They are bringing happiness to all they contact in their work through their doctors, their nurses, their showboats—but particularly through these girls like those who are with us tonight. The Dooley Foundation needs and deserves our help to make this a better world—finally do not forget we are living in one world—Mrs. Wendell Wilkie who is with us tonight—her husband, Wendell Wilkie, reminded us of this in his book "One World."

May God bless the Dooley Foundation: They need and deserve our help to make this the better world. Thanks to you and may God bless you all.

PRISONER OF WAR ISSUE

Mr. KENNEDY. Mr. President, two leading Arkansas newspapers recently published editorials dealing with the prisoner-of-war issue and in particular, the role of the Senator from Arkansas, the distinguished chairman of the Foreign Relations Committee, in attempting to bring about the solution of this particularly vexing problem.

I found these two editorials to be particularly well-reasoned and appropriate, especially in light of today's developments in which I am honored to be actively involved together with the Senator from Arkansas.

Perhaps no Member of the U.S. Senate has done as much to help bring about an exchange of information and the eventual release of American fighting men held as prisoners in North Vietnam as has the Senator from Arkansas. I, therefore, ask unanimous consent that these editorials be printed in the RECORD.

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

[From the Arkansas Democrat, Dec. 15, 1970]

FULBRIGHT AGAIN

Sen. J. W. Fulbright is in the middle of another of those tearing and tedious arguments with the administration over the conduct of the Vietnam war. And as usual he is being misunderstood and maligned throughout the nation.

Senator Fulbright was instrumental in stopping the passage in the Senate of a resolution praising the administration for its raid last month on a North Vietnamese prison camp in an unsuccessful attempt to rescue some Americans. The resolution passed the House 374 to 15, but the Senate version has been referred to the Foreign Relations Committee at Fulbright's insistence.

Apparently, the senator is convinced that the Pentagon knew all along that there were no prisoners in the compound. Their purpose in conducting the raid, Fulbright fears, was either to frighten the North Vietnamese into negotiating seriously in Paris or to try to make our withdrawal from Vietnam a little more palatable by giving it some dashes of bravado. Senator Fulbright finds either reason unacceptable, saying the first one won't work and the second one is pointless.

In any event, Fulbright thinks that Congress passing a resolution would encourage the Nixon administration to make more such forays. He does not want this to happen, and we find it hard to believe that anyone would who gives it serious thought. If nothing else, such muscle-flexing is a senseless risk of American lives.

The trouble is, of course, that not enough of us give such things serious thought. This raid was a daring feat—an accomplishment by men of skill and courage, and, naturally, as Americans, we are proud of them. President Nixon calls the raid a success, and for many of us, it's hard to disagree with the President even when he calls a swan a duck, which he plainly is doing in this case. Then, we read about Fulbright blocking the resolution, we hear him sharply questioning the secretary of defense, and we then react with our glands instead of our brains.

Let's think about this real hard for a moment: If you drove across town in the Christmas traffic, found a parking place, and went from one store to another looking for a particular gift but couldn't find it, would you call your shopping trip a success? You might say it was tiring, unselfish, even bold, and you might even decide that it was well thought-out and brilliantly executed because you didn't bash in a fender. But a success? Not unless you had gotten what you went after.

This is Fulbright's point. If the raid had been successful, or even if there wasn't this damaging evidence to indicate that it was phony, no one could object. In fact, most Americans support anything that would get our prisoners out of the hands of the North Vietnamese, who have treated them barbarously.

At one point, Defense Secretary Melvin Laird told members of Congress that one of the reasons for the raids was to show the relatives of our captured servicemen that this country was concerned about them. Fulbright answered: "Was there ever any doubt about that?"

Of course not. Like every other member of the Congress, Senator Fulbright has often spoken out against the Communists for not living up to the Geneva Convention on the protection of prisoners. He has personally written to both Ho Chi Minh and the premier, Pham Van Dong, asking them to abide by the Geneva Convention. Also, Fulbright sought out the prime minister of Sweden, who has entre to North Vietnam, and asked him to intervene in behalf of our prisoners.

Senator Fulbright is very bitter about Vietnam, and, unfortunately, it comes through in his statements about it. He skips the niceties and the qualifiers that we expect to hear in the language of our public officials. So this is why some who skim the surface of the news think of him as unpatriotic, a "Commie hack" or someone who is concerned about our fighting men.

The truth is, of course, that Fulbright, as a U.S. Senator, feels his responsibility to all Americans keenly—more than maybe any other member of that body—and he does not think he can fill it by following the crowd.

[From the Arkansas Gazette, Dec. 11, 1970]

HOW TO BAMBOOZLE IN PATRIOTISM'S NAME

The standard for political courage adopted by John F. Kennedy in his book on just that subject surely will do as well as any other. By that test, Senator J. W. Fulbright continues to demonstrate that he possesses just about as much of the commodity as anybody around.

How much easier it would have been simply not to have made his one-man stand against precipitate Senate approval of a resolution in praise of the Son Tay raiders! How easy it will be to misinterpret Senator Fulbright's

"stop and consider" signal as a failure to recognize the physical courage of the commando team for what it so clearly was!

In a situation such as this, however, it is almost impossible to separate the performance of the men who actually carried out the assignment from the performance of the men who ordered them to carry it out, men who performed neither as coolly nor as effectively as the raiders themselves and who, in fact, may not have performed even sensibly. The essential difference, of course, is that the men were not asked to pass on the wisdom of the venture—only to execute it. However, as Senator Fulbright knows from past experience there is no way to write a congressional resolution of this particular kind in such a way that "support" for the survivors of the failed mission will not be widely interpreted as support for the architects of the failure.

Still, why can't the Senate go ahead anyway and pass a quick resolution in praise of the men, as the House already had done, and by an overwhelming vote of 347-to-15? Who could be hurt by it?

The most obvious answer is, the men who would be ordered into any second "Son Tay" that the administration might be foolish enough to lay on in the future—them and the American POWs they would be assigned to "rescue", if, the next time, any should happen to be there.

We have placed "rescue" in quotes in the above, for the very good reason that there now are quite serious doubts in Washington that the prisoners were ever there at Son Tay or, at least, were ever there at any time recent enough to have made the billed rescue attempt even remotely credible on the basis that it was billed at the time that it was ordered. To put it less delicately, there is a strong reason for belief that the Son Tay mission was ordered—and the lives of the men involved deliberately risked—in the full knowledge or at least near certainty that there were no prisoners there, for reasons that Senator Fulbright and some of the rest of us would like to try to find out.

Hence the 10-day delay in a vote on the issue that Senator Fulbright now has won from the full Senate, time enough to consider at least some of the ramifications of this allegedly "routine" resolution of support for the instruments of yet another effort by the Nixon administration to bamboozle the American people in the name of in uncritical "patriotism."

Mr. Nixon and those who think like him in the matters of this kind know that the American people dearly love to be bambozzled in the name of patriotism, which is why there ought to be at least a few people unafraid and willing to ask the hard questions, such as, "Was this trip [Son Tay] really necessary."

Senator Dole of Kansas—who has become a principal party-lining apologist for administration foreign policy in the Senate—has stated what amounts to the only case for Senate passage of the Son Tay resolution in the following terms:

"This is the American spirit in the highest tradition. I want to applaud the action. In my opinion it was successful."

In Robert Dole's opinion it was successful, but is was not successful by any test that once would have been thought of as rational. Nor is uncritical acceptance of Senator Dole's unreason "the American spirit in the highest tradition." Quite the contrary, if anything.

JACKSON REPORT ON U.S. SECURITY AND THE MIDDLE EAST

Mr. JACKSON. Mr. President, yesterday I released a report that I have submitted to the Armed Services Committee on "The Middle East and American Security Policy" which I am hopeful will prove interesting and helpful to many Senators who share my concern at the threat to Western interests that arises from Soviet ambition in the Middle East.

This report, which follows my recent trip to the North Atlantic Assembly and Israel, is sharply critical of the "Rogers formula," which I believe to be unnecessary and unwise. The Rogers formula, which calls for Israel's withdrawal from occupied territory except for insubstantial alterations to the pre-June 1967 borders, appears to prejudge the extent of the alterations that would constitute defensible borders, diminishes the Israeli bargaining position and ultimately encourages the Arabs to adopt a rigid rather than flexible position.

At the moment when it appears that negotiations under the Jarring talks will soon resume, I believe the United States is pressing a formula for settlement that is damaging to the Western position.

I emphasize in my report that we have often, and especially recently, acted on the assumption that because the Soviets do not want all-out war in the Middle East they must desire all-out peace. When we come to appreciate that between the desire to avert war and the desire for peace there is an enormous range of Soviet policy objectives, we shall have taken the first essential step in designing an effective Middle East policy.

I ask unanimous consent that the report be printed in the RECORD.

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

DECEMBER 21, 1970.

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

DEAR SENATOR STENNIS: On November 16 I returned from participation in the North Atlantic Assembly meeting in Europe, followed by a visit to Israel. As you know, I have been concerned for some time by the threat to vital American interests arising out of the deepening involvement of the Soviet Union in the Middle East.

Section 501 of Public Law 91-441 (91st Congress), which I introduced in June 1970, was enacted in response to this serious and continuing threat, which the Congress has declared to be a "clear and present danger to world peace."

I traveled to Israel to assess the nature and extent of Soviet penetration of the Middle East, to discuss with high Israeli officials the nature of their concern, and to determine those military and political measures that the United States might prudently undertake in support of the stability of the region as a whole and the security of the state of Israel.

In Israel I was able to travel extensively. I visited the Golan Heights, where I met with the Commanding General of the Northern Command, and from there followed the present cease-fire lines along the Jordan, the scene of considerable terrorist activity and cross-border shelling. I had occasion to visit the northern Sinai, traveling through Gaza and Al Arish to Al Qantarah and Israeli positions along the Suez Canal. I had an opportunity to discuss the security situation in the Sinai with the armor Commander of the area, and to visit Israeli fortifications at various points along the Bar-Lev Line.

In Jerusalem I had a most helpful and informative discussion with Prime Minister Golda Meir. I was able to discuss the state of the Israeli economy, and the impact of a defense budget taking 27–29% of the GNP, with Finance Minister Pinhas Sapir, and the Governor of the Bank of Israel, David Horowitz.

In Tel Aviv I met with Defense Minister Moshe Dayan, Chief of Staff Bar-Lev, and the chief of military intelligence, General Yariv; and, at a major Israeli base, with the Commander of the Air Force, General Hod. These later discussions were particularly exhaustive and detailed, and especially helpful in view of the complex strategic situation associated with the determination of defensible borders.

My visit, though a brief one, enabled me to meet with dozens of Israeli officials at all levels. I talked with Air Force squadron leaders, pilots, base commanders and intelligence and logistics specialists, with Army personnel, and with the young men and women who serve in the front lines of the Israel Defense Forces. I met with the Director General of the Ministry of Foreign Affairs, and with several members of the ministry.

I left Israel with two major convictions: First, that the Israelis are determined to provide for their own defense, even under adverse conditions, and that they have the skill, determination and courage to do so. The frontline of Western defense in the Middle East is manned by the men and women of Israel, who ask only for assistance in obtaining the tools with which to defend themselves and for the prudent diplomatic support of their friends and allies.

Second, that the people of Israel and their elected representatives deeply desire a secure and lasting settlement that will enable them to live within secure, recognized and defensible borders.

I have tried, in the attached report, to bring together my impressions of the political and military situation in Israel as I was able to observe it, and as I believe it affects the peace and security of the Middle East generally.

I wish to thank our Ambassador in Tel Aviv, Mr. Walworth Barbour, for a most kind and helpful reception.

Sincerely yours,

HENRY M. JACKSON.

THE MIDDLE EAST AND AMERICAN SECURITY POLICY

(Report of Senator HENRY M. JACKSON)

Three times since World War II—in 1948, in 1956 and then again in 1967—the Middle East has been torn by general war. In the intervals between these increasingly destructive conflicts, lesser violence has been the order of the day: raids, reprisals and acts of brutal terrorism. For the people of the region, mistrust and hostility, tension and insecurity have become inescapable burdens of daily life. But for the Soviet Union, these emotions are the fertile ground upon which its political influence has been able to take root and spread.

For some time, I have been warning that as the Soviet Union approached parity with the U.S. in strategic arms, its leaders would be likely to become more energetic in trying to spread Soviet influence and more willing to run dangerous risks in the international arena. That this prospect was not groundless is indicated by the deepening Soviet penetration of the Middle East we have witnessed in recent years. One would expect this increased Soviet activity to be concentrated in those countries that are without formal defensive ties with the United States; for it is in such areas that the Soviets would be tempted to conclude that the risk of a direct confrontation (perhaps escalating to the nuclear level) is minimal.

My concern for the consequences for NATO and the West of the accelerated Soviet penetration of the Middle East was the key reason for my participation in the meeting of the North Atlantic Assembly in Europe in November, and for my visit to Israel which followed.

THE MIDDLE EAST AND WESTERN SECURITY

Soviet hegemony in the Middle East would gravely imperil the vital flow of oil, essential for industry and defense, from the Middle East to Europe and Japan. 70% of Europe's oil now comes from that region; for Japan the figure is 80%, and there are no near term prospects for the development of adequate and economic alternative sources of supply. The capacity of our NATO allies to resist Soviet pressure over a prolonged crisis would be drastically impaired if the petroleum pipeline could be shut down by Moscow.

With the exception of Iraq, and to an increasing extent, Libya, the major oil producing and exporting countries of the Middle East are politically moderate, commercially aligned with the West and inclined to view with disfavor the growth of Soviet influence among their radical neighbors. Iran, Kuwait, Saudi Arabia and the Gulf States are, not surprisingly, extremely sensitive to the direction of American policy in the Middle East. Signs of American weakness in the Middle East in the fact of increasing Soviet pressure would call into question our determination to contain Soviet influence there, thus weakening the capacity of the more moderate Arab states to resist the encroachments of Soviet influence. American vacillation or uncertainty in standing by its friends and allies in the Middle East could set in motion a crisis of confidence that would make accommodation with the Soviets, on Soviet terms, their only alternative to unremitting and unopposed pressure from Moscow. Moreover, uncertainty as to America's concern carries with it a high risk that the Soviet Union might drift into an unanticipated confrontation with the United States. Such miscalculation as that evidenced by the Soviets in Cuba in 1962 is extremely dangerous, and policies that increase the likelihood of miscalculation are a subtle and inadvertent invitation to extreme crises.

The Middle East is today the "soft underbelly of Europe," not only because it possesses oil that Europe requires, but because of its strategic location. Our position in the Mediterranean, to say nothing of the Persian Gulf and Indian Ocean, is severely prejudiced by Soviet encroachments in the countries lining its shores.

There is another reason why the United States cannot remain indifferent to political developments in the Middle East. This country and Israel, whose security is threatened by the current crisis in that region, are bound together by shared values, cultural affinities and a common ethical and religious heritage. The United States actively participated in helping to create the State of Israel, and since its founding the people of this young nation have won the admiration of the great majority of Americans by the valor they have demonstrated in standing firm before their hostile neighbors. Unlike some countries of the Middle East, Israel is a stable democracy, and a profoundly egalitarian and spirited one. These qualities, too, inspire the respect of many Americans, who feel something like a sense of personal involvement in the destiny of Israel. Today Israel is serving as the front line of Western defense in the Middle East.

The peace and stability of the Middle East is now threatened by the aggressive ambition of the Soviet Union, which transcends the tragic conflict between Arabs and Israelis and, indeed, is based upon its exploitation. This policy of Russia to manipulate the conflict in the region for its own advantage is the key reality upon which American Middle East policy must be based.

RUSSIA'S HISTORIC AMBITION IN THE MIDDLE EAST

There is, of course, nothing new about Russian interest and ambition in the Middle East and the area of the Persian Gulf. It is interesting to note that Catherine the Great, desiring to hasten the collapse of the Turkish Empire by threatening it from the rear, rendered military assistance to the Mameluk Ali-Bey of Egypt. In 1788 she urged "the chiefs of the government of Cairo" to shake off the yoke of the Suzerain and to make a treaty of alliance with her, promising them every assistance in vessels, troops, war munitions and money.

With the close of World War II and the emergence of the Soviet Union as the second ranking world power, Moscow openly pressed claims to bases on the Mediterranean shores of Africa. Before and during the Potsdam Conference, both Stalin and Molotov attempted to secure Soviet trusteeship over Libya. As reported in the official records, Secretary of State Byrnes felt that, "the Soviet foray into a region so close to the Suez Canal and the Persian Gulf shook up one of the former Italian colonies, preferably Churchill more than any other episode at the Conference."

In the postwar period it was the Soviet threat to Turkey and Persia that drove these countries to seek American support, thus initiating the sequence of events that led to the Truman Doctrine and the extension of NATO to Turkey.

After the Korean peace in 1953, the Soviets again turned their attention to the Middle East. This time they did not attempt a direct attack on the Turkish or Persian positions—both of which were reinforced by Western-supported alliances. Instead they chose a tactic of leapfrogging and went to the Arab countries which lay beyond Turkey and Persia, particularly Egypt.

Professor Bernard Lewis, a respected authority on the Middle East, writes:

"There seems little doubt that the initial purpose of the Soviet intervention in Arab affairs from 1955 onwards was to take Turkey and Persia from the rear, and achieve a position from which these countries could be menaced and deflected from their policy of alignment with the Western powers."

Thus, using Egypt as its Trojan horse, the Soviet Union has made itself the most influential extra-regional power in Syria, Iraq, Yemen, the People's Republic of South Yemen, Libya, the Sudan and probably Algeria, countries that contain some 70% of the people of the Arab Middle East and produce in excess of 55% of its gross national product.

In Egypt the Soviet Union has established a major naval base at Alexandria; and Algiers, Latakia, Port Said, Tartus, Port Sudan, Aden and Berbera have become her ports of call.

THE EXTENT OF SOVIET PENETRATION

Since 1955 the extent of Soviet penetration of the Middle East has increased at an accelerating rate. As of this date, there are 10,000 to 15,000 Soviet personnel in Egypt, a large number of whom are involved in the command, control and operation of a sophisticated network of surface to air missiles. Russian soldiers have been integrated into Egyptian units down to the company level and, for the first time in postwar history, Russian pilots are flying missions from bases located in foreign territory: the UAR. (Indeed, some of these Russian pilots have actually been shot down in air-to-air combat with Israeli pilots.) Mechanics, communications specialists, intelligence experts (whose activities are at least partly directed at the U.S. Sixth Fleet) and other technical advisers are now working alongside Egyptian military forces.

The air traffic control of the Egyptian combat air force is carried out by Russian military personnel. The extensive air defense network deployed along the Suez Canal, most of it in violation of the U.S. initiated ceasefire, has a large complement of Soviet operating personnel. In fact, the operation of the many sophisticated SA–3 missile complexes deployed throughout the UAR is entirely in Russian hands.

As of December 1970, Soviet ships call at Alexandria at a rate approaching one every four days, discharging military cargoes that include bridging equipment that could be used for a military crossing of the Suez Canal, the present ceasefire line.

According to State Department calculations, the Soviet Union, by the end of 1967, had already poured into the Middle East military equipment and related assistance valued at more than $3 billion, of which $1.5 billion went to the UAR. This compares with a total of $5.5 billion in Communist military aid to all non-Communist states from 1954 through 1967. During 1967 (before the recent heavy investment in increasingly sophisticated weapons, estimated by some at an additional $1.5 billion), the UAR became the largest single recipient of such military assistance. Moreover, approximately one-third of all Soviet economic credit to underdeveloped countries made its way to the Middle East, with over $1 billion going to Egypt alone.

A few figures will serve to give some indication of the level of armament the Soviets have lavished upon the UAR:

40 heavy tanks.
1,200 medium tanks.
150 amphibious tanks.
900 armored personnel carriers.
1,750 field guns.
50 surface-to-surface missiles.
12 submarines.
19 missile firing patrol boats.
465 combat aircraft including approximately 300 bombers and fighter-bombers.
Several thousand surface-to-air missiles and associated radar and launchers.

Impressive as these statistics are, they took on added meaning for me when, during my recent trip to Israel, we stopped at a military hardware "graveyard" on the outskirts of Tel Aviv. This was a huge area some two blocks long and one block wide filled with captured Soviet tanks, personnel carriers and military trucks—a fraction of the battered remnant of the Six Day War.

The heavy equipment losses sustained by Egypt and Syria in the Six Day War, incidentally, far from discouraging the Soviets from a continuation of their unchecked arms policy in the Middle East, have actually been replaced by new and larger shipments. In the case of the UAR, for example, Soviet shipments of both aircraft and armor had reached, in January of this year, 170% of their June 1967 levels. In the Syrian case the figures are 220% and 180% respectively. Moreover, older weapons lost in 1967 have been replaced by newer, more sophisticated and costly versions in practically all categories. For example, MIG–15 and MIG–17 fighter-bombers have been replaced with the far more effective SU–7's; MIG–19's have been replaced with MIG–21's, and the T–34 tank of wartime vintage with the superior T–54/55.

SOVIET STRATEGY: THE EXPLOITATION OF INSTABILITY

Why has the Soviet Union lavished such large sums of money on the UAR, Syria and other Arab countries? I don't believe that it is because the Soviet Union is in genuine and unselfish sympathy with the claims of the radical Arab states to the territory of Israel. Russia voted for the partition of Palestine and the creation of Israel and was among the first countries to recognize Israel's independence. At the time the central motive was a desire to dislodge British influence from the area, a desire that has been supplanted by a keen desire to drive American influence from the Middle East. Indeed, this is the crux of Soviet policy in the Middle East: to drive out Western influence, and to increase its own.

In pursuit of these ambitions, the Soviets have been intriguing to keep the conflict between Arabs and Jews alive. A realistic peace settlement that guaranteed the security of all states in the area, or even a lessening of tensions and hostility—these are precisely the things the Soviet Union does not want to see come about. Dr. Bernard Lewis has stated this conviction that it was in large measure due to Russian prompting and encouragement that President Nasser took the steps that eventually culminated in the Six Day War. Since that war, Russian arms shipments have continued at an accelerating rate. And more recently, we have seen the Russians and Egyptians cooperate in a calculated and prolonged violation of the agreed cease-fire that shows every sign, from the way in which the first infringements were executed, of having been planned by Soviet personnel.

By keeping the Middle East in a state of ferment, the Soviets hope to make the radical Arab countries so dependent on them for arms, economic assistance, technical expertise and diplomatic backing that, gradually and imperceptibly, these countries will be drawn firmly into the Soviet orbit.

In short, if there were no Arab-Israeli conflict, the Soviets would invent one. The flagrant exploitation of the tragic conflict between Arabs and Jews ranks high among the cynical designs of Russia's postwar policy.

Soviet involvement in the Middle East has, more generally, been based on a policy of encouraging and assisting radical expansionist regimes to realize their designs on their neighbors. This policy encompasses not only assistance to Egypt, Syria and Iraq in their collective determination to destroy Israel, but also assistance to Iraq against Kuwait and Iran, Syria against the Hashemite Kingdom of Jordan, and Egypt in adventures in Yemen, Lebanon and the Congo.

I have often thought that, in its foreign policy, the Soviet Union is like a burglar who walks down a hotel corridor trying the handles of all the doors. When he finds one unlocked, in he goes. Looking back on the history of the last decade, it is unfortunately all too clear that Egypt and the other radical Arab states were such unlocked doors. It is too late now to try to keep the Soviets out. But we *can* limit the amount of mischief they will be able to do from these bases of operation.

In this connection, it is worth observing that Soviet imperialism in the Middle East is faced with a number of very real constraints and obstacles. Arab nationalism is a powerful force, and as the Kremlin's heavy hand comes to meddle more and more openly in the internal affairs of Arab countries, we can expect the Soviet-Arab collaboration to be subjected to many strains. These strains will doubtless be aggravated by the inevitable tensions that develop when skilled personnel of an advanced country are sent to an underdeveloped country to work side by side with its less competent personnel. It is perhaps ironic that the extent to which Arab nationalism sets itself in opposition to the Soviet ambition to dominate the Middle East will in large measure depend on whether the United States has made it clear, by its support of Israel and the moderate Arab states, that for those countries that choose it, resistance to outside domination is still very much a live option.

SOVIET NAVAL POLICY IN THE MIDDLE EAST

The acquisition by the Soviets of naval installations in the Mediterranean comes at a time when the desire to expel the Sixth Fleet from those waters has become a specific Soviet objective. In April 1967, not long before the Six Day War, Leonid Brezhnev told an audience of European Communists that: "There is no justification whatever for the constant presence of the U.S. fleet in waters washing the shores of southern Europe . . . The time has come to demand the complete withdrawal of the U.S. Sixth Fleet from the Mediterranean."

The development of Mediterranean bases has been paralleled by a sharply higher level of Soviet naval activity. In the first six months of 1967, Soviet operating days in the Mediterranean were 400% greater than for all of 1963. Submarine operations there have increased, in the same period, by 2,000%. The present fleet numbers approximately 40 ships and, on occasion, reaches a figure closer to 60. Soviet jet medium bombers, based in Egypt and bearing Egyptian Air Force markings, routinely monitor the movements and training activities of the Sixth Fleet.

Soviet naval penetration of Mediterranean ports is not only facilitated by her intervention on the side of the radical Arab states in the Arab-Israeli conflict, but is an intermittent element in the conflict itself. There is no doubt that the augmenting of the Soviet fleet in the Mediterranean by 10 warships in May and June of 1967 contributed to the willingness of the Egyptians and Syrians to mobilize for war.

THE STRATEGIC IMPORTANCE OF THE SUEZ CANAL

The utility of the Soviet Navy, as well as its merchant fleet, would be dramatically increased by the reopening of the Suez Canal, which has been closed since the Six Day War. With the Canal open to Soviet passage, ships based in Odessa can circulate efficiently throughout the Mediterranean and Indian Oceans. With the Canal closed, Soviet naval access to the Indian Ocean is by way of Vladivostok or, from Odessa, via the Cape of Good Hope. The additional distance to, say, the Persian Gulf that Soviet ships must travel as a result of the closure of the Canal is many thousands of miles. One typical Soviet sea route helps to indicate the magnitude of the distances involved. The journey from Odessa to Bombay through the Canal is 4,200 nautical miles. The same Odessa-Bombay trip by way of the Cape of Good Hope involves a distance of 11,900 miles, nearly triple the Canal route.

More important, perhaps, is the fact that with the Canal open the Soviets can use ships of either their Atlantic or Pacific fleet to reinforce the other in the event of a diplomatic or military crisis. Finally, when the Suez Canal is open and functioning normally, it is a hard currency earner of substantial value to the Egyptians.

For all these reasons, then, the Soviets and the Egyptians have a common interest in seeing the Canal reopened as soon as possible. To the Soviets, it is a matter of top priority, a fact which may partly explain their encouragement of the Egyptian war of attrition against Israeli forces along the Bar-Lev Line.

The opening of the Canal, which could be accomplished only by Israeli acquiescence, must be considered a trump card in any forthcoming settlement of the Arab-Israeli dispute. As such, agreement on this point should be withheld until a settlement of the fundamental issues is reached.

With the Canal back in operation, one of the chief incentives the Soviets have to make concessions on other outstanding differences will vanish. For this reason, among others, we share a common interest with Israel in the security of the Bar-Lev Line, the Israeli network of fortifications on the east bank of the Canal.

THE WAR OF ATTRITION AGAINST ISRAEL

The war of attrition, which has been quieted by the current cease-fire, claimed heavy Israeli casualties during the period from March 8, 1969 until the cease-fire went into effect on August 7/8, 1970. In July, 1969, for example, 39 Israelis were killed along the Bar-Lev Line and some 76 were wounded in intense Egyptian artillery attacks. While these figures may not appear impressive, the equivalent numbers for the vastly larger American population would be 3,000 and 6,000 respectively.

In the period following the March 8 shelling, thousands of rounds were routinely directed at Israeli positions along the cease-fire lines. There had been prior breakdowns in the cease-fire that had gone into effect upon termination of the Six Day War, but the events of March 1969 marked the beginning of what Nasser termed the "war of attrition."

About three months later, in July 1969, Israel, using her aircraft as "flying artillery", began to counter the costly Egyptian artillery attacks with air strikes against Egyptian positions on the west bank of the Canal, with the result that the number of Israeli casualties declined considerably.

The effects of the cross-Canal exchanges of larger millimeter fire have been dramatic. I visited Al Qantarah, a once thriving Egyptian town with a population of 50,000, located on the Israeli side of the cease-fire lines. Al Qantarah, which was abandoned by Egypt in the aftermath of the Six Day War, has been virtually reduced to rubble by the constant Egyptian shelling of Israeli positions nearby.

I am convinced that the Israelis are in a good military position to hold the Bar-Lev Line should they choose to do so. Israeli fortifications along the Canal have been constructed with ingenuity, and losses from Egyptian shelling could be held to tolerable levels in the event that the present cease-fire were to yield to a resumption of hostilities.

Israeli concern over a possible crossing of the Canal by an invading Egyptian force lends strategic importance to the Bar-Lev Line, although there may be ways in which reliance on this static defense can be diminished.

The defensive importance of the Canal lies in the topography of the Sinai and the ease with which large military forces can be moved through the broad expanse of desert to the east of the waterway. I traveled by helicopter from Tel Aviv to the Canal across the northern Sinai, a trip which impressed me with the importance of the Canal as a natural barrier to large scale military movement. Nowhere in the northern Sinai is there a remotely comparable topographical feature that would impede an invasion of Israel from the west.

The Suez Canal can, of course, be crossed along virtually its entire length. Its value lies in the vulnerability of military units to interdiction both at a limited number of staging areas along the Canal and during an actual crossing. Israeli deployments of armored units in the Sinai are well positioned to prevent a crossing of the Canal, especially since the Air Force could be expected to exact a heavy price against concentrations at the Canal itself.

It is known that the Egyptian army has received equipment from the Soviets that could be used to cross the Canal. Egyptian troops have been observed training in the use of bridging equipment and amphibious operations.

The utility of the Canal as a defensive position has been seriously impaired by the installation of an extensive air defense system along its west bank. For some time prior to the U.S. initiated cease-fire of August 7, the Soviets and Egyptians had endeavored to build up an integrated air defense system along the Canal consisting of anti-aircraft cannon and surface-to-air missiles supplemented by MIG interceptors piloted by both Egyptian and Russian airmen. The Israeli Air Force was highly successful in suppressing this development while also conducting air strikes to interdict Egyptian shelling of the Bar-Lev Line. As the Soviet-Egyptian effort to deploy SAM's intensified, however, Israel faced a mounting level of attrition from ground fire.

THE AUGUST 7 INITIATIVE

Unfortunately, the August cease-fire made it possible for the Soviets and Egyptians to construct the air defense network that had proved unobtainable in the face of Israeli air strikes.

The August cease-fire provided that, "Both sides will refrain from changing the military status quo within zones extending 50 kilometers to the east and west of the cease-fire line [the Suez Canal]. Neither side will introduce or construct any new military installations in these zones. Activities within the zones will be limited to the maintenance of existing installations at their present sites and positions and to the rotation and supply of forces presently within the zones."

No sooner did the cease-fire with its standstill provision start, than the first Soviet-Egyptian violations occurred. The extent of the illicit movement of men and equipment removes any doubt that the violations might have been spontaneous or unauthorized. Indeed, the movement greatly exceeded the level of activity characteristic of the weeks before the cease-fire and must be seen as a calculated effort to take advantage of Israeli compliance. The hand of the Russians, even more than that of the Egyptians, was at work in the planning and execution of the violations.

In any event, it was unwise in the extreme for the American Government which was sponsoring the cease-fire, to agree to starting the cease-fire in the middle of the night, under the cover of darkness, an oversight that was carefully exploited by the Soviet Union and the UAR.

In my view, the calculated violation of the cease-fire strongly parallels Soviet behavior during the Cuban missile crisis. Even more than that, however, it looks like the familiar Soviet tactic of beginning negotiations—which were then to take place under the Jarring mission—with aggressive behavior designed to test the adversary's resolve. Berlin in 1961 comes to mind.

By failing to corroborate at once Israeli evidence of Soviet-Egyptian violations, we merely invited still further illicit movement of missiles and other military equipment in the 50 km cease-fire zone. The result has been a massive Soviet-Egyptian build-up so that today the west bank of the Canal is lined with new and larger artillery and the most elaborate system of air defense ever deployed.

THE SOVIET-EGYPTIAN SYSTEM OF AIR DEFENSE

The heart of the Soviet designed air defense system consists of SA-2 and SA-3 missiles supplemented by radar controlled anti-aircraft cannon and MIG interceptors. These weapon systems are, individually, of considerable effectiveness. The combination, however, provides an extremely formidable defense, and one to which neither we nor the Israelis have a ready response. The SA-3 is effective at low altitudes and, in combination with anti-aircraft cannon, makes it difficult and costly for planes to penetrate and operate by flying at extremely low altitudes. The addition of SA-3's, which have been installed in large numbers during the cease-fire and in blatant violation of its standstill provision, has thus frustrated the Israeli tactic of low altitude penetration. The SA-2 high altitude missile system, also installed in large numbers during the cease-fire, is effective against aircraft flying at altitudes not covered by the SA-3. Moreover, the recently installed SA-2's are an improved version that utilizes radar frequencies much more difficult to counter with electronic means and radar-homing air-to-surface missiles.

The position of some elements of this air defense network is such that they are effective against aircraft operating several miles on the Israeli side of the Canal. The net effect is to imperil the effectiveness of the Israeli Air Force as a means of preventing both cross-Canal fire and an actual crossing of the Canal itself.

U.S. MISHANDLING OF CEASE-FIRE VIOLATIONS

In my judgment, we should have immediately insisted through diplomatic channels that the illicitly emplaced Soviet missiles be removed prior to, and as a condition of, substantive negotiations. Our failure to do so has encouraged the Soviets in the belief that they have much to gain, and little to lose, by overt duplicity.

In my view, the Soviets clearly gambled that the U.S. response, if any, would be weak and ineffective. That they should have engaged in this deliberate deception is serious enough; that we should have proved their estimate of our response correct is more serious still. This deliberate deception, executed within hours of an agreement, must raise considerable doubt as to the validity of Soviet assurances and agreements elsewhere.

Moreover, our bargaining position vis-à-vis the Soviets has been severely damaged. We should remember that weakness and hesitancy with respect to the cease-fire violations can have far-reaching consequences for America's bargaining reputation. Fred Iklé has stressed the importance of this reputation in the following terms:

"A government acquires a reputation much as an individual does. On the basis of its performance in past negotiations, others will impute to it a diplomatic style, certain motives and objectives, attitudes toward the use of force, a degree of political will, and other attributes of power. Bargaining strength depends not so much on what these attributes really are as on what others believe them to be. Hence the importance of this reputation. . . ."

The diminution of confidence in U.S. assurances in a case so clearcut as the August cease-fire must affect us adversely elsewhere in the world; and this will continue to be the case even if the Soviets refrain from exploiting the appearance of our retreat. Our failure to insist on adherence to the terms of an initiative proposed and arranged in Washington, and concurred in by Moscow, may well have the effect of encouraging the Soviets to run greater risks elsewhere in an effort to consolidate the momentum of their advantage.

Israel's confidence in our willingness to stand by our repeated assurances of support for her security has been badly shaken. In Cairo and Damascus and especially among our friends and allies in the Middle East our position has suffered, rather than gained, by the impression of weakness and indecision.

Among the Arab population of the Middle East such credit as may be given for American restraint is undoubtedly going, not to Washington, but to Moscow, on the grounds that American inaction resulted from timidity in the face of Russian pressure.

A POLICY FOR RECTIFYING THE ADVERSE EFFECTS OF THE CEASE-FIRE VIOLATIONS

At this point in time mere insistence on a roll-back of the illicitly emplaced missiles appears futile and unproductive. It is my impression that most Israelis share this view. But this does not imply that we are without means to rectify the adverse military and political impact of the cease-fire violations. We have both military and diplomatic options available to us that may go some way in making plain to the Soviets our determination to restore the military balance that prevailed before August 7.

One such measure is the provision of adequate compensatory arms to Israel. We have begun to do that under section 501 of the Defense Procurement Act with the provision of some $500 million in military credits. Among the military equipment purchased by Israel under this credit program, aircraft and devices for the suppression of surface-to-air missiles are of vital importance.

The problem of restoring the military balance in the Canal region could be remedied if we had, or were able quickly to develop, some system or systems capable of efficiently countering SA-2 and SA-3 missiles. But nothing in the current American arsenal can make more than a partial contribution to this mission. If the present uneasy cease-fire deteriorates and hostilities resume, the Israeli Air Force would pay a high price in lives and aircraft in attempting to destroy the SAM defense system. We can assist in mitigating this situation by doing what we can to assure that the Israelis will have the aircraft necessary for this purpose. A failure to do so might well force Israeli recourse to an alternative strategy, which I would hope could be avoided, of attacking less well defended targets elsewhere in the UAR if hostilities should be resumed.

My own view is that the size of the Israeli Air Force will have to be increased considerably as a result of the SAM deployment in the vicinity of the Canal, and that other equipment will be required as well. There is no denying the fact that the military balance in the Middle East has shifted as a result of the violations. This does not mean that Israel is no longer in a position to provide for its own defense. On the contrary, I am convinced that the Israeli people have the skill, determination and capability to defend themselves. Nowhere in Israel did I encounter signs of uncertainty on this point. But the military balance, in this case as in others, is not a simple matter of black or white, security or insecurity. There are, rather, degrees of security and insecurity.

Any way one looks at it, the burden Israel must bear to sustain an adequate level of security is greater now than before the U.S. guaranteed cease-fire. For one thing, a resumption of the earlier level of hostilities along the Canal would claim a higher number of Israeli casualties, both on the ground and in the air, than was the case prior to August 7, 1970.

Israel is presently spending between 27 and 29 percent of its GNP on defense, a large fraction of which is used for procurement of weapons and ordnance. For a country with a gross national product the size of Israel's, this burden of defense expenditures is severely prejudicial to economic stability, particularly in its excessive claim on limited foreign exchange reserves.

One serious, and often overlooked, problem faced by Israel is the severe economic dislocation that results from the absorption of manpower and capital by the defense effort. One plausible strategy for weakening Israeli defenses is to require that she continually maintain a high state of readiness, utilizing much of her trained manpower for defense purposes. Such a "war of economic attrition", if actively supported by the Soviets through her Egyptian and Syrian clients, is a severe threat to Israel's industry and economic development.

Israel has always in the past paid for weapons acquired in the United States. For many of the 22 years of its history Israel was forced to pay prime rates for second-hand arms. As the United States has come to appreciate its own security interest in the Middle East, Israel has had access to sophisticated aircraft and other weapons manufactured in this country. A realistic appraisal of the Israeli economic and financial situation indicates that it will not be possible for Israel to maintain the level of defense expenditures necessary to meet the increased threat from Soviet-supplied countries without American financial assistance, both for weapons and economic development.

Israel's immediate arms requirement for the next fiscal year (1972) will at least equal the $500 million credit extended this year.

Unless some relatively inexpensive method to suppress SAM missiles is discovered, which seems unlikely, grant aid for certain items will be needed.

I had occasion to visit installations of the Israeli Air Force, including a base at which newly acquired American Phantoms were being phased in, to visit Israeli Army units near the Suez Canal, and to meet with the officers and men of the Northern Command at the Golan Heights and of the Southern Command along the Suez Canal. None of the men or women of the Israel Defense Forces, from the Chief of Staff to the commanding officers to squadron leaders to recruits, has the slightest doubt that Israel can defend itself against any force or combination of forces in the Middle East, barring, of course, a massive Soviet invasion. All that is asked of us is help in getting the essential means in adequate quantities with which they can do the job.

In addition to assuring an adequate supply of arms, we can help affirm our determination that the calculated contravention of the August 7 cease-fire will not succeed by giving solid support to Israel's "right to live in peace within secure and recognized boundaries" as she returns to the Jarring talks, and in any subsequent deliberations.

Israel agreed to indirect negotiations through the offices of Ambassador Jarring in the framework of the Security Council Resolution (Number 242) of November 22, 1967. Israel, Egypt and Jordan have all accepted the Security Council Resolution; it has been rejected by Iraq and Syria. The resolution calls for the "withdrawal of Israeli armed forces from territories occupied in the recent [June 1967] conflict." It also calls for the "termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force." Finally, Resolution 242 affirmed the necessity for (1) "guaranteeing freedom of navigation through international waterways in the area"; and, (2) "for guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones."

It is my conviction that the present Israeli leadership has no desire to retain territory acquired in the Six Day War,[1] except insofar as the possession of certain occupied territory contributes to the goal of "secure and recognized boundaries." This was a topic on which I heard the views of the Israeli Prime Minister and senior members of the Israeli Cabinet and armed forces. Such an impression is, of course, inevitably a matter of judgment, and it should be noted that there are individuals, and even political parties, within Israel who would press more extensive territorial claims. But the current government certainly, and the leadership likely to enjoy power for the foreseeable future, are unanimous on this point.

THE GEOGRAPHY OF ISRAEL AND ISRAELI SECURITY

It is almost impossible to travel within the pre-1967 borders of Israel without being continually in sight of territory formerly occupied by Arab armies. In Israel's largest city, Tel Aviv, more than half a million people live less than 15 miles from the formerly Jordanian village of Kalkilyah from which terrorist attacks and artillery were directed against Israel. The road from Tel Aviv to Haifa runs along a narrow strip of Mediterranean coast less than 10 miles wide at the point where the 1949 Armistice line with Jordan comes closest to the coast. The densely populated Upper Jordan Valley lies under the imposing shadow of the Golan Heights from which Syrian guns regularly shelled Israeli settlements prior to the Six Day War. The most precarious situation was that of Jerusalem, which was almost completely enclosed by Jordanian-held territory, except for a narrow corridor in the west through which there winds, along a route at points directly under the guns of former Jordanian fortifications captured during the June war, the vital highway connecting Jerusalem with Tel Aviv.

The military significance of the border changes that resulted from the Six Day War are apparent from little more than a glance at the accompanying maps. (Maps not printed in RECORD.) Before the war virtually all of populated Israel with the exception of a strip of Mediterranean coast around the city of Haifa was vulnerable to artillery in Arab territory with a range of 16 miles, or to Russian artillery rockets of the kind used so indiscriminately by both Arab and Vietcong terrorists. (It should be noted that the large area in Southern Israel shown on the map as beyond the range of Arab artillery is the virtually uninhabited Negev desert.) The northern and southern halves of the country could be divided by attacks from Jordan across the narrow coastal strip between Haifa and Tel Aviv. Although such an attack could not be carried out by the Jordanian army alone, the possibility made the introduction of other Arab armies into Jordan a possible *casus belli* and necessitated the organization of the Israeli army into separate regional commands.

The much narrower corridor connecting Tel Aviv and Jerusalem was subject to interdiction by even the Jordanian army alone. Along the Mediterranean coast the Gaza Strip provided a salient that enabled the Egyptian army to deploy barely thirty miles, along flat and sandy coast, from the city of Tel Aviv and Israel's major population concentration. In the south, an Egyptian push across the open Negev desert separating the Sinai from Jordan, in some places by only a few miles, could cut the vital port city of Eilat off from the rest of the country. In the north, the Syrian army, while too weak to use its topographical advantage to attempt a major assault on the centers of Israeli settlement around the Sea of Galilee and along the upper Jordan River, could nevertheless utilize this advantage to subject towns and farms to heavy shelling, shelling which could only be halted by a difficult assault up the steep Syrian heights and a consequently large number of Israeli casualties.

The problem of ground defense tells only part of the story. As the events of 1967 demonstrated, air power is potent in the Middle East, and the defense of Israel against air attack was almost impossible within the pre-1967 borders. Former Egyptian air fields at Al Arish are only 80 miles, or twelve minutes flying time, from Tel Aviv. These short distances not only mean that warning time is practically non-existent and opportunities for air defense severely limited, but they allow maximum flexibility for attacking aircraft in choice of payloads and attack routes and maximum time over targets. Syrian, Jordanian, and Iraqi air bases were located at greater distances from targets in Israel, but most of the length of their approaches was over Arab territory, with only a few miles, and fewer minutes, for detection and destruction over Israeli territory. The limited area of Israel made dispersal of her own air force difficult. Under these circumstances it is little wonder that the greatest fear in Israel during the crisis of 1967 was of catastrophic civilian casualties in air attack should the Arabs obtain even a temporary initial advantage if war were to break out. These strategic circumstances explain much of the instability in the situation produced by the 1967 Egyptian build-up in Sinai, and dictated the bold high-risk tactics of the Israeli Air Force in the opening hours of the war.

The old borders were insecure in one other important respect. Despite Israel's small area, her borders were extremely long and tortuous. This meant that infiltration could not be prevented by defensive installations and patrols, and reprisals were resorted to instead. While this had little to do with the instability of the crisis of May 1967, it had much to do with the increase in tensions that led to it.

ISRAELI SECURITY AND THE SIX-DAY WAR

The changes produced by the Six Day War were dramatic. While the area controlled by Israel increased from 20,000 to 90,000 square kilometers, the length of the land borders actually decreased from 600 to 400 miles. The artillery threat against Israeli population was removed everywhere, except for small areas south of the Sea of Galilee and around Eilat. The threat of artillery fire from Jordan and invasion of Gaza was removed. Instead of facing the Egyptians across the open border in the Negev, the Israelis now have the natural defenses provided by the Suez Canal and terrain which rises to the east of it. Instead of facing Jordan and Syria up steeply rising terrain, Israel now enjoys a topographical advantage as well as the natural barrier provided by the Jordan River.

The most important changes were probably those involving air power. The distance from Egyptian air fields to Tel Aviv has been increased from 80 to more than 250 miles, with a comparable increase in Israeli warning time and opportunities for anti-aircraft fire While air fields in other Arab countries are no further than they were before, control over a greater portion of the air routes from Iraq, Syria and Jordan greatly simplifies the problem of air defense.

The most important effect of these changes is that Israel is now able to confront an Egyptian army of 250,000 men with only a fraction of the force that was necessary in 1967 to face an Egyptian army in the Sinai of 180,000 men and barely half the armor and aircraft that Egypt has at present. Not only has the immediate threat to Israel's survival been removed, but the much greater freedom of maneuver which she now enjoys has enabled the fighting that has taken place since 1967 to be contained on a level below all-out war.

THE ROLE OF THE UNITED NATIONS

I cannot share the optimism of those individuals who envisage a prominent role for the United Nations as guarantors of a peace settlement in the Middle East. In Israel I found no interest, much less enthusiasm, for an arrangement under which the survival of the State of Israel might be entrusted to the United Nations.

The Israeli memory of the days leading up to the Six Day War is as vivid as my own, and they are understandably unwilling to risk a repetition of the abject failure of the United Nations to keep the peace in 1967.

In preparing this report I came across a statement I made on May 20, 1967, just prior to the outbreak of the June war. I said that: "Secretary General Thant has downgraded the United Nations and has done irreparable harm to its peacekeeping potential by his precipitate action in withdrawing the UN buffer that has helped keep the peace between Israel and the Arabs for 11 years."

I can find nothing in the record of the United Nations in the intervening three and one-half years that would cause me to revise that judgment. Indeed, my view then that the Secretary General had ". . . pulled the props out from under the precarious Near East peace," was all too clearly demonstrated sixteen days later.

[1] All concerned parties are in general agreement that Jerusalem must remain unified under some arrangement guaranteeing the rights of Arabs and Jews and the security of and access to the holy places of the area.

THE IMPORTANCE OF DEFENSIBLE BORDERS AND THE "ROGERS FORMULA"

I believe that the argument for supporting the Israeli claim to defensible borders would be a compelling one, even if our doing so were not an obvious means of carrying out our pledge that Israel would not emerge from the August 7 cease-fire in a less secure position than she enjoyed prior to it. The simple fact is that the effect of the cease-fire has been to weaken the Israeli position in the event of a resumption of hostilities, and therefore to weaken as well its bargaining position in the Jarring (and any subsequent) talks.

The United States has taken the position that any settlement of the territorial dispute arising out of the Six Day War should be based on Israeli withdrawal from the occupied territories except for "insubstantial alterations" of the pre-war boundaries.

Precisely what is meant by the term "insubstantial alterations" is unclear. What is clear is that commitment by the United States to the general nature of a settlement in advance of negotiations was unnecessary and, I believe, unwise. Moreover, the public statement of this view, by weakening the Israeli position in advance, merely compounded the initial error of making gratuitous concessions.

It would be a grave mistake to apply the vague formula of "insubstantial alterations" in a manner inconsistent with the more fundamental notion of defensible borders—"secure and recognized boundaries" in the words of the UN Resolution. It would be much preferable to adopt a more functional formula—perhaps something like "the minimum territorial adjustment *consistent with the establishment of defensible borders*," but the precise formulation is of less consequence than the logic that underlies it. I am hopeful, in this regard, that the Administration shares the view that the interests of lasting peace, as well as the credibility of the American position, lies in the search for a more, rather than a less, secure agreement, and that the crucial element here is the physical security of any revised map of Israel.

For Israel to abandon the security of her present borders in exchange for ephemeral concessions from the other side would endanger not only Israel's survival, but the peace of the world as well. Behind the present cease-fire lines Israel has room to maneuver. She can cope with crises (such as acute rises in the level at which the war of attrition is prosecuted) without precipitate action and without resort to full scale mobilization.

If, however, after a peace settlement that fails to provide for defensible borders, the same Soviet-Egyptian forces now contained behind the Suez Canal were deployed along, say, the pre-1967 borders, Israel could not wait in readiness in a purely defensive posture. She would have to meet any acute threat with the same high level of mobilization that was necessary in 1967, a level of readiness that simply cannot be sustained for more than a few days. Unless the crisis which requires it can be resolved quickly by peaceful means, the result would be a repetition of the general war that engulfed the Middle East in 1967, but with a highly uncertain outcome. Along more rather than less defensible borders, therefore, the urgency of crises is substantially lessened.

I have chosen to dwell at length on the importance of negotiating defensible borders in the context of a general settlement because I believe that a failure to do so will provide the seed, and the incentive, for continued insecurity, tension and eventual war.

It seems to me that the "Rogers formula," with its emphasis on part of the UN Resolution (withdrawal from occupied territories) at the expense of the ultimately more significant element (secure and recognized boundaries) is short-sighted and ill-advised.

The stability of any agreement will depend, above all, on the extent to which it provides *physical* security for Israel.

Physical security, as the UN resolution implies, prominently includes the establishment of such measures as demilitarized zones. Given the fact that the routes eastward from the Suez Canal are few in number and of limited handling capacity, there is much that could be accomplished by the total demilitarization of the Sinai, provided that resort to this device is of genuine strategic significance and not a partial and merely symbolic offering.

A secure peace must involve a clear recognition by the Arabs that the existence of Israel is no longer at issue. It must not be possible for a peace settlement to be regarded as merely a tactical step on the road to eventual liquidation of the State of Israel. Calculated ambiguity is a frequent tool of diplomacy, but ambiguity on such a fundamental issue is dangerous. The acknowledgment in a peace settlement of Israel's "right to live in peace within secure and recognized boundaries" must be made in language and by procedures so clear-cut that no conflict in interpretation is possible.

But language alone is not enough. A settlement which relies only on language will be no more successful than the Kellogg-Briand Pact renouncing war as an instrument of national policy. That agreement was tellingly characterized by Senator James Reed of Missouri as "a sort of international kiss." A settlement of the Middle Eastern conflict must be more than an "international kiss." It must not only recognize Israel's right to "secure and recognized boundaries"; it must incorporate concrete arrangements that make clear in advance that any attempt to violate those boundaries would be doomed to failure.

I wish to be perfectly clear on my view of the importance of defensible borders for Israel. Obviously the choice is not between *defensible* and *indefensible* borders but, rather, between borders that are more as opposed to less defensible. Because I am aware of the deep distress of Egypt and Jordan over the occupation of parts of their territory, I tend to the view that Israel should press for only such territory as is absolutely essential for the purposes of national defense. Moreover, I believe that Israel should consider seriously the use of demilitarized zones rather than continued occupation wherever possible, and in the context of an overall settlement. My quarrel with the Rogers formula is that it appears to prejudge the extent of the alterations that would constitute defensible borders, diminishes the Israeli bargaining position, and, I believe, ultimately encourages the Arabs to adopt a rigid rather than flexible position.

National security, for Israel as for the United States, ultimately depends on political as well as military factors, and in this regard it is worth noting that in the search for security there is a trade-off between territory and external guarantees. The extent to which guarantees and territory are interchangeable is clearly a subject for negotiation, but neither United Nations forces nor those of third countries will have the permanence of topography.

CONCLUSION AND RECOMMENDATIONS

One of the central problems in our efforts to bring peace to the Middle East has been a preoccupation with the notion that the conflict between Israel and the Arab nations lies at the core of the instability we seek to alleviate. One result is that we have been far too sanguine in our hopes for Soviet cooperation in resolving that unhappy conflict.

The Soviets understand that a Middle East characterized by peace and harmony, by stability and cooperative Arab-Israeli relations, would deprive them of their access to the continuing penetration of the Arab world. A genuine peace in the Middle East would diminish the importance of Soviet military support to Egypt; Syria and Iraq would not require large numbers of Soviet tanks any more than Egypt would require the presence of the Russian Air Force if a secure negotiated settlement could be obtained. The unhappy truth is that the Soviets, far from urging the radical Arab states to make peace with Israel, are determined to keep tensions high and to nurture the distant hope that Israel will one day be destroyed. If the Arab states were ever to despair of the eventual destruction of Israel, and if they were left free to determine their own best interests, I believe that the problems of the Palestinians could be solved, Israel could obtain recognition for defensible borders, and the countries of the Middle East could set about the business of cooperating in economic and political development.

American policy in the Middle East has not been sufficiently sensitive to these considerations. We have often, and especially recently, acted on the assumption that because the Soviets do not want all-out war in the Middle East they must desire all-out peace. When we come to appreciate that between the desire to avert war and the desire for peace there is an enormous range of Soviet policy objectives, we shall have taken the first essential step in designing an effective Middle East policy.

Nothing is so likely to facilitate Soviet policy in the Middle East as a settlement imposed on Israel that leaves her in the vulnerable and exposed position that existed prior to the Six Day War. Such a settlement would guarantee that the tensions upon which Soviet policy is based would continue to be exploited with tragic consequences for Arab and Jew alike.

In summary, these are my recommendations:

1. We need to recognize that the central problem in the Middle East is the Soviet drive for hegemony, and that

2. The maintenance of a high level of tension between Israel and the Arab states is the primary vehicle by which the Soviet Union seeks to accomplish this objective.

3. We should assume, therefore, that for the foreseeable future the search for peace and stability in the Middle East will be resisted, rather than supported by Soviet policy.

4. We should recognize that the best prospect for peace in the Middle East lies in discouraging radical Arab hopes for the eventual military defeat of Israel—hopes that lead to a menacing and destabilizing alliance with the Soviet Union and that deepen Soviet influence in the region as a whole.

5. We should recognize, and make clear our determination to resist, the Soviet threat to our friends and allies in the Middle East, particularly Greece and Turkey, Iran and those moderate Arab nations who desire our support. To that end:

(a) We should actively encourage our NATO allies to join with us in a strengthening of our common defensive capabilities in the region; and

(b) We should take immediate steps to explore measures to increase the strength and effectiveness of the U.S. Sixth Fleet.

6. In the special case of Israel, whose security is directly and immediately affected by American policy, I would recommend the following:

(a) We should faithfully implement the basic policy expressed in Section 501 of the Defense Procurement Act of 1971—which is now the law of the land—to furnish to Israel the means of providing for its own security in order to restore and maintain the military balance in the Middle East.

(b) Recognizing that the Israeli economy can no longer sustain its recent high level of defense procurement, we should stand ready to assist Israel not only by credit sale but with grant aid for certain military equipment essential to her security.

(c) We should assist Israel in the development of an improved indigenous defense production capability in certain areas through the provision of production rights for equipment of U.S. manufacture.

(d) We should drop the "Rogers formula" of supporting only "insubstantial alterations" in the 1949 armistice lines, substituting, in its place, a formula that recognizes the primacy of establishing defensible borders for Israel.

(e) Our approach to a settlement should, above all, emphasize concrete, physical arrangements to assure Israel's security which, if imperiled, merely invites Soviet exploitation and plants the seed of future war.

MAN OF PRINCIPLE—RETIREMENT OF SENATOR WILLIAMS OF DELAWARE

Mr. HANSEN. Mr. President, this morning's edition of the New York Times calls attention to one of this body's departing Members, Senator JOHN J. WILLIAMS of Delaware.

The editorial, entitled "Man of Principle," is a keen assessment of the important role Senator WILLIAMS has played in the legislative process for 24 years.

I commend it to the attention of my colleagues and ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD at this point:

MAN OF PRINCIPLE

As a farewell gesture, Senator John Williams, Delaware Republican, has introduced a constitutional amendment making it mandatory for Federal judges and members of Congress to retire at 70. Mr. Williams, spry and active at 66, chose to step down this year rather than gain certain re-election to a fifth term, because another six years in the Senate would have brought him past his own deadline for retirement. It is possible to debate the exact age which should be set—and we think he is setting it too low—but Senator Williams is entirely right that judges and Congressmen should be subject to mandatory retirement.

Senator Williams has been a highly useful member, particularly in the exposure of official wrongdoing and in the unending struggle for ethical behavior in public office. Singlehandedly, he did much to break open the Internal Revenue scandals in the early 1950's and the Bobby Baker scandal a decade later.

We have disagreed with Mr. Williams on social and economic issues such as his opposition this year to President Nixon's welfare plan. But he has been the very model of a conscientious conservative. In his decision to retire at this time as in so much else in his public career, he has shown himself to be a man of principle.

STATISTICS CHANGE BUT NOT FBI DIRECTOR HOOVER

Mr. YOUNG of Ohio. Mr. President, the FBI, J. Edgar Hoover's private domain, is expanding its personnel adding thousands of employees and officials to this bloated bureaucracy. Recently with total personnel of 13,500 only 48 individuals were black. No integration here. In a nation of more than 20 million black Americans, two-fifths of 1 percent of FBI officials at that time were Negroes. Now with personnel gyrating to more than 19,000 and Senators being critical in recent years over this discrimination, J. Edgar Hoover has added some additional black employees so now the percentage is all of 1 percent.

Hoover complained that Attorney General Robert Kennedy during his last 6 months in office pressured him "half a dozen times to hire more Negro agents." He alleged Kennedy wanted him to lower FBI standards just to hire Negroes. He said he did not speak to Attorney General Kennedy during the final 6 months that Kennedy was Attorney General. Fancy that with the FBI Director supposedly a subordinate official in the office of Attorney General. J. Edgar Hoover cannot win any award for fair hiring practices.

ADDRESS BY EARL B. DICKERSON

Mr. STEVENSON. Mr. President, earlier this month I had the privilege of attending a dinner honoring Earl B. Dickerson. At the dinner, Mr. Dickerson delivered an address which reflects the vision, energy, and wisdom he has consistently displayed as a leader of the black community.

The address is at once a chronicle, an indictment, and a prognosis. It recalls Mr. Dickerson's personal journey out of the abject poverty of rural Mississippi and into a brilliant legal, business, and civic career; it indicts American society because "the accident of birth has demanded an unconscionable price for being black;" and it illuminates the goal of black liberation—"liberation to the extent that the whole of American society is open where the black man may decide for himself where he wants to live, to work, to educate his children, and to choose whom his friends will be." Far from being inconsistent with integration and interracial cooperation, Mr. Dickerson's conception of black liberation depends on them.

Because Mr. Dickersons' address will be of interest to all who seek equal justice and equal opportunity, I ask unanimous consent that it be printed in the RECORD:

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

REMARKS OF EARL B. DICKERSON ON THE OCCASION OF THE 14TH ANNUAL JOINT NEGRO APPEAL DINNER HONORING EARL B. DICKERSON, DECEMBER, 6, 1970

To be allowed to address this prestigious assembly of concerned citizens is a privilege (for me) beyond all measure of expression. I am truly honored to be among you who continually demonstrate such a magnificent regard for the concept that each underprivileged child is *also* a very special and precious being that civilized society is obliged to nurture, to train, and to love.

I noted in an earlier news item announcing this 14th Annual Joint Negro Appeal Dinner that I was "Elder Statesman in civil rights and philanthropy in the Black community." I am not at all certain that I am deserving of so generous an appelation; but it is in the context of a dedicated observer and active participant in the struggle of Black America for over fifty years that I wish to share new memories this evening. I would like first to reflect upon those tumultuous past decades as they relate to the issues of race, and then briefly contemplate with you some premonitions and expectations of the future as it now begins to present itself—dimly luminous—like the horizon just before sunrise.

When I arrived in Chicago as a young boy in 1907—more than 63 years ago—I was filled with those youthful visions of a new found freedom that looked for a personal and tangible solution to the problems and injustices of life that had stricken my life as a child in Mississippi. It was my hope that behind me lay the denials of the rights and privileges of full citizenship—the lynchings and other unlawful cruelties that seemingly forever branded Black people with the marks of slavery and inferior citizenship. I was at that time intellectually unacquainted with the invidious national policy enunciated in the "separate but equal" doctrine proclaimed by the Supreme Court of the United States in 1896, in the now infamous decision of Plessy vs. Ferguson.

Then the country had sought to absolve itself from the curse of slavery through adoption of the 13th, 14th, and 15th Amendments to our Constitution. Yet, it was the failure of Reconstruction that preserved, and even accentuated the inequalities of Black citizenship, despite restoration of the unitary character of the American government, and establishment, in legal terms, the equality and freedom of all American citizens. While Lincoln proclaimed that this Nation could not endure half free and half slave, that is exactly how it had endured. As we entered the first two years of the 20th Century, there were 214 lynchings of Black men—the melting pot had been irreparably cracked.

For those of you in the audience old enough to remember, I will not recite the infinitely long list of ills that lie beneath the exterior surface of racial equality, and that render the United States a racist society. I am, however, aware of the so-called generation gap; and in that context, I would like to emphasize to our younger audience, who may have become politicized only during the sit-ins, the pray-ins, and the marches that we conducted during the early sixties; or since Watts in 1965; or even as recent as the deaths of the Black Panthers in December, 1969; that the struggle, the awareness, the cause celebre, did not begin with these more recent activities.

Whatever index of social and economic conditions we choose—employment, education, housing, health, or what have you—the struggle was embarked upon many, many years ago; and, for the most part, by unpublicized, unsung Black people.

I have injected this reminder not to put down the young people and their current attitudes, but simply to illustrate that we perhaps operate from different vantage points of observable, meaningful reality. This does not mean that one group is "a priori" shortsighted or lacking in historical perspective, and that another group is less militant or necessarily too conservative. I mean only that we may have different reference points by which we do, and will continue to judge objective facts.

Before moving into the main thrust of my remarks, I would like to comment just a bit further in connection with the widely promulgated generation gap;

The crises of the Great Western Industrial societies that occur from time-to-time throughout history are no mystery. They are capable of prediction, and have been analyzed and explained by many of the great socio-economic thinkers. The one outstanding feature of these crises is the fact that there is much room for argument among the various schools of thought, I do not believe that anyone will argue, regardless of his vantage point on either side of the gap, that progress is bad. The divergency of views stems from a hard look at the system by which that progress has been and is being made. The posture of our young people, it seems to me, suggests that the system, in

its short-sighted quest for gain, has wasted both men and nature. A mounting increase in the crime rate, extremes in social and economic inequality, neglect of basic social needs, personal alienation, internal disorder and war, are manifestations of the system for which they are desperately seeking a remedy. There can be no question that in the face of all this, our leadership generally has failed us dreadfully, I personally join them in their assault upon the alloy of inflexibility and hypocrisy that continue to stifle the implementation, protection, and advancement of human values. To the young people and those who join them, I say, "right on"! And hopefully, you have room for me within your ranks.

Oddly enough, it was for many of these very same reasons that I initially fled the South. You must realize that just as the "Man of LaMancha", my dreams were not soon to be realized. I found, along with all the other Black people in search of better economic opportunities in the big cities, that our emigration gave rise to the concentrated Black community within the city—a kind of "sovereignty within a sovereignty." The concentration of Blacks in housing with a specified area, however, was not the result of fortuitous events or choice, but one of sinister design. This pattern of segregation was sanctioned in a number of municipalities, like Louisville, Baltimore, and Atlanta, where the Black population was growing; and by 1912, the first group of laws condoning racial separation in housing were enacted. Patterned after the legal actions used to isolate and exclude the Chinese on the West Coast of the United States, these racially restrictive laws gave rise to the exploitation, extreme congestion, poor sanitation, poor health, and high mortality which were to become hallmarks of the urban Black man.

Employment opportunities were almost non-existent, except for the more menial and onerous of tasks. Notwithstanding the poor prospects for securing satisfactory employment, Blacks continued to migrate to the cities and, thereby, further exacerbated what was, at best, sub-marginal social and economic prospects. Family disorganization and dissolution were natural consequences of the difficulties faced by Black Americans.

When no relief from these aggravated problems could be expected from local and State governments, Black people naturally turned to Washington for legislative solutions. However, there was no respite to be obtained from that quarter. The muckraking activities of the "Teddy" Roosevelt Administration which vigorously attacked corruption, dishonesty, privilege and exploitation in high places, would only counsel the Black man to be patient; that time and education were the only solutions to his problems.

In addition to the violence of poverty, illiteracy, and ghetto confinement, lynchings and wholesale terrorism became a very important component in the system of punishment for Black people in the United States. To be sure, most of the violence occurred in southern States, but the north was by no stretch of the imagination "Simon Pure"; and notably those states comprising the midwest contributed significantly to the total disregard for law as applied to Blacks.

The "Door of Hope" was slammed shut. While we were preparing to make the world safe for democracy, the first Congress of the Wilson Administration considered and unparalleled number of bills proposing discriminatory legislation against its minority citizens. Fortunately, most of the bills failed; but Mr. Wilson, not to be outdone, among other things, signed an executive order that segregated Black employees of the Federal Government, in terms of eating and rest room facilities. This action was negotiated to freeze Blacks for the next forty-five years at the lower end of Federal employment.

It was not until the onset of World War II that the first feeble attempts were made to erase some of the sordidness from the picture of Black life in America. Under the leadership of President Franklin Roosevelt, the first Fair Employment Practices Commission was established; to which I was appointed as a member. It may be argued, however, that the FEPC move was predicated more upon wartime expediency and a concern for the growing disaffection among the Black electorate, than a deep humanitarian desire to correct the inequities of "separate but equal."

It was also during the '40s that the first successful major attack upon the use of racially restrictive covenants as a device to preserve segregated housing was made. In the case of Hansberry vs. Lee that I argued in the Supreme Court of the United States in 1940, the first concentrated attack against racially restrictive covenants was made involving the city of Chicago—the Southside of Chicago, known as the Washington Park Racetrack Subdivision. For the first time, Blacks were able to move into the 26 square block area bounded by 60th Street to 63rd Street, South Park to Cottage Grove. This was our first penetration into the area continuous to the University of Chicago. The Hansberry decision became the basis for the subsequent decision in Shelley vs. Kramer (1948) which held that Federal and State courts may not enforce restrictive covenants. This inimical device had been defeated for all time.

We turned the corner in the 20th Century saga of the Black man in the United States on May 17, 1954. The Supreme Court, in Brown vs. Board of Education, ruled in brief "that in the field of public education, the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal." This truly monumental legal victory provided Black Americans the long sought vehicle that would, hopefully, provide them access into the mainstream of American Life on an integrated basis equivalent vis-a-vis their White counterpart. For the first time, it established a new national policy of integration, rather than separation of the races.

Following the Brown decision, Black Americans from every region of the land actively participated in the all-out effort to embellish and add new dimensions to the Civil Rights picture. His own willingness to campaign actively, aggressively, and without fear of physical reprisal characterized the new militant in the struggle for first-class citizenship.

What became immediately apparent to those involved was the age-old lesson taught by men such as W. E. B. DuBois, who, very early, determined that in the pluralistic history of the United States, the ability of a minority to advance in the face of majority prejudices depends upon its ability to develop a countervailing power. We have observed this concept in practice for years in the Irish, Italian, Polish, and Jewish communities. It is really astonishing that so conventional a concept, when raised in the Black community, evoked so bitter a controversy. The slogan "Black Power" has been subject to a variety of interpretations, ranging from Civil War to geographic apartheid. Yet, our lives have been influenced to a greater or lesser degree by "Political Power", "Labor Power", "Military Power", and a host of others. For me, and for millions of other Black Americans, the concept of Black Power was no more malignant than an attempt to establish race pride, ethnic identity to restore a modicum of dignity to blackness, and to define the direction Blacks were to move, in order to obtain first-class citizenship status.

Despite the national polemic that grew all out of proportion surrounding Stokely Carmichael's cry in that Mississippi schoolyard in 1966, just what are the facts of life for the great masses of Black people?

Although there were some perceptible economic improvements in a small segment of the Black population, the United States Bureau of the Census reported in 1967 that the costs of being Black continued to be severely demanding. The median incomes for both Whites and Non-whites (consisting mainly of Blacks, but also containing other minority representations) indicate that income increases are directly related to the attainment of higher levels of education. The differences in median incomes as a function of education levels cited in that report measure one aspect of the continuing cost of being Black. The incremental differences range from over $1,000 in annual income for a person with less than a full elementary education, to almost $3,000 for a person with less than a full high school education. Sixty-eight per cent of Non-white families fell into the category of those with less than a full high school education or below. The smaller income earned because of lower educational levels for the Non-whites is further compounded when applied to the extremely complicated and rarely quantifiable social costs they must additionally pay. In the area of unemployment, the picture even today is equally alarming.

In November of this year, the Bureau of Labor Statistics (of the Department of Labor) released figures that indicated young Black workers are suffering their worst period of unemployment since 1963. Although there has been a steadily rising unemployment rate for the total national civilian workforce during the year, the jobless rate among Black teen-agers rose to a calamitous 34.9 per cent.

Although a controversy raged between Dr. W. E. B. DuBois and Booker T. Washington as to the most practicable and effective type of education for Black people, they were, nevertheless, agreed that only through an improvement in the quality and levels of education would the complete assimilation and acceptance of Blacks into American life be facilitated. This controversy, you may recall, began at the turn of the Century. Yet today, 67 years after the DuBois-Washington polemic, and 16½ years following the Brown vs. Board of Education decision, our children, for the most part, continue to attend segregated and distinctly inferior elementary and high schools. These conditions are aided and abetted by an equivocating and vacillating administration policy on school desegregation, compounded by a failure to enforce the law.

Is there any wonder, as one listens to these few examples of impoverishment, or to the interminable list of failures haunting the history of the Black man in America, that the overwhelming frustrations accompanying his impotence have not, from time-to-time, been accompanied by violence?

The assassination of Dr. Martin Luther King in April of 1968 set into motion a tidal wave of civil disturbances that engulfed the country. In response thereto, a disturbed nation commissioned some of its best minds to study and report on the causes of those disturbances. The National Advisory Commission on Civil Disorders, of which our own Governor Otto Kerner was Chairman, highlighted in a number of ways what we have always known: the fact that the accident of birth has demanded an unconscionable price for being Black.

In delineating the historically futile attempts to reduce the social and economic costs of color the report finally concludes that:

1. Riots were not just discovered; or, for that matter, even in recent years. The United States has an extensive history of racial violence, and an equally long history of failing to cope with its causes.

2. Black people have been victimized by White violence throughout their history in

this Country. The movement to attain full equality has only recently erupted into violence.

3. The causes of violence are summed up in the term, "White Racism"; and include all of the obvious and the more subtle forms of race prejudice in education, employment, housing, and the administration of justice.

In short, the report describes a repetitive process over a long period of time. Black people, since emancipation from slavery, have attempted to assert, largely through nonviolent means, their rights as full and free citizens of the country in which they were born. And it is an uncommonly sad reflection upon American Society that each time these claims for freedom have been made, they have been met with an intractable resistance—usually violent—from the Whites.

Today, as we are about to close-out the first year of the new decade of the seventies, Black people in America continue to find themselves with not a great deal of hope: divided, polarized, and alienated from the National Administration—an administration that follows the Southern Strategy, and whose leader was quoted as having remarked that he would follow a middle course between "two extremes": between instant desegregation, and segregation forever!!

The disaffections of the Black community are being currently expressed in the debate over Integration versus Separatism. Some of you may have read recently where the Congress of Racial Equality announced the abandonment of integration as an effective technique for achieving its goal in favor of a separatist posture. I have frequently said, and say now, that we as a people have been literally separated for over 350 years; and presently, integration is not a fact in American life. But, on the other hand, for those who prefer to engage in divisive absurdities by supporting the notion that our problems will be solved if we collectively move into a separate state, or leave en masse for Africa, I must summarily dismiss them as being tragically misguided.

We have contributed too much of our blood, sweat, and tears to insure the gains our Country has enjoyed; and we have certainly shared all out of proportion in its failures, to be willing to throw in the towel at this juncture.

For over fifty years, as was mentioned earlier, I have been dedicated to the ultimate attainment of an integrated society as the means for solving this Country's racial dilemma. But for the past several years, now, I have seriously questioned whether integration per se is the appropriate answer. During this time, I have been extremely impressed with the intellectual search for an outward expression of "identity"—the kind of personal awareness that, at once, establishes ethnocentric roots where only superficial ones existed before and, at the same time, creates a new kind of unifying awareness among Blacks—a unity which had been traditionally repressed by devices that tended to keep us "other-directed".

I think most of us now recognize the underlying fallacy in the concept of total integration was the assumption that there is something fundamentally wrong with being Black; and, hopefully, through integration, we should divest ourselves of the stigma by constantly diluting our blackness. When viewed in the light of this "new identity", one begins also to see, by extrapolation, how the few viable institutions we as Black people have, would falter, and ultimately disappear.

The economic theory of Black Capitalism, the elimination of powerlessness, and the concept of "Liberation" recently enunciated, all imply these conclusions.

I am more than ever, convinced that the idea of "Liberation" should become the national goal for Black Americans—Liberation to the extent that the whole of American society is open where the Black Man may decide for himself where he wants to live, to work, to educate his children, and to choose whom his friends will be. I believe that we should rally to this approach to freedom, opportunity, and right; not only for ourselves, but for all Americans.

In the pursuit of "Liberation", we must continue to seek to align ourselves with interested White Americans, and maintain those healthy relationships which have assisted our progress throughout the years. There is only one stipulation that I might add; and that is, the necessity for Black people to become full and equal partners in any alliances that may be developed. To do otherwise would perpetuate the myth that has enslaved us for the past 350 years.

It will be crucial and essential for us to be concerned with the institutions outside, as well as those we hope to develop and sustain within the Black community. For example, I think it to be quite obvious that if all the businesses in the ghetto areas of Chicago were owned and operated by Black people, it would meet a pitifully small percentage of the employment and economic needs of our people.

We must acquire responsible positions at the decision making and policy levels of management in those institutions which dominate America, and greatly affect the social and economic development of a large portion of the Western World. We must do this, as well as seek to control our own local institutions.

I hasten to add that such a program cannot approach success without collective and cooperative intergroup action, as well as individual efforts. No single brain, however capacious or inventive, will be able to sketch out, in its infinite detail, the final plan for "Liberation". No single life will be able to supply all the experience that will be required. No single eye, however far-seeing, will be adequate to forecast the future. No single being, Black or White, however exalted, will be able to prevail over the complexity of prejudices that abound. Our final Liberation will only be accomplished through the deliberation of many, many minds, the patient comparison of many disparate views, the reconciliation of diverse interests, the surrender of obstinate personal predilections, the balancing of forces, the matching of action and reaction of genuine debate that broadens visions and engenders the deeper, lasting commitment. Only then will our objective have been won.

Finally, as I sincerely express my deepest thanks to all of you here this evening, it must be forever clear, to Black and White alike, that Black consciousness, Black institutions, and even Black Power, are not an anathema to an open, "Liberated" society. Nor do they, in any measure, connote Black separation.

Such are my thoughts tonight. Let us go forward from this 14th Annual Dinner of the Joint Negro Appeal determined, as we view the dawn dimly luminous on the horizon, that we shall achieve Liberation and, thereby, make freedom and equality a final reality in our great land—today!

It may be well to close with these prophetic words from Dr. DuBois:

"One ever feels his twoness—an American and a Negro.
Two souls, two thoughts, two unreconciled strivings
Two worn ideals, and one dark body, whose dogged strength keeps it from being torn asunder.
The history of the American Negro is the history of this strife—
This longing to attain self-conscious manhood,
To merge his double self into a better and truer self
For he simply wishes to make it possible for a man to be
Both Negro and American."

RETIREMENT OF JUDGE SIMON E. SOBELOFF

Mr. HOLLINGS. Mr. President, on December 31, 1970, Simon E. Sobeloff, Judge of the U.S. Court of Appeals for the Fourth Circuit will be retiring marking the end of a distinguished legal career spanning more than half a century. For the past 14 years Judge Sobeloff has served on the fourth circuit bench serving as chief judge from 1958–1964. Having practiced law in the fourth circuit and appeared before his court, I can attest to the high degree of professional and administrative ability of Judge Sobeloff. He has been a most able and scholarly judge and his decisions demonstate a most competent and conscientious man who approached his legal responsibilities with a spirit of openmindedness as well as understanding of the difficulties of our legal processes.

From the time Judge Sobeloff graduated from the University of Maryland Law School in 1915 to this day he has served as a dedicated public servant. From city solicitor of the city of Baltimore to Solicitor general of the United States to chief judge of the U.S. Court of Appeals for the Fourth Circuit, Simon E. Sobeloff has served his Nation and his profession with distinction and devotion.

I wish him happy retirement and know he will enjoy the feeling of having performed a life of excellence in service to the bench, the bar, and the Nation.

THE SUPREME COURT'S DECISION LOWERING THE VOTING AGE IN FEDERAL ELECTIONS

Mr. McGEE. Mr. President, I count myself among those who welcome the Supreme Court's decision of yesterday upholding Congress action in lowering the voting age to 18, if only for election of Federal officers. There are, of course, many ramifications to this decision. For those of us with the responsibility, it would seem to me, the job now is clear. We should move ahead expeditiously to provide, through a constitutional amendment to be proposed to the States, for a uniform voting age in all elections in all parts of this great Nation.

The expansion of the franchise to young adults 18 and over has had my support continuously, Mr. President, and I will support efforts to further expand this principle to State elections. My own State recently rejected a proposal to lower the voting age, as did some others. Significantly, however, the proposition did obtain more than a majority of the votes cast, indicating, I feel, a genuine appreciation by most present voters for the ability of today's youth to participate responsibly in our democratic processes. Certainly, youth has a stake in American democracy. And no generation has been better prepared by age 18 for such participation. Credit is due, I think, to our educational system and to the mass media, which have helped to inform and involve today's young people in the events of their Government at all levels.

Mr. President, the movement to lower the voting age has been a long one, marked by some successes at the State level along the way. Now, I believe, we

have reached the benchmark from which the final effort can be successfully launched to provide all Americans 18 and over with the right to vote for the public officials who will guide their Government's policies at all levels.

I AM A CARD-CARRYING AMERICAN

Mr. STENNIS. Mr. President, on a recent trip to Mississippi, I was pleased to learn of a patriotic new project adopted by the Public Relations Association of Mississippi. The association is sponsoring an "I Am a Card-Carrying American" campaign which, I believe, is worthwhile and which I think, if successful, would rekindle the fire of "love of country" in thousands of hearts across this land. The project has the endorsement of many of the business leaders of the State of Mississippi and, although the effort is nonpolitical, many government leaders have also endorsed the program.

I would like, Mr. President, to quote a few lines from an explanation of the project as put out by the Public Relations Association of Mississippi:

I Am a Card Carrying American was designed for the sole purpose of hearing from the majority and to give the opportunity as an individual to reaffirm their faith and allegiance to the United States of America.

This is a positive project for every individual man, woman and child in our Nation. A program that is non-political, nonsectarian, and non-racial. It is a project of the people.

Mr. President, I noted that as part of this project each card-carrying American receives a kit which includes an American-flag lapel pin, and other paraphernalia, including a pledge signed by each member, a copy of which is sent to the President of the United States. That pledge simply says:

I acknowledge: That to have a good America I must actively be a good American. That for every legal and moral right there is a responsibility. I cannot long retain the freedoms that I as an American enjoy unless I am willing to accept my individual duties and perform them—in the true American spirit.

Mr. President, I am convinced this project has potential in that it could create a renewed national interest in the flag and for those precepts for which it stands. I am proud a group such as this has undertaken this project, and doubly proud that it was started in my home State of Mississippi.

A DAY WE TURNED OUR BACKS

Mr. HRUSKA. Mr. President, national attention was riveted on the recent incident of outrageous conduct on the part of those who permitted a Lithuanian would-be defector to be forcibly removed by Soviet seamen from a U.S. Coast Guard cutter.

The shocking conduct on the part of those in charge of the American vessel is most difficult to understand. Irate citizens from my State and from other States have protested. Among those who did so editorially was our one-time valued and very effective Senator from California, William F. Knowland. Now busily engaged with the Oakland (Calif.), Tribune, he found time to devote one of his editorials to the subject.

Mr. President, I ask unanimous consent that it be printed in the RECORD.

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

A DAY WE TURNED OUR BACKS

President Nixon was reported to have been "outraged" over the conduct of those who permitted a would-be Lithuanian defector to be forcibly removed by Soviet seamen from a U.S. Coast Guard cutter Nov. 23.

There was little in the official reports on the incident yesterday from the two governmental agencies involved to mollify either the President or any American citizen proud of our nation's history and traditions—of the very fact that America was colonized and founded as a sanctuary for those fleeing from Old World political oppression and persecution.

The incident occurred as the U.S. Coast Guard cutter Vigilant and a Soviet trawler were moored together off New England. A luckless Lithuanian radio operator aboard the Russian vessel, Simas Kudirka, 35, leaped aboard the Vigilant and begged for political asylum.

Several hours later, incredibly, Soviet seamen were permitted to come aboard the U.S. ship, search out the hiding Kudirka, and—according to witnesses—beat, kick and drag him back to the Soviet trawler. U.S. Coast Guardsmen reportedly stood by without interfering, despite the man's pleas on bended knees for help.

The gist of one official report yesterday, from Secretary John A. Volpe of the Transportation Department—which administers the Coast Guard—was that "before this incident the Coast Guard had not received from the State Department guidance as to general policy with regard to defectors."

The official State Department report based most of its own defense on alleged confusion over just what was taking place aboard the Vigilant, and when. The State Department report did acknowledge that some time after being notified the incident was in progress it in turn informed the Coast Guard "that the possible defector should not be encouraged and noted the possibility of a possible provocation."

What, if anything, the official explanations have explained remains a mystery.

Why any American, particularly a military officer—as Secretary Volpe suggests—should require "guidance as to a general policy" on whether to unhesitatingly grant at least temporary asylum to a man pleading for a chance at freedom, is an even deeper mystery.

"Mother of Exiles" is the name Emma Lazarus gave to the Statue of Liberty in her famous sonnet, and it fits. Through the years, the United States has welcomed thousands of foreigners fleeing persecution in their native lands. Most recently, they have included thousands upon thousands of refugees fleeing persecution in Nazi Germany, Communist Hungary and Fidel Castro's Cuba.

If America means anything to oppressed people the world over, it means that somewhere in this world—although perhaps practicably unreachable—a place does exist where hope and freedom awaits them.

Simas Kudirka dared to reach out for that promise and had it in his grasp, only to see it wrenched back again through the indifference and inaction of a simpering bureaucracy whose apparent first concern was to caution against "a possible provocation" and whose last concern apparently was the history and tradition of a proud nation which once was able to boast to the entire world that it was the land of the free and the home of the brave.

A WALK IN THE WOODS

Mr. PELL. Mr. President, on Thanksgiving Day, there appeared in the Providence, R.I., Journal an engaging and delightful column by Bradford W. Swan telling of the joy of a walk in the Rhode Island woods after a holiday dinner.

As we approach another holiday, I hope my colleagues will find a moment to read this column, entitled "Why Not a Walk in Woods?" and ask unanimous consent that it be printed at this point in the RECORD.

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

WHY NOT A WALK IN WOODS?

(By Bradford F. Swan)

If you find you can no longer stand the hurly-burly of the holiday household with its confusion, its floods of visitors and relatives, its screaming children, and its piles of dirty dishes, take to the woods.

And this advice goes for not only the males of the household but also the over-worked females, be they devotees of Women's Lib or just tired housewives or active teenagers.

Seriously, aside from offering peace and quiet, a walk in the woods in the winter can be just as rewarding as in any other season of the year, and, in a sense, the ways in which it is different from a spring, summer, or fall walk, make it even more pleasant.

For instance, in winter the woods are less crowded, most of the outdoors people having taken to the ski slopes, the skating rink, or the snowmobile. If you just walk, or snowshoe, or go ski-touring, you can have whole forests to yourself, and the calm and peace thereof passeth all understanding.

Almost the only sounds you hear in the winter woods are the booming of the big winds which set the frost-stiffened trees a-creak and the rattle of dry branches rubbing and scratching upon one another. Birds do not sing and the little animals go silently about their business without the usual chatter and scolding. But both are there and the bold chickadees and busy nuthatches sit on branches almost within touching distance, as though glad of your company in their silent world.

Before the snows come it is fascinating to discover how much you can see in what a casual glance would tell you was a dead—or sleeping—world. For instance, I was a grown man before it dawned on me that the oaks don't drop their leaves the way other deciduous trees do. Their brown and sere leaves hang on tenaciously, many of them until the bursting of buds in spring push them from their precarious hold. They rattle away in the winds of winter with a ghostly hissing. Since so much of our hiking territory in Rhode Island is covered with scrub oaks, this leaf business is something you'll notice on a winter walk.

Then, too, every now and then the carpet of old fallen leaves opens up and things worth noticing appear. For example, you can frequently spot a cluster of the light green, leathery leaves of a creeping mayflower plant. Of course there are the Christmas ferns which remain green all winter, and so, strangely, does the common woodfern which keeps its snow-burdened fronds until another season. The little rock-crop also remains green, a spot of color against the dull brown of fallen leaves and the gray of the rocks on which it lives.

Pipsissewa gets greener than ever, it seems to me, when fall rains wash away the dust of summer. For red there's the checkberry carpeting the green mossy areas. Ground pine trails among the dry leaves, and of course the mountain laurel remains green and shiny all winter. In fact, it isn't until the deciduous trees have shed their leaves that

one realizes how much of the forest world is evergreen—and that doesn't include our softwoods, the pines and hemlocks and spruces.

Before the first snows, too, is the best time for the trail-cutter to go to work. With the trees bare of leaves you can see a long way in the woods and you can line up a trail better than any other time of the year. The fallen leaves may obscure the footway but they are nowhere near as bad about this as a foot or two of snow will be; then you can't even discern boulders and ditches.

And when that first tracking snow comes, another fascination is in store for the winter hiker. Here is a whole new "book" to be read. You can see where the shrew marched on tiny feet, where the red squirrel gnawed voraciously on a pine cone, gobbing the seeds and spitting out the hard brown "petals."

If you see a set of tracks no bigger than a cat might make that seem to go straight about their business, with no side excursions, you're on the trail of a fox. The fox always seems to know where he wants to go and often his tracks will run straight as a die for as far as you can see.

You can see where the rabbit ran, and the deer, and it is great fun to read this writing in the snow that the beasts and birds leave as they move around through their wintry world.

Ah, and the peace and quiet! How wonderful after the jubilation around the Christmas tree and the groaning board!

ANNOUNCEMENT OF POSITION ON VOTE

Mr. PEARSON. Mr. President, when the vote came last night on the effort to override the President's veto of manpower training bill, S. 3867, I was necessarily absent. If I had been present and voting, I woud have voted "nay," to sustain the President's veto of this legislation.

I ask unanimous consent that the permanent RECORD be changed to reflect this position.

THE AUTOMOBILE EXCISE TAX

Mr. HART. Mr. President, back in October 1917, the Congress enacted a temporary emergency excise tax on the manufacture of motor vehicles to help finance World War I. The tax on passenger cars, cars at that time being considered a luxury, was finally repealed in May 1928, along with the tax on buses; the truck tax had been repealed 2 years earlier. That action set some kind of a track record for "temporary" excise taxes on automobiles—less than 11 years from enactment to repeal.

In June 1932, a desperate effort was being made to balance the budget in accord with the best economic thinking of the times. Congress felt that people who could afford the luxury of new cars in the middle of a depression could well afford to contribute to this effort, and the motor vehicle excise was "temporarily" reestablished at a 3-percent rate. With the imposition of other luxury taxes to finance our mobilization for World War II, the tax on passenger cars was raised to 7 percent in October 1941—again, purely as a "temporary" wartime measure. Ten years later, the rate was raised to 10 percent—but only as a temporary measure, you understand, to help finance our share in the Korean hostilities. Indeed, the measure even provided that the rate would automatically fall back to the "temporary" World War II rate once hostilities ceased.

Most of us here know the story. The legislative history of a decade shows nothing but a series of annual temporary extensions of the 10-percent rate.

Finally, in June 1965 Congress passed and the President signed a bill eliminating most of the World War II excise taxes, only 20 years after the end of that war. The exceptions were automobiles and telephone calls, both of which it was decided to phase out rather than eliminate immediately.

The rate on automobiles was reduced to 7 percent retroactive to May 15, 1965, with the provision that it drop to 6 percent for 1966, 4 percent for 1967, 2 percent for 1968, and 1 percent after January 1, 1969. The drop to 6 percent took place on schedule, but by that time the costs of the war in Vietnam were mounting. And once again we heard the old refrain.

At the administration's request, Congress restored the 7-percent rate from March 16, 1966, through March 31, 1968, but with a firm promise that the rate would drop to 2 percent for the rest of 1968 and to 1 percent after January 1, 1969. The ultimate goal of the 1965 legislation would be achieved.

In 1968, we again postponed the reduction and extended the 7-percent rate through 1969. We made another firm commitment to our constitutents, however; this time we promised the rate would drop to 5 percent in 1970, 3 percent in 1971, 1 percent in 1972, and the tax would be eliminated by January 1, 1973.

Everyone knows what happened last year. We postponed everything for 1 more year—but we pledged that the rate would drop in 1971, again in 1972 and 1973, and the tax would be abolished after December 31, 1973. I submit, Mr. President, that this move just about exhausted the patience of the public.

Now, once more, we are being called into the breach. We are told that we cannot afford to honor the commitment we made only last year. The 5-percent rate we promised for the coming year must be put off until 1974, and further reductions are to be interminably delayed. As recently as 1968 we vowed that the tax would expire by the end of 1972. Now we are telling the American people that this was only a pie-in-the-sky dream of ours, not to be taken seriously, but that it might—it just might—come true by 1982.

The principal maxim of 17th century taxation, and earlier for all I know, was "pluck the goose where it squawkes the least." This cynical principle, Mr. President, is about the only reason for the continuation of a manufacturer's excise tax on automobiles. We have endured it now, at the present temporary rate or higher, for just over 30 years. It provides a nice amount of revenue, one which no government would like to relinquish. On an average car listing retail for $3,200, the manufacturer's excise tax is about $170; by the time this gets pyramided up with local taxes and finance charges on the excise tax itself, it costs the retail customer over $200. But in the excitement of buying a new car, the average customer is far more likely to damn the manufacturer or the dealer for this element of cost than he is his Congressman or Senator. So we can get away with it.

Let us make no mistake about this—if we pass this proposed extension, this latest in a long series of broken promises to the American public, it is because we think that once we can "get away with something" one more time. Mr. President, I submit that the integrity of this body requires us to reject such an attitude—that at the very least, we must honor a commitment made by the Members of this very Congress in our own first session.

Are there any reasons other than senatorial consistency for carrying out a pledge made only last year? If there were not such reasons, my plea to you would be for simple consistency. I would only say that we should stop this charade of postponing year after year for a quarter of a century a promised reduction in the automobile excise tax.

But there are good reasons for getting rid of this tax as soon as we can. A new automobile might possibly have been a rich man's luxury in 1917; perhaps even in 1932, when most people hardly knew what the income tax was, one could argue that anyone who could buy a new car could pay some tax on it; and in 1940 the tax could be justified as a means of reducing the demand for cars, so that manufacturers would have facilities available for defense production. Today the automobile is a very basic necessity to most of our population, and the tax hits hardest those who can least afford it. And no one would argue that we need to reduce automobile consumption as a defense measure. Historical rationales for the tax no longer apply.

Beyond equity, however, the state of the economy offers a powerful argument for staging out this tax. The Nation's unemployment rate is high and rising, and at the same time we are faced with both wage and price inflation. Under the circumstances, it is instructive to review the argument offered by Secretary of the Treasury Fowler to the Senate Finance Committee for elimination of the "temporary" excise taxes:

> But an equally compelling reason for the elimination or reduction of many of these selective excises is that they are incompatible with a tax system that leaves the private economy the maximum opportunity for growth. These taxes were imposed largely in war and emergency in part to restrain production and consumption in the taxed products and services and encourage the transfer of the material and manpower resources dedicated to these products to other areas deemed more essential to the war effort. Imposed in part for this reason, it is only logical that they should be removed as a part of a normal peacetime economy. This removal of a burden on the private sector will bolster the economy in a particularly valuable way since it will strengthen the competitive forces in the marketplace, and it will entail significant price reductions, thereby contributing to wage-price stability.

These were good words when they were spoken in 1965, and they make sense to-

day. Our need is even greater than it was then for policies which will leave the private economy the maximum opportunity for growth, strengthen competitive forces in the marketplace, and through significant price reductions contribute to wage-price stability. The presently scheduled elimination of the automobile excise tax is the type of policy which will contribute to these goals.

Therefore, Mr. President, both consistency and sound economic reasons demand that we let the automobile excise tax fall to 5 percent on January 1, to 3 percent in 1972, to 1 percent in 1973, and to disappear entirely by 1974. If anything, we should speed up the phaseout of this tax, I do not know how other Senators may vote, but I cannot in good conscience vote in favor of any further delays in this matter.

THE ATTACK ON THE TOBACCO INDUSTRY

Mr. COOK. Mr. President, this is the Yuletide season. The spirit of peace on earth and goodwill toward man reigns throughout the world. Even the protracted bitterness and violence of real war pauses as if in deference to the Prince of Peace. In the Middle East, the guns are silent. In Southeast Asia, the guns are silent.

But sadly, there is no peace, or even temporary truce, in the Senate as unremitting vendetta continues to be waged against the tobacco industry and the tobacco farmers and workers and manufacturers who supply the demand for the millions of Americans who consume the product.

Last Friday, the Senator from Utah provided this body with an example of such a shocking attack. Its unfairness would have required an answer at any time. But coming just at this time of year it becomes a compelling duty to decry its extreme bias, bitterness, and verbal violence.

Quite obviously, the Senator from Utah believes he is engaged in a war against this perfectly legal product. And equally obviously, he believes that all is fair in war and that the ends justify the means. But, Mr. President, the Members of this deliberative body should know better than most that the ends do not justify the means. They should know that even war—real or symbolic—has rules. And they should take to heart Oliver Cromwell's plea to the Long Parliament when he beseeched them "in the bowels of Christ, think it possible ye may be mistaken."

Let me then try to point out some of the facts that cast serious doubt on his opinion that tobacco is linked with problems of health. I call this view "an opinion" advisedly, because, Mr. President, it is simply not a fact.

Item: While the left hand of the Department of Health, Education, and Welfare is attacking cigarettes, the right hand is pointing to another possible culprit. The National Center for Air Pollution Control states the following:

> Deaths from lung cancer have been increasing rapidly in recent years, and while many factors are probably involved, the striking difference between the urban and rural mortality rate for lung cancer points to one of them—air pollution. The rate in our large metropolitan areas is twice the rural rate, even after full allowance is made for differences in smoking habits. The death rate from lung cancer is apparently directly proportional to city size, and the same can be said, in general, for levels of air pollution.

Item: The President's Council on Environmental Quality in its first annual report also recognizes that there is more complexity to the question of the causes of chronic disease than the antitobacco lobbyists' oversimplification. For this distinguished body has declared the following:

> The causes of chronic diseases which constitute the major public health problems of our time are difficult to determine. Assessing the contribution of particular pollutants to these conditions is complicated by the seemingly infinite variety of pollutants to which persons, particularly those in urban areas, are exposed from the day of their birth. And it is difficult to separate pollution from the other biological and physical stresses to which people are subjected.
>
> Nonetheless, it is well established that air pollution contributes to the incidence of such chronic diseases as emphysema, bronchitis, and other respiratory ailments. Polluted air is also linked to higher mortality rates from other causes, including cancer and arteriosclerotic heart disease. Smokers living in polluted cities have a much higher rate of lung cancer than smokers in rural areas.

Item: A respected financial publication, Barron's, has over the weekend published a comprehensive review of the so-called war against tobacco, which I request permission to insert in the RECORD. Its concluding paragraph, however, is worthy of quotation at this point, because it reveals the end of the road along which the antitobacco careerists' good intentions are taking the American people:

> What began as a well-intentioned, if perhaps misguided, effort to educate the citizen thus has escalated into an exercise in authoritarianism, the effects of which threaten to ripple far and wide. As *Barron's* years ago observed: 'With reformers education frequently seems to turn into coercion. Perhaps it's significant that the first attack on cigarettes was launched in Nazi Germany (which grudged the foreign exchange needed to buy tobacco); that it was embraced by Sir Stafford Cripps and his fellow blue-noses of British Labour; and that it has become at least semi-official in the so-called Great Society . . . The public interest, as we have said before, covers a multitude of sins, from the venial to the deadly. Smoking may be a minor issue, but contempt for due process of law looms large."

Mr. President, this is the road that prohibitionists diverted this Nation into traveling at the end of World War I. Styles change and the new thrust is aimed at advertising. Do not prohibit the product, say the neoprohibitionists—prohibit its advertising. But the intention is the same.

The Senator from Utah may be forgiven if he cannot recognize the doubt about the scientific evidence against cigarette smoking. The same cannot be said for his inability to remember the confidence he had in the tobacco industry at the time it volunteered to go off the broadcast media. "I have no doubt that the cigarette industry will undertake its commitments in the highest of good faith," he said then.

Indeed, last December he attacked the broadcasting industry's attempt to delay the end of broadcast cigarette advertising. He said:

> It is a repudiation of a commendable and statesmanlike effort of the cigarette industry to achieve self-regulation, a principle which I am confident is in the best American tradition and is to be preferred by responsible legislators of all parties.

I agree with my colleague's views of the tobacco industry at that time. But I cannot agree with—and I do not see how he rationalizes—his latest charge of "unconscionable hucksterism running amuck in the cigarette industry."

Is it unconscionable hucksterism to voluntarily go off the air in order to avoid having their advertising reach children who are such inveterate television viewers? This is what the tobacco industry did.

Is it unconscionable huckersterism for the tobacco industry to voluntarily propose to list the tar and nicotine content in all of the remaining advertising left to them? That is what this industry is at this very time trying to work out with the Federal Trade Commission. Is this industry's initiative not another "commendable and statesmanlike effort of the tobacco industry to achieve self-regulation" to use the words of praise of my distinguished colleague from Utah?

Mr. President, the world we live in is indeed, a troubled place. The temper of our times works against calm and dispassionate consideration. Neither life nor legislation can be based on simplistic solutions which are based on less than the full facts. We cannot in good conscience do to an entire industry—farmers, workers, manufacturers, and consumers—what we could not and would not do in a court of law to a criminal. We cannot condemn the accused until we have proven his guilt. The trial is not yet over, the verdict is not yet in. So why are so many men who know better—or should know better—ready to impose sentence?

My words may have little impact on my colleague, although I hope that they will. But perhaps he will read once again an editorial from a great newspaper in his own State of Utah, the Salt Lake City Tribune:

> Unless tobacco itself is outlawed, simple logic dictates it must be permitted to advertise. If discrimination is allowed against one individual or industry the door is opened for discrimination against all.

Mr. President, I ask unanimous consent that the article and the editorial be printed at this point and conclude my remarks with its eloquent statement.

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

[From the Salt Lake Tribune, July 24, 1969]

SMOKESCREEN HIDES DANGER

By "volunteering" to withdraw cigarette advertising from radio and television by 1970, the tobacco industry has temporarily removed some of the heat being applied by the Federal Communications Commission, the Federal Trade Commission and a group

of congressmen under the de facto leadership of Utah's Sen. Frank E. Moss.

But the basic issue posed by cigarette advertising has not been faced: Can the government, in apparent defiance of First Amendment guarantees, bar the advertising of a legally grown and marketed product? If so, what is to prevent it from also banning advertising of other products and services which can be shown to be dangerous under some circumstances?

It is obvious anti-smoking forces do not intend to stop with their initial victory. Already plans are being shaped to bring pressure on other media to severely restrict or eliminate cigarette advertising. After that what?

For more than 50 years the automobile has been killing and injuring people and, unlike the cigarette, there is not the slightest doubt about the motor vehicle's capacity for dealing death. Will the same people who worry so much for cigarette smokers have equal concern for drivers and pedestrians?

Will aspirin, swimming pools, razor blades, step ladders, high fat foods and any number of other products that can and do cause death and injury follow the cigarette into advertising limbo?

We suggest the current furor over cigarette advertising is an over-reaction to the 1964 report of the Surgeon General's Advisory Committee on Smoking and Health which established a statistical link between smoking and various ailments but failed to show how the diseases were caused.

A population conditioned from infancy to believe that smoking was slightly sinful and somehow unhealthy was easily convinced that proof of the latter belief was now at hand. Smoking became a ready-made target for politicians in search of a cause, for social uplifters, health addicts and anyone else eager to proclaim and profit—politically or otherwise—from the clean life. In the resulting stampede to get on the side of the pure some basic rights of the other side were violated or ignored. So were some important facts of life.

Advertising helps persuade people to smoke. That's its mission. But arrayed against commercial advertising is a host of anti-smoking persuaders that neutralize the commercials. The final choice rests with the individual who either takes the calculated risk of lighting up or decides against it. That is freedom of choice. Products legally sold must be permitted to advertise. Unless tobacco itself is outlawed, simple logic dictates it must be permitted to advertise. If discrimination is allowed against one individual or industry the door is opened for discrimination against all.

[From Barron's, Dec. 21, 1970]

PLAGUE OF CENSORSHIP: WORSE THINGS THAN CIGARETTES THREATEN THE BODY POLITIC

Mr. MAXWELL. "Our next speaker is Doctor William B. Ober, attending pathologist at Beth Israel Hospital, New York. . . . He is also a special consultant for the National Cancer Institute and the Veterans Administration Hospital.

Dr. OBER. "Thank you very much, Mr. Maxwell. I was very pleased when you started off today's proceedings with a reference to James I. . . . He was the man who set up a committee to translate the Bible, resulting in the King James version, which is a perfectly respectable piece of work. But like the work of so many other committees, it has had to be revised ever since. . . . I am very curious to know what the next committee, if they appoint a new committee in the Surgeon General's department, will come out with. Because a great deal depends upon who sits on that committee. . . .

"As was pointed out by a gentleman who is much more expert on statistical methods than I, most of the data relating smoking to lung cancer is based upon a statistical association. People like yourselves, who are analysts much more accustomed than I to using computers, are familiar with the term, 'IGO, garbage in, garbage out. The input in most of these studies has been based upon death certificates. Death certificates at best have a margin of error of about 25% and at worst I would say about 50%. If you put in that sort of garbage, you are going to get garbage out, and that is precisely what they have gotten."

While it may be news to the Federal Communications Commission, which last week ruled to the contrary, the issue of smoking and health, far from lapsing into the realm of the non-controversial, is still very much alive and kicking. Six months ago the New York Society of Security Analysts held a roundtable, chaired by John C. Maxwell, Jr., of Oppenheimer & Co., featuring several authorities whose views (life the foregoing) clash violently with those of the U.S. scientific establishment. Thus, Theodor Sterling, professor in the Department of Applied Mathematics, Washington University (St. Louis), after detailing a number of inconsistencies and contradictions in the famous 1964 Surgeon-General's Report, concluded: "I think that the role of cigarette smoking in causing health problems is far from easy to understand. Certainly we are not ready to make any quantitative claims about how much disease is caused by how much smoking." According to Dr. Louis Soloff, chief of the Division of Cardiology at Temple University, a good many studies, including one recently published in the official journal of the American Heart Association, disclosed no relationship between smoking and the incidence of coronary artery disease. To quote the blunt Dr. Ober: "As a matter of cold, hard fact, there is considerably more scientific basis to the statement that sexual intercourse is a primary factor in the cause of carcinoma of the cervix than there is for any statement regarding the cause of any form of cancer of the lung. But I haven't heard anybody come out with a program against (it)."

With respect to their convictions, the eminent panelists plainly would rather fight than switch. Right or wrong, these days they have plenty of company. Despite massive tax increases and a barrage of exhortation to kick the habit, carried free of charge over radio and television, domestic consumption of cigarettes in 1970 showed a small but significant increase (abroad, where Washington persists in promoting the sale of American tobacco, the gain was larger). Meanwhile, opposition to Big Brother's heavy-handed and coercive tactics lately has mounted apace. In early December, six radio stations, claiming violation of their Constitutional rights, brought suit in U.S. District Court to nullify the Public Health Cigarette Smoking Act of 1969, which, effective January 2, prohibits broadcasts of cigarette advertising. Again, upon learning last week that the FCC, under a brand new interpretation of the much-abused Fairness Doctrine, will allow stations to continue officially-inspired propaganda, without rebuttal, while banning commercials, several tobacco companies promptly sought legal redress. No matter how allegedly beneficient, despotism is a cancerous growth. The filthy weed may or may not be harmful to one's health. To the body politic, which depends for its existence on the rule of law, the spreading abuse of authority can be fatal.

What has happened to date is enough to make anyone, even inveterate non-smokers (like ourselves), sick. Three years ago, in what we viewed at the time as an alarming decree ("Dangerous Lengths," October 2, 1967), the Federal Communications Commission ruled that its so-called Fairness Doctrine, originally designed to ensure unbiased coverage of politics, also applied to cigarette commercials. Since then every plug for Marlboro Country, or "Springtime—it happens every Salem," has been matched by a public service message inveighing against the evils of smoking. (One unforgettable spot, which made Winston seem like a paragon of good taste, featured a TV performer actually in the terminal stages of lung cancer.) With much huffing and puffing, Congress last lear passed the Public Health Cigarette Smoking Act of 1969, which, after New Year's Day makes it a misdemeanor, punishable by a fine up to $10,000, to "advertise cigarettes on any medium of electronic communication subject to the jurisdiction of the FCC." The agency, in turn, last week, decreed that as of the same date, radio and television stations no longer must broadcast antismoking appeals. If they choose to do so, however, they need not give equal time to the tobacco industry. As the FCC blandly explained, cigarette smoking no longer is a matter of public controversy. The issue, in short, has been officially settled.

Faced with this judgment from on high, the Tobacco Institute somehow has missed the chance to put out a press release saying simply: "And yet it moves." We're pleased to fill in. More to the point, eminent men of science continue to voice loud and clear their dissent from the new dogma. During last year's Congressional hearings, 42 witnesses by no means all of them in thrall to tobacco interests, appeared or filed statements before the House Interstate and Foreign Commerce Committee questioning the claims against smoking. At last June's Security Analysts' seminar, the skeptics made a highly persuasive case. Thus, Professor Sterling observed: "Smoking habits of populations in different countries appear to be completely unrelated to differences in lung cancer mortality. For instance, the highest known lung cancer rates occur in Austria, Czechoslovakia, England, Scotland and Wales. The United States, Canada, South Africa, Australia and New Zealand report roughly one-tenth of the lung cancer rates that are found in these other countries. And the smallest lung cancer rates are in such countries as Italy, France and Israel. Yet the per capita smoking rates are by far the greatest in the United States, Canada, South Africa, Australia and New Zealand. They are probably the lowest in Austria and Czechoslovakia. And they're somewhere in between in England and France."

Here is what Dr. Milton Rosenblatt, president of the Medical Board of Doctor's Hospital, New York City, and associate clinical professor of medicine at New York Medical College, had to say: "Lung cancer has been known to exist for 150 years, or more than a century before cigarette smoking became popular. During the 19th Century hundreds of articles and theses on this subject were published in the European medical journals. The clinical manifestations of the disease were fully described by English and French; physicians and the basic pathologic concepts were established in Germany before the era of cigarette smoking.

"It is significant that the lung cancer that was prevalent a hundred years ago had the same biologic characteristic as that currently observed. In both periods the disease occurred predominantly in men and in older age groups. Despite the prodigious increase in cigarette smoking by women during the past four decades, there has been no encroachment on male predominance. If cigarettes contained a lung cancer producing substance, the effect should have manifested itself by this time with a comparable rise in female lung cancer and a reduction in the sex ratio, which still remains at about six males to each female."

The last member of the panel, a lawyer whose firm has represented several tobacco manufacturers in tobacco and health litigation, made perhaps the sharpest point. "Because of my firm's involvement in these cases,

I've become acquainted with the evidence available on both sides. I've also become quite aware that no case has ever been lost by any of the cigarette manufacturers, nor has any case ever been settled. . . . There have been many claims made against the cigarette companies by the Public Health Service, voluntary health organizations and others. Those who make such positive charges should be able to prove them. When the so-called proof has been made available and has been examined and has been taken into account, and open hearings have been held, I believe that the evidence submitted has been found to be lacking . . ."

Whatever the FCC may pretend, the issue of smoking and health, in our book at any rate, remains wide open. In consequence, the new twist which the Commission is seeking to give the Fairness Doctrine, as well as the legislation that inspired it, strikes us as indefensible. Regarding the latter, plaintiffs' attorneys point out that production and sale of cigarettes (and even the shipment of federally subsidized tobacco abroad, to foreigners who thus presumably are encouraged to contract lung cancer and the many other ills to which flesh is heir) are not against the law. By the same token, cigarette advertising in non-electronic media—magazines, newspapers, billboards, matchbox covers, car cards and skywriting—for the moment at any rate (the measure contains a thinly veiled threat of further Congressional usurpation) is legal. Hence, persuasively argue the radio stations, the restriction which uniquely injures their business is a piece of "arbitrary, capricious and invidious discrimination." As to the FCC ukase, the industry's petitioners make an equally powerful case. The decree, they charge, runs counter "to the entire course of Commission and judicial decisions interpreting and applying the Fairness Doctrine"; violates various sections of the Communications Act of 1934, notably one prohibiting "censorship"; and falls afoul of the First Amendment to the Constitution, which, even with respect to matters officially deemed closed, guarantees the right to freedom of speech.

RANK HATH ITS PRIVILEGES

Mr. YOUNG of Ohio. Mr. President, Colonel Barr, a wing commander of the 40th Supply Squadron in Aviano, Italy and Colonel Monnesette of the same outfit have taken extraordinary good care of their families according to an indignant wife of another officer. She and her husband were assigned to a beaten-up cottage and had to purchase furniture and furnishings out of their own pocket, of course. Not so the two colonels, she reports. Colonel Barr and his wife moved into a three-story home with spacious grounds. That home also was in a bad state so the base civil engineers spent some thousands of dollars to put the house and grounds in order. When a new toilet seat was not exactly the right shade to suit the lady of the house, additional money was spent. These items were paid for by our taxpayers ostensibly for the base but immediately diverted to embellish the colonel's home. Colonel Monnesett's home received two crystal light fixtures, unit cost $169, 10 other light fixtures $75, exhaust fan $43, two medicine cabinets total cost $47.70, and other items—grand total of this one order $507.01. This, according to indignant Americans in this outfit who added to the furnishings of their quarters at their own expense, was only a partial list of items paid for out of the "barracks funds" for the personal enjoyment and comfort of the colonels and their ladies. It includes only the cost of the materials, and does not include the costly man hours of labor which were expended by base employees on orders from officers to deliver and install these items.

When Wheelus Air Force Base in Libya closed down, shipments from the deactivated base arrived in Aviano, including five large air-conditioning units. The senior officer in charge made no records or at least kept no records of receiving these five large and expensive air-conditioning units. Only three are left. It is said that two colonels "liberated" two units for the use of their families. In reality this is a theft for personal and private use of these two expensive units.

ARCHIE MANNING ON CITIZENSHIP

Mr. STENNIS. Mr. President, a young Mississippian in a talk before a group of high school students recently, reminded them of some very sound and basic principles, which, if followed, would be of great benefit to all the young people of the Nation.

The young gentleman to whom I refer is Archie Manning, an outstanding athlete at the University of Mississippi. He is a superior leader and a person of splendid character with a high sense of responsibility.

The fact that he was picked as third runnerup in the Heisman Trophy balloting to select the best football player of 1970 is evidence of his ability as an athlete.

The substance of his remarks indicates that he not only is wise for his years but that he is capable and willing to use his influence in a very effective way to help other young people meet the very serious problems that have become so much a part of their lives daily.

In his remarks to these young people, he emphasized the hazards of drug use and impressed upon them the responsibilities that each of us has to ourselves and to our society.

In this day when we must offer our youth the best in young leaders, I commend this young man most highly for his very sound philosophy and for his willingness to share it with others and ask unanimous consent that his remarks be printed in the RECORD.

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

EXCERPTS OF A SPEECH MADE BY OLE MISS QUARTERBACK ARCHIE MANNING IN HIS HOMETOWN OF DREW, MISS., FRIDAY, JULY 17, 1970.

Citizenship is very similar to an athletic contest.

To compete in life requires the same kind of preparation to compete in football or any other sport. To be successful in either requires full preparation. You must prepare yourself in such a way that you can do your best at all times.

To be successful, in citizenship as in athletics, it is necessary to train faithfully, which requires self-discipline and often makes it necessary to give up some pleasures that would be temporarily pleasant but, in the long run, would defeat your effort.

One of the most important parts of preparation is obtaining an education and much of the success you have later will be determined by how well you apply yourself during the early stages of your life.

In life, as on the athletic field, you should always strive for excellence and do the very best you can with what you have. At first, it may seem that you can accomplish very little, but everyone has some talent which can be developed through determination, dedication and with responsible guidance which is always within reach of those who really want to try.

There is another very important similarity between preparation for citizenship and preparation to compete on the athletic field. Each participant must respect and obey the rules. It would be impossible to conduct an athletic contest if all the contestants obeyed only the rules with which they agreed and felt free to violate those rules which stand in their way.

No athletic contest could be successfully conducted if those who are participating refuse to accept and abide by the rules of the game.

We must never forget the rules of society must be followed. This means that laws must be obeyed. If the rules of football are unsatisfactory, the way for change to be made is through proper appeals to the rule-making authorities, not by attacking the referee whose responsibility it is to enforce the rules. The same thing is true in life. The way to change laws is through influencing law making authorities in a proper way and not by attacking those whose duty it is to enforce the law.

One of the most valuable assets an individual can have is a keen mind and a strong body. Young people should especially keep this in mind in our present society where the opportunity and temptation is growing to seek pleasure and entertainment by doing things that harm both the mind and body. For instance, an entire life can be ruined in the few moments that a young person experiments with narcotics. The temptation may be great to be *"in"* and to do the *"thing"* with everyone else and it sometimes will take courage to do the *right* thing instead of doing the *"in thing."*

THE RETIREMENT OF SENATOR SPESSARD HOLLAND

Mr. JACKSON. Mr. President, I have had the proud privilege of serving with SPESSARD HOLLAND for 18 of his 24 years in the U.S. Senate.

He brought to the Senate a distinguished record of service. He was an outstanding student in college—Phi Beta Kappa. He had a distinguished combat record in World War I, receiving the Nation's second highest award for valor, the Distinguished Service Cross. He was an outstanding member of the Florida bar. His public service began as a prosecuting attorney, subsequently a county judge, followed by service in the State senate before becoming Governor of Florida.

This distinguished soldier, lawyer, scholar, statesman brought to the Senate one of its finest and keenest analytical minds. He has a special ability to get to the heart of an issue, supporting his position with the best of logic. He has given real meaning to debate in the Senate. He can disagree with you without being disagreeable.

This warm, friendly, conscientious, modest, dedicated colleague will be sorely missed in this body. Mrs. Jackson joins me in extending our felicitations and

best wishes to Senator HOLLAND and his wonderful wife, Mary, as they return to Florida.

YOUNG IN MORE THAN NAME

Mr. MCINTYRE. Mr. President, the thought that there are only a few days left for the privilege of serving with the senior Senator from Ohio saddens me.

I will miss STEVE YOUNG.

I will miss his wit, his probing intellect, his sense of integrity, his honesty and his consistent willingness to take up the cudgel for the underdog.

He and I have served for some years on the Armed Services Committee, and he has been a willing worker, a helpful counselor, and a dedicated member of my Subcomittee on Research and Development.

The reports of his age are grossly exaggerated, Mr. President, for his is more than a surname—it is a most apt description.

May his years in the future bring STEVE YOUNG the rewards he so richly deserves.

Best of luck, STEVE.

FAST ACTION BY HUMBLE HELPS SOLVE PROBLEMS CREATED BY EXPLOSION

Mr. WILLIAMS of New Jersey. Mr. President, on December 4, the Humble Oil & Refining Co. plant in Linden, N.J., was the scene of a major explosion. The cause of that explosion has yet to be determined but investigators are looking into the possibility that a case of sabotage may be involved.

Regardless of the cause, what followed after the explosion forms the basis of a dramatic story both of human courage and human understanding. When flames soared, seemingly out of control, the officials and employees of the plant demonstrated their training and their courage in fighting the fire. That courage and expertise was duplicated by firefighting and police agencies in the area. The actions of all of those people helped to avert the possibility of greater tragedy.

To their great credit, the mangement of the Humble Oil & Refining Co. responded with equal dispatch to take care of the human problems created by the explosion. Many windows were smashed and properties damaged by the force of that blast.

People whose properties were damaged quite naturally feared that a long period of time and much redtape would be involved before they could settle their claims.

However, Humble, while the flames from the explosion still flared, moved to set up the machinery to provide the settlements which would enable property owners to make repairs.

Already, thousands of claims have been settled. The reports that have reached my office indicate that those settlements have been most satisfactory.

Mr. President, I think that the events following the December 4 explosion should not pass unnoticed. They represent an outstanding example of a corporation recognizing the problems that even one broken window can present to an individual homeowner.

I have received a letter from Mr. Leon T. Kendall of Elizabeth, N.J., which expresses sentiments shared by many, many residents of the area.

Additional details on the explosion and aftermath were contained in an excellent article which appeared in the December 12, 1970, issue of Business Week magazine.

Mr. President, I ask unanimous consent that the letter from Mr. Leon T. Kendall and the article from the December 12 edition of Business Week be inserted in the RECORD at this point.

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

ELIZABETH, N.J.,
December 15, 1970.

Hon. HARRISON A. WILLIAMS, Jr.,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR WILLIAMS: I want to bring to your attention the splendid job the Humble Oil Company did to help the local residents of New Jersey affected by the damaging blast and fire at their Linden plant on December 4. Their response was prompt, efficient and most sensitive to the needs of the people affected by the near catastrophe. The enclosed article from *Business Week* magazine, reporting how the company organized itself to respond to the needs of people, tells one side of the story. Even more vital to those of us in Elizabeth, is the human side of the story, the specifics of how the company's plans worked out in practice.

Consider my own experience. On Sunday afternoon, within fifteen hours after the 11:00 PM Saturday night blast, I was boarding up broken windows at the home of my elderly parents. There was a knock at the door. It was Humble's insurance adjustor with pad in hand going door-to-door ready to survey damages, to record them and explain to people still in a state of shock how Humble would make things right. By Tuesday, in less than 48 hours, a dollar settlement offer (considered generous by almost all) was made by phone to those with damages, and in our case accepted. The Saturday morning mail contained a check that will finance the necessary repairs.

When one considers the magnitude of the damage, the area it covered, and the frustration and mental anguish which could have ensued, I believe that Humble has earned and deserves recognition for the good corporate neighbor they proved to be. I cannot underestimate how much this action meant to my parents and relatives who actually were advised by police to evacuate their homes, at midnight, did so, but spent the night out of the danger zone with me, fitfully tossing and turning with worry that their home of fifty years at any minute might be no more.

Sincerely,

LEON T. KENDALL.

THE REFINERY BLAST THAT ROCKED HUMBLE

"Yeah, listen good. I'm going to tell you a message about Esso refinery once, hear. Get it right the first time. Esso was lucky last week. This time it's going to burn, baby, burn. Got that, pig?"

An hour and a half after those ominous words were telephoned to the Linden, N.J., police department late last Saturday, the sprawling, 1,700-acre refining and petrochemical complex just across a narrow channel from Staten Island was rocked by a shattering detonation, followed by a searing inferno so intense that the glow could be seen in the black sky 40 mi. away.

Large crowds were attracted to the flames like night insects to a bulb, but to the employees at the refinery, the immediate challenge was to get the refinery—a spaghetti-bowl of interconnecting pipelines—"off stream" and out of operation before fire spread to hundreds of storage tanks, ranging in capacity from 40,000 to 60,000 bbl.

The blast went off in the processing unit area shortly after 11 p.m., wiping out parts of the main refinery and severely damaging the four-story main office building, an employee locker room, a cafeteria, and a quality control lab. The crude-distillation and conversion units in the main processing area were obliterated.

About 200 employees were on the grounds of the refinery, which bubbles round the clock producing gasoline, jet fuel, asphalt, and heating oil. Almost all the workers were inside the central control room, a concrete-block structure, and miraculously escaped injury. But six, working outside, were hurt. Local hospitals reported admitting 31 other nearby residents with injuries mostly cuts from flying glass. During the day, 750 of the 1,400 employees would have been on the grounds.

REFLEX

Immediately after the blast, shift superintendent Frank Staneck triggered a "general alarm" procedure. One phone call went to an outside answering service, with lists of employees to alert. The service called the members of the refinery's rescue squad, the winner eight weeks earlier of a "world championship" rescue competition in Atlantic City. Unit supervisors, staff people, and medical personnel were alerted. Then the operators went on to a list of top plant management.

At 11:40 p.m., plant manager Fred Westphal reached the refinery. By that time, he says, "our emergency procedures were already being implemented by plant personnel." Within two hours the plant was almost completely shut down. By 4 a.m., some 500 employees, trained in firefighting, had the flames under control. By 5:30 a.m., the fire was confined to a couple of small areas.

Almost as soon as Westphal got to the plant, he was on the phone to Humble headquarters in Houston. By 6 a.m., Humble Vice-President Oral Luper was on the scene with a representative of Humble's adjustment service. An hour later, the refinery released a special telephone number for damage claims. By midweek, 3,000 nearby residents had phoned it with claims.

REROUTING

In Houston, Humble supply manager Terry A. Kirkley launched a study of the options open to several tankers bound from the Gulf Coast with crude for Bayway's docks on Arthur Kill. Rather than tie up the crude, arrangements were made to sell one tanker's cargo on the open market while several others were rerouted.

With both Bayway and its sister petrochemical complex—a big producer of ethylene—shut down indefinitely, Humble began a study of the supply possibilities for its Northeastern marketing apparatus. They will have to be supplied either from other Humble refineries, inventory at Bayway, or products purchased from other refiners if Humble is to protect its share of Northeastern markets.

Meanwhile, Westphal this week formed a six-man committee to probe the cause of the blast. While Humble tended to play down the sabotage threat, Linden police, federal agents and state officials were poking through the rubble seeking evidence to confirm that the blast was no accident.

THE MARINES IN THE BATTLE OF HUE

Mr. BELLMON. Mr. President, recently it was stated on the floor of the Senate that we are top heavy with too many generals, and that in some instances we seem to reward our generals for their blunders by promoting them.

These comments are contained in the CONGRESSIONAL RECORD for December 10, 1970, on page 40810.

This opinion, Mr. President, is consistent with a previous comment found in the CONGRESSIONAL RECORD on page 32827, dated September 21, 1970. In those remarks, the distinguished senior Senator from Ohio called for the restructuring of the military of this country based on mistakes recorded in history, and as an example alleged errors by our commanders at the Battle of Hue during the Tet Offensive of 1968. In particular, I would like to correct the RECORD as it relates to Marine actions and conduct of operations leading to the recapturing of the city.

In the September 21, 1970, issue of the CONGRESSIONAL RECORD on page S16019, the next to the last paragraph in the third column on the page cited, reference is made to the Marine Corps operations in the vicinity of Hue during the 1968 Tet Offensive in South Vietnam. Much of the information on which the remarks were based was, I believe, in error.

While the paragraph in question correctly stated that the Vietcong held the Citadel in the center of the old imperial capital for 26 days, it is not true that the Marines "attacked the Citadel with frontal assaults day after day and night after night, sustaining heavy losses in killed and wounded to the extent that the Marine brigades involved had suffered so severely it was necessary to withdraw them from combat and to allow time to train the large numbers of replacement marines."

During the fighting in Hue, news media used the term "Citadel" to refer to both the old walled city and the old imperial palace grounds which lie in the southern part of the walled city.

Regardless of which location was intended in our colleague's remarks, the fact is that no frontal assault was made by Marine units on the Citadel. Initial U.S. Marine Corps operations in support of the recapture of the old city were confined to attacking Vietcong and North Vietnamese units holding the city south of the Perfume River. RVN units were given the task of clearing the old city. Our tactics were designed to block enemy access to, and egress from the walled city on the south, while Vietnamese forces were retaking the old city.

On February 11, after a request for assistance from the RVN commander, a battalion of marines was inserted by helicopter and landing craft into the northeastern portion of the old walled city. The mission assigned this battalion was to clear enemy forces from the southeastern quarter of the walled city, a sector which did not encompass any part of the old palace grounds. This one battalion, which operated within the city, did not frontally attack the old palace grounds but attacked on an axis parallel to the palace in order to isolate the enemy stronghold.

Our units engaged in the battle of Hue, did not have to be withdrawn from combat "to allow time to train the large number of replacement marines." All of the Marine battalions that had been committed to action in Hue successfully completed their missions and were, upon termination of hostilities in and around the city, assigned to new sectors of responsibility in the 3d Marine Division area. None of these battalions required more than 3 days relaxation, and refurbishing from the Marine Corps Base at Phu Bai before again being in contact with the enemy in their newly assigned sectors.

In summary, RVN forces were assigned the principal mission of recapturing the old imperial city, which they did with assistance from one Marine battalion that was employed in isolating the enemy stronghold. The bulk of the Marine forces were utilized in isolating the city of Hue. In no case were Marine tactics a series of "frontal assaults day after day and night after night."

ALBERT GORE—A PRINCE OF THE SENATE

Mr. McINTYRE. Mr. President, when I came to the Senate nearly a decade ago, I was a good friend and great admirer of the late Senator Estes Kefauver, of Tennessee.

It was not long after I began my service here, however, that I came to know and respect Senator Kefauver's colleague from Tennessee, ALBERT GORE.

I found ALBERT GORE was a Prince of the Senate—probably its finest present-day orator. He used his great talents to gain the admiration of his colleagues for his advocacy of causes he believed in and legislation he felt strongly should be adopted. He displayed brilliance in his efforts.

ALBERT GORE is a warm person and delightful as a companion. He is modest about many things but not in his love for and belief in the Senate.

I was shocked by the verdict of November 3. It brought to a close 30 years of candor, wit, and vitally needed humanity in the Senate.

ALBERT GORE will be sorely missed.

Whatever Albert and Pauline Gore plan for the future, I know their hopes and desires will be crowned with happiness, health, and accomplishment.

LITTLE CHRISTMAS JOY FOR POW FAMILIES

Mr. BROOKE. Mr. President, sounds of joy, sounds of laughter, sounds of a very present Christmas fill the air across our great land and much of the world. But to a special few Americans there must be no little cacophony where the rest of us hear melody.

To the wives and families of those Americans—some 1,500 of them—who are missing in action or prisioners of war of the North Vietnamese, Christmas is less a time of pure joy than a time of renewed hope. They must replenish their spirits at this time of year to brace themselves for the grim weeks and months ahead.

And at this time of year, a time of family sharing, they must take on the added degree of courage to make certain that their inner concerns and inner griefs are not allowed to destroy completely the happiness of their children and others with whom they have daily and close contact.

There is nothing we can do for these people that would have more effect than to continue our every effort to bring their men home quickly. Failing that, to give these families the knowledge that their men are being given humane and decent treatment would bolster their spirits and add to their Christmas.

PENTAGON SCARE TACTICS

Mr. YOUNG of Ohio. Mr. President, annually during the past 12 years, I have observed when the Defense Department appropriation bill is before the Senate for debate and vote, Pentagon spokesmen try to scare the daylights out of us. Just recently they exerted all pressure possible claiming that unless more billions are spent on weaponry, then by 1974 or 1976 will come the terrible fate of our Nation being No. 2. How frightening. One wonders if tremendous nuclear superiority is so essential to a nation, how come the Soviet Union has gone along so well in second place during the past 25 years? The truth is Russian leaders have been concentrating on raising the standard of living of their own people. We Americans should give top priority to doing just that for our own people.

LATE, LAMENTED PLAYING FIELDS

Mr. BAKER. Mr. President, I was delighted to learn yesterday that the New York Times had momentarily abandoned its endless consideration of Charles Reich's book, "The Greening of America," in deference to an unusually thoughtful opinion about something whose fault lies in the very fact that it is too green.

I refer to a piece of opinion called "Late, Lamented Playing Fields," which appeared on the op-ed page of the Times in the December 21 editions. The statement is by Thomas C. Jorling, minority counsel of the Committee on Public Works and a guiding spirit in the work of that committee on environmental legislation.

The University of Tennessee was among the first universities to install artificial turf, where, after then-Coach Doug Dickey, it was affectionately known as "Doug's Rug." As Tom Jorling acknowledges, the turf does have its strong points.

I think it is hard to overestimate the importance of competitive athletics. They provide a context within which the great values of our civilization are expressed and nurtured: Fairness, discipline, courage, endurance, cooperation, strength, example. Moreover, sports give us an arena for channeling natural aggressiveness and competitiveness into constructive modes of endeavor.

Mr. President, so that our colleagues may have an additional opportunity to read Tom Jorling's article in the New York Times, I ask unanimous consent that it be printed at this point in the RECORD.

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

LATE, LAMENTED PLAYING FIELDS

(By Thomas Jorling)

Superstadiums, most graphically represented in the Houston Astrodome, have been popularly accepted as a "good thing." The dissent expressed here is based on a judgment that superstadiums are not mere playing fields for athletic events but rather facilities drastically modifying the nature and character of the sporting events held there.

Let us start with artificial turf. In addition to allegedly reducing injuries, artificial turf always looks green on color TV (a commercial value), requires very little groundskeeping care and management (a commercial value), and avoids the need for tarpaulins and the labor associated therewith (a commercial value). But what else? Artificial turf reduces variables in baseball, football or whatever other event is conducted on its surface. No longer do we have a distinction between "mudders" and dry field runners. No longer do we have frozen fields, fast fields or slow fields.

Luck, it is now advocated, is no longer a factor in baseball games because grounders, for instance, will always bounce the same way. Are not "bad hops" one of the elements of the game without which it becomes less of a game? In Cincinnati, with its artificial infield, we lament the fact that the classic shortstop play from the hole can no longer be performed.

The impact is not restricted to the participant. In fact, it may more significantly affect the fan. Fans do not attend athletic events to see precision drill. They are induced into a stadium to vicariously participate in a human event in which response to varying conditions is a premium.

Many have said that the classic Green Bay/Dallas game of 1967 should never have been held, it was too cold, the field was frozen, the wind was bitter. And yet, how many fans retain pride in the human experience derived from attending that contest? How many players who participated will carry and cherish that experience to their deathbed? How many fans or ball players would remember the Green Bay/Dallas game if it had been played in the Houston Astrodome?

It is well to ask whether anyone is consciously developing these stadiums with any view to the impact on the athletic events by which they are constructed. My guess is no. I don't believe, although I have seen no evidence, that the decision to install artificial turf, or in the case of the Houston Astrodome, a roof and air-conditioning equipment, was made by individuals involved and experienced with athletic events.

Basic decisions controlling most aspects of our lives are made upon the basis of short-term commercial value. The cumulative effect of such decisions made without reference of the future can only be one of increasing uniformity. We have an obligation, not just in athletic events but in our more important social decisions, to consider a broader base. Society must choose its future rather than having its future chosen for it through a process of short-term commercial gain. Athletic events as an element of society should follow the same pattern.

THE SOVIET BASE AT CIENFUEGOS

Mr. GURNEY. Mr. President, as we know, Time magazine reported on Monday that the Soviet submarine base in Cienfuegos Harbor in Cuba is nearing completion. In response to a question about that article, Mr. Ronald Ziegler, the Presidential press secretary, according to today's Washington Post said:

We expect the Soviet Union will abide by both the letter and the spirit of the 1962 "understanding" between President Kennedy and Soviet Premier Nikita S. Khrushchev.

The article continues:

Ziegler recalled that on October 13, the Soviet News Agency Tass assured us that the Soviets would not build a military base in Cuba which would contradict the understanding of 1962. That would include the naval submarine base.

Mr. President, candidly, I am not reassured by this statement. I must admit that I do not think Mr. Ziegler's answer was responsive; indeed, it could be construed as an avoidance of the question.

Time reports that the Soviet base in Cuba is nearing completion. Is that statement true or false? I think we have a right to know. The record of Tass for veracity is not an extraordinary one. Nor am I satisfied by reference to an "understanding" we really know nothing about.

I think the first I ever heard of this "understanding" was in 1964 when the books by the late President Kennedy's advisers began to appear—Mr. Schlesinger's book, Mr. Sorenson's book, and so forth. Senator Robert Kennedy's posthumous book made further reference to it and most recently Khrushchev's memories or alleged memories—allude to it.

Stories are contradictory, vague, and imprecise. Khrushchev's understanding of it is apparently considerably different from our own. We do not know its limits, we do not know what the commitments are; we do not know whether the Soviets consider it—whatever it may be—binding still. If it exists and is breached by the Soviets, are we to consider it still binding on our country?

Mr. President, I find no reassurance whatsoever in the Tass statement of October 13 which said the Soviets would not build such a base. The question is not what Tass has assured us to be the facts, but rather what the facts are.

Is it sufficient to sweep aside a charge of this magnitude simply with reference to a Tass news agency "commitment?" I think not.

Either the Time story is true or it is false. We have, I insist, a right to know which it is and promptly.

Since Mr. Ziegler mentioned the "letter and the spirit" of the "undertaking," I think we should know something more about those characteristics—just what that entails.

Mr. President, I have a great deal of faith in our President, in his ability and his judgment. I have no desire to question that judgment, or to reflect on his conduct of the Nation's foreign affairs. On the whole question of the Cienfuegos base, I would be satisfied with a Presidential assurance that there will be no permanent Soviet nuclear submarine base in Cuba. But, we have had no such categorical assertion by the administration. Mr. Ziegler's statement—his apparent avoidance of the direct question—has not reassured me; it has alarmed me. A quotation from Tass does not still my fears—it is simply not good enough. We must have something more substantial on which to rely. I think the very least we can expect at this juncture is a simple, unadorned, unequivocal response to the question: "is there a permanent Soviet submarine base now under construction in Cienfuegos Harbor in Cuba?"

If there is not, let the administration say so and end the speculation.

If there is such a base under construction, let us know it at once—so that we can decide the course to be taken. This question is posed, not out of idle curiosity, by concern for our national security. Let us have the facts and let us have them now.

SENATOR TOM DODD LEAVES AFTER 16 YEARS OF SERVICE IN THE HOUSE AND THE SENATE

Mr. McINTYRE. Mr. President, I rise to speak of the senior Senator from Connecticut, a fellow New Englander, who is completing 16 years of service in the House and the Senate of the United States.

TOM DODD has spent nearly all his working life in public service—FBI agent, Connecticut Director of the National Youth Administration, assistant to the U.S. Attorney Generals for 7 years, and a principal prosecutor at the Nuremberg Trials on Axis Criminality before his service in the Congress.

His work in Senate Committees on Juvenile Delinquency and Crime has been outstanding.

Always charming in manner, TOM DODD has nonetheless held his views strongly and fought for his beliefs.

TOM DODD has been a real friend to me and I wish the best to him and his lovely wife Grace in whatever pursuits they become engaged in the years to come.

THE SMALL BUSINESS ADMINISTRATION PROMOTES FOREIGN TRADE

Mr. GURNEY. Mr. President, I like to bring to the attention of the Members of this body a very significant press release issued by the Small Business Administration—SBA.

This press release announces SBA cosponsorship of a small business trade conference in Israel, to be held on February 8–10, 1971, by the prestigious American Bar Association jointly with the Israel Bar.

Much of the credit for this SBA participation must be attributed to the efforts of Marshall J. Parker, SBA Associate Administrator for Procurement and Management Assistance, who has jurisdiction over that agency's foreign trade program. In the capable operation of this program, Mr. Parker is instrumental in alerting qualified American small business exporters to trade opportunities abroad and providing support and assistance to them to avail themselves thereof.

It is extremely gratifying to see the constructive and enthusiastic manner in which this small agency is responding to the export needs of the country. We have become so inundated with daily criticisms of the SBA that it is a welcome respite to observe such positive action taking place.

It should also be pointed out that the cosponsorship of a trade conference in Israel constitutes a recognition of the importance of that embattled country as a trading partner of the United States. The United States ranks highest among exporters to Israel according to recent Department of Commerce market surveys. Notwithstanding its war for sur-

vival in a Soviet Union-fanned war, Israel continues to offer very good sales opportunities for products manufactured, principally and largely, by American small business concerns.

It is, therefore, gratifying to note that neither the American Bar Association nor SBA have allowed themselves to be deterred by the war from pursuing America's peaceful trade with that country. It is most encouraging to witness the involvement of these dedicated organizations in such a worthwhile effort.

I ask unanimous consent to have the press release printed at this point in the RECORD.

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

SBA COSPONSORS UNITED STATES-ISRAEL TRADE CONFERENCE IN TEL AVIV

WASHINGTON, D.C., November 27.—The Small Business Administration announced today that it will cosponsor a conference designed to strengthen trade ties between the United States and Israel.

SBA Administrator Hilary Sandoval, Jr., said that the conference, titled "Doing Business in the United States and Israel," will be held in Tel Aviv February 8–10, 1971.

The conference is being organized jointly by the American Bar Association and the Israel Bar and will also be cosponsored by the Government of Israel Investment and Export Authority.

"The conference," Sandoval said, "will bring together recognized legal authorities and business representatives of both countries to explore practical application of laws and regulations affecting trade between the two countries.

"It will also afford American small business concerns opportunities to establish contacts with Israel businessmen interested in buying U.S. products or entering into joint ventures in either of the two countries in such industrial areas as furniture, plastics, shoes, cosmetics, automotive parts, weaving and spinning, metals, electronics, textiles, chemicals (detergents), food processing, pharmaceuticals, and electrical components for which Israel industry is seeking American cooperation."

Persons interested in attending the conference should notify Dr. Denis A. Cooper, Director, Technical Planning Staff, Office of Procurement and Management Assistance, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416 (Telephone: 202-382-1106).

Travel information will be provided by Foreign Tours, Inc., 1140 Avenue of the Americas, New York, New York 10036 (Telephone: 212-390-3000).

INSURANCE FOR PRIVATE PENSIONS

Mr. HUGHES. Mr. President, we have considered legislation this year in the areas of finance and banking in an effort to prevent financial difficulties for the millions of Americans whose lives are affected by these industries. But I would like to comment briefly on another problem which is just as critical in my opinion: the failure of private pension plans for the American worker.

The administration asked for legislation to bring about Federal regulation of one-bank holding companies. This was done to maintain the separation between banking and other businesses. I supported the legislation and I congratulate the chairman of our Banking and Currency Committee for his fine efforts in bringing this legislation through to its conclusion.

The Senate and House have passed different versions of the Federal Broker-Dealer Insurance Corporation to protect the American investor whose assets are sometimes lost because of the financial failure of broker-dealer firms.

But I regret that this session of Congress is drawing to a close without enactment of legislation to protect the American worker whose private pension rights are lost when his employer goes out of business and leaves him with no pension benefits.

Mr. Leonard Woodcock of the United Automobile Workers eloquently described this problem in a letter to Members of the Senate on July 2, 1970, from which I quote:

> In contrast to the handful of brokerage firms that have experienced difficulties and the one railroad recently forced into receivership, some 4,000 pension plans were terminated in the United States between 1955 and 1965. These terminations, all too frequently, subjected affected workers to the double tragedy of lost jobs and loss of substantial prospective pension rights at a stage in life when they had little or no opportunity to earn further pension entitlement.

On December 10, Senator HARTKE amended the Securities Investor Protection Act to establish a program in the Department of Labor for reinsurance of private pension plans by the Federal Government. Unfortunately, his amendment was not approved.

I expected to vote for this amendment and I would have voted for it had there been an opportunity.

I am aware that Senator WILLIAM'S subcommittee of the Committee on Labor and Public Welfare is conducting a comprehensive study of pensions which will likely result in broad and far reaching legislation at some time in the future. But I am impressed with the urgency of the situation for those American workers whose private pension plans will terminate during the coming months and whose retirement depends in large part on the benefits of these programs.

I hope that the administration and Congress will consider this problem immediately and show the same concern and commitment for working men and women that we have shown for financiers and investors.

TRIBUTE TO SENATOR McCARTHY

Mr. CANNON. Mr. President, I wish to join with my colleagues in paying tribute to EUGENE MCCARTHY who is voluntarily retiring from the Senate.

Senator MCCARTHY entered the Senate with me in January 1959. During his years with us on the Hill, he has brought an air of thoughtful contemplation to issues which tend to become caught up in the rush of events that plague us all.

Now EUGENE MCCARTHY will be able to devote his full time to the philosophical pursuits which have already caught the Nation's attention, though by necessity only a hobby till now. With so wide a background in the governmental process, Senator MCCARTHY should be able to develop an imaginative approach to political science.

I extend my best wishes to Senator MCCARTHY on his retirement. I know we shall all miss him, and hope that we shall see him when he returns to visit the Washington where he has had such a fulfilling career for so many years and where he has contributed so much of himself.

TRIBUTE TO SENATOR MURPHY

Mr. PROUTY. Mr. President, I would be remiss if I allowed the distinguished Senator from California (Mr. MURPHY) to retire without saying that his presence here has meant much to me and his absence will be deeply felt.

GEORGE MURPHY brought to the Senate a gentle Irish humor and a tough mind that stem from a life of rich experiences and hard work.

To those who have not read his autobiography "Say, Didn't You Used To Be George Murphy?" I commend the book for its vivid portrayal not only of GEORGE MURPHY'S life, but of his times.

To be sure, his book contains glamour in his account of Broadway and Hollywood in the 1930's. But he also describes the tough days when he sought to rid his union of labor racketeers and Communist influence.

GEORGE MURPHY was president of the Screen Actors Guild and is one of only a few union members to serve in this body.

His labor background has been particularly helpful to me and other Senators who serve with GEORGE on the Labor and Public Welfare Committee.

It is in the committee where I have come to know GEORGE best.

I could spend hours recalling his important contributions to education, health, manpower, and poverty programs, but I will limit myself to highlighting a few of his accomplishments.

GEORGE was one of the prime movers in enacting the Bilinqual Education Act of 1967 and he has continually pressed for expansion of the program. He developed and saw enacted the dropout prevention program and he followed its successful application with interest and pride.

On the Health Subcommittee he has authorized and pushed programs to expand our Nation's supply of family physicians and been an essential drafter of all our health programs. Similarly as the ranking Republican on the Manpower, Employment and Poverty Subcommittee, he has shaped the vast expansion of programs developed in recent years.

GEORGE is also the ranking Republican on the Special Subcommittee on Aging and we have worked closely toward the same ends to provide security and purpose for our older Americans.

Outside the Labor and Public Welfare Committee, I also am familiar with GEORGE'S effectiveness as a legislator.

The Murphy amendment to the Air Quality Act of 1967 has allowed California to adopt more stringent standards for the control of automobile emissions than exist in the Nation as a whole.

We shall all remember GEORGE

MURPHY's legislative achievements. The programs he has authored and pushed will long continue to help our citizens.

But I shall remember too that the man who has worked so diligently is also a man of great wit and charm. I shall never forget GEORGE's anecdotes, quips, and remembrances. So often they provided the needed respite from tension. I shall always marvel at the way GEORGE could move immediately from a moment of hilarity to hours of serious deliberations. GEORGE has a wonderful love of life that is revealed at once in a lighthearted banter and in his diligent work for his fellow man. As often as he has reminded us of the joy of life, he has reminded us of the serious tasks that remain before us.

In his autobiography, he recounts the frequent encounter with people who ask "didn't you used to be GEORGE MURPHY?" His stock reply is "I still am." He still is GEORGE MURPHY and I am glad he is.

WILL SPAIN CHOOSE FREEDOM?

Mr. CHURCH. Mr. President, strong winds of change are blowing in Franco's Spain. What the long-term results of the current storm—the military trial of 16 Basques in Burgos—will be no one can predict. Men of freedom and hope everywhere are closely watching the court's verdict, and the reaction of the Spanish people to it.

Signs of openness are being displayed by certain Cabinet members and other leading citizens to liberalize the Goverment of Spain, yet intolerance by the regime toward the Basque community remains. It is my firm hope that the legitimate aspirations of the Basque people may be realized. Their success could lead to greater freedom for many others, for Spanish workers, students, housewives, even large segments of the military and the church.

I ask unanimous consent that numerous articles relating to the trial be inserted here in the RECORD.

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

[From the New York Times, Nov. 3, 1970]

BASQUE RESENTMENT AT FRANCO REGIME INTENSIFIES

(By Richard Eder)

SAN SEBASTIAN.—The fishing port of Bermeo curves around an inlet on the Bay of Biscay, with the white, red-roofed houses climbing steeply up the deep green hills that mark the coastline of the Basque country.

An ancient stone watchtower, still serving as a beacon for the town's 135 tuna boats, stands on the quay beside the two-story shed that is the warehouse, auction hall and meeting place of the fishing cooperative.

Late one afternoon, the owner of a fishing-boat was showing a visitor around the dock, where young women pushed baby carriages and old women loaded nets into donkey carts.

The fisherman pointed to the reports of tides, weather and fishing conditions that are chalked on slates and hung outside the cooperative. He spoke with anger:

"There are 18,000 people in this town, and virtually all of us speak Basque. Yet those signs are required to be written in Spanish."

It is perhaps in the towns and villages of Vizcaya and Guipúzcoa—two of the four Basque provinces of Spain—that resentment of the regime of Generalissimo Francisco Franco is at its bitterest. It is in these towns and rural areas that the repressive acts of the authorities, usually the local detachment of the Civil Guard, are most severe. And it is in these areas that resistance, which has increased sharply this year, is the most frequent.

Bermeo, 15 miles north of Bilboa, lives almost completely estranged from the authorities. The Civil Guard detachment, housed in the former residence of an official of the pre-Civil war republic, is virtually an occupation garrison. Its troopers exercise and play soccer alone. The troopers—few of whom are Basque—were taken there from other parts of the Spain, as is the custom. When off-duty, they lounge on the front steps of their headquarters and stare at the passers-by, who avoid looking back.

Even the local police informer, a man known as Ardaucho—Basque for toper—whose job is to hang around the bars and listen to what people are saying, is at a serious disadvantage. He does not speak Basque.

Bermeo has had an agitated year. In July, 35 busloads of Basques arrived from nearby villages after the authorities had prohibited them from climbing Mount Aitxagorri. Climbing mountains in large groups is one of the forms of communal celebrations by which the Basques assert their cultural and national traditions.

The arrivals began by dancing in the main square to the sound of drums and xistu—a shrill pipe—and singing songs in Basque. The Civil Guard moved to break them up and there was general fighting.

The climactic moment came with the release of a monkey, which had been brought back by one of the fishing boats from Dakar, dressed up in a tiny version of the Civil Guard's green uniform and black tricorn hat.

Perhaps the incident with the greatest repercussions was the arrest and beating of one of the most distinguished figures here. He is Miguel Castells, president of the province Catholic Action Association, a notary and a prominent lawyer.

His arrest was a mistake and he was quickly released. However, he was later tried and found guilty of having insulted the police and was fined.

The judge asked for an investigation of why Mr. Castells had emerged from police custody with injuries that took two weeks to heal.

MORE POLARIZED

It is too soon to predict what the results of all this will be. Over and over, people intereviewed here and in Bilbao, including some highly conservative bankers and businessmen, echoed the sentiments expressed by one: "What the Government has done this year has polarized us politically as never before."

A Government official estimated that 90 per cent of the Basques here now opposed the regime. Many people who deplore the extremism of E.T.A. concede that the events of recent months have given it a strong following among youth.

The proclamation of Oct. 25 of a three-month extension to the state of exception has further embittered the Basques, accentuating a complaint voiced by one banker.

"The only solution they have for us is repression," he said. "It does not occur to them to take a single step toward a political solution at the same time."

When the emergency decree is finally lifted, many predict an upsurge of opposition activity on the part of E.T.A. and of traditional parties—Nationalists, Socialists and Communists.

"It is not that I think that E.T.A. is logical, with the army and police as strong as they are, and with a people that basically hate violence," one lawyer said. "But this estimate does not count on one imponderable; the regime's infinite capacity for offending us."

A current example of this is the change made by censors in the film "Ama Lur," a lovingly made documentary showing the life and traditions of the Basques. It ends with a choral effect in which voices representing a long line of Spanish kings are heard swearing to uphold the regional freedoms promised to the Basques. Then the film cuts to a final shot of the Guernica oak.

As first filmed, the oak stood bare-branched under a bleak sky, in the falling snow. As the film is being shown now, after the change, the oak stands in full foliage under a brilliant sky.

[From the Long Island Press, Nov. 10, 1970]

BASQUE SEPARATISTS EXPECT NO MERCY IN FRANCO COURT

LONDON.—Thirty-two men and women will be tried by the Spanish government in Burges in the next few weeks, including, in absentia, 16 who escaped to other countries. They are alleged members of the Basque Separatist party, the ETA, which over the last decade has been using classic "strike and run" tactics in San Sebastian, Pamplona, Bilbao and other Basque towns of northern Spain.

The secrecy of the trial—it is to be closed with armed guards surrounding all the entrances—and the 18 months of preparation which have led up to it are widely seen as signs that the regime of Gen. Francisco Franco is determined to silence dissent with a show of power.

The prosecutor is demanding the death penalty for six of the men and women, together with jail sentences totaling 700 years for the rest. The trial is expected to last only a few hours.

The fear that the accused will not have an impartal hearing has led to protests from outside Spain by the Roman Catholic Church, the International Commission of Jurists and various political movements as well as to recent demonstrations—all illegal by Spanish law—within Spain itself.

The 32 defendants, who include priests, students and workers, were indicted on a mass of charges arising out of ETA activities since 1968—but only 15 will be in court. Sixteen are living in Britain, France or Eastern Europe. One girl who has been in custody for 18 months will not be in court; she is in a prison hospital, the result, her colleagues claim, of torture inflicted during interrogation. The chief prosecutor, Grandados Mezquita, claims she has been removed from the main prison because she is turning state's evidence.

ETA stands for Euzkadi 'ta Azkatasuna—"Freedom for the Basques" in the Basque dialect. The movement sprang, in the late 1950s, out of the Basque Nationalist party as a result of the discontent of the younger Basques with the party's lack of dynamism.

The ETA preaches Marxist-Leninist theory, though it owes no allegiance to any Communist party, it stands for complete Basque autonomy with a Basque representative at the United Nations; it even claims that the adjacent Basque area of southwest France should be taken into the new nation.

[From the Nation, Nov. 16, 1970]

PACT WITH SPAIN: ANY PORT IN A SHOWDOWN

(By Lawrence Fernsworth)

(NOTE.—Mr. Fernsworth was a staff correspondent in Spain for The Times of London during both the Republican and Civil War periods. He is the author of Spain's Struggle for Freedom (Beacon Press) and other books on that country.)

WASHINGTON.—Spain's rusting dream of becoming a domestic Mediterranean power with a voice in the politico-military affairs

of the world, and as a *de facto* and eventually elected member of NATO, has been given a polish by the new so-called bases agreement. It bears the disarming official title of "Agreement of Friendship and Co-operation Between the United States of America and Spain," and on September 26 became effective for five years, with an optional extension for another five years.

At a hearing on August 26, twenty days after the agreement had been signed in blatant disregard of the Senate's prerogative to give its advice and consent, two Under Secretaries of the department involved—State and Defense—solemnly assured the Senate Foreign Relations Committee that nothing in the agreement involved the United States in a commitment to Spain. U. Alexis Johnson, State's Under Secretary for Political Affairs who, in the company of Deputy Secretary David Packard of the Department of Defense, worked out the agreement with their opposite numbers in Spain, testified under oath: "The Administration does not consider this a commitment to Spain. If it did there is no question that it should be submitted for ratification. There is no difference of view on that."

When Sen. Frank Church of Idaho asked: "What do you mean by commitment? Do you believe that an obligation or commitment of that nature can be taken only in writing?" Johnson replied, "Yes, I do." Deputy Secretary Packard agreed with this position, with the single reservation that there was a commitment for the United States to respond militarily if facilities occupied by its forces in Spain were attacked. That, he said, would be an attack against the United States. Johnson assented.

When Sen. Clifford Case of New Jersey asked whether the agreement by itself constituted "any additional power in the Executive to act without reference to Congress," Packard replied: "I could not see anything in that." Case pressed the point.: "That is an absolutely flat statement on your part—and [to Johnson] on your part, Mr. Secretary, also?" Johnson replied, "Yes, it is."

Notwithstanding these assurances, Sen. J. W. Fulbright, chairman of the committee, commented: "A simple reading shows the language represents a commitment. . . I do not believe disclaimers by the Administration to the Congress lessen the obvious commitment that exists." He said also: "The Spanish agreement represents the boldest attempt by the Executive branch since World War II to have a security commitment by Executive agreement and thus avoid the need for Senate advice and consent."

The crux of the question was whether the agreement committed the United States to the defense of Spain. Senator Church, taking the two Secretaries at their word, has now introduced a resolution expressing the sense of the Senate "that nothing in the said resolution shall be construed as a national commitment by the United States to the defense of Spain." This means, he explained, to the defense of Spain "against either external or internal attack."

In fact, the qualifying language of the two Secretaries left the question of commitment wide open. There are pointed implications in their testimony, as well as in the agreement itself, that not only would the United States be involved with Spain in either a limited or a general war but also would be with it against any kind of internal show of force, as in a popular uprising that would attack a "facility" occupied by U.S. forces. Such an attack would be considered an attack on the United States as well as on Spain.

Aligning himself with the reservation expressed by Packard, Johnson said: "If someone chose to attack a facility on which we are present, it would—they would obviously be attacking us as well." The nature of the "facility" was not defined, and that raises another question: could it be an information center, a consulate or any nonmilitary place at which U.S. forces have been stationed?

The controlled Spanish press was prompt to affirm "the Spanish position" that a commitment does exist. Their word for commitment, *compromiso*, has a meaning even stronger in their language than does commitment in ours. It is interwoven with the Spanish concept of honor, and as such irreversible. *"Compromiso"* was emphatically repeated in articles and editorials. One official government journal, *Arriba*, used the word four times in a short editorial.

And Spain's own Chief of State, Generalissimo Francisco Franco, standing beside President Nixon in Madrid, announced to the nation that the agreement between the two countries was—as *The New York Times* reported—"a commitment without reserve." There can be no doubt that Franco chose to make such a statement in full knowledge that the U.S. Government was being informed by the Executive branch that no commitment existed.

The high points of the agreement may be succinctly stated as follows:

(*1*) A new system of defense covers both the Mediterranean and undefined areas of the Atlantic.

(*2*) The United States and Spain will stand together in case of attack from without or within.

(*3*) The United States is pledged to "support the Spanish defense efforts," to "modernize its defense industries," and to grant military assistance on a broad scale that includes the transfer of naval units, planes and weapons.

(*4*) A link with NATO is provided by making the American military commander of NATO the principal adviser to a "joint committee on defense matters" that may arise between the two countries.

(*5*) the two governments are joined in "the exploration and use of space," which has assumed a primarily military character.

(*6*) The cost to the United States for the initial five years of the agreement is put at $400 million. The cost of its Spanish bases since 1953, the year of the first agreement, is officially stated to have been $3.141 billion.

The Mediterranean agreement, in principle, completes the erosion of what has been known as the "Mediterranean equilibrium," established in the 18th century by Britain's acquisition of Gibraltar.

The precarious situation of the U.S. Sixth Fleet in the Mediterranean casts a shadow across the reinforced partnership. Despite President Nixon's repeated references to the power of that fleet as a shield against aggression—as when in Rome he called it "the mightiest fleet that has ever been assembled in the history of the world," or when in Madrid he proclaimed that the reconstructed "Spanish-American friendship" is "an indispensable pillar of peace in the Mediterranean"—its vicissitudes are revealed by secret testimony given before Sen. Stuart Symington's Foreign Relations Subcommittee on United States Security Agreements and Commitments Abroad, published in somewhat censored form while the President was in Europe.

That testimony provides the picture of a fleet regarded by most Mediterranean nations as an intruder and pariah. It suggests that the United States is running scared to patch up resentments, as for instance on the part of the Turks whom Russia is now wooing; it intimates that the United States is trying to make a deal with Tito, who thinks that both America and Russia should get out of the Mediterranean; it reveals how the United States is trying to get a solid foothold in Malta and thinks that both Malta and Israel should come under NATO. All of this is surely the key to President Nixon's Mediterranean safari, the purpose of which mystified his press entourage.

In the Symington testimony, one can read the statement of Rodger Davies, Deputy Assistant Secretary of State for Near Eastern and South Asian Affairs, that "at the present time we have no other areas [besides Greece] in the Eastern Mediterranean where our Sixth Fleet can freely put into port." He further revealed that even our relations with Greece, which the Pentagon is desperately courting, could reach an "inconvenient point," and that while in all parts of the Mediterranean the Sixth Fleet "can stay at sea," its "port facilities are increasingly limited."

The fleet's awkward situation also explains why Defense Secretary Melvin Laird visited Turkey and Greece at the time when Mr. Nixon was visiting in the Mediterranean, and informed their governments that he had come as the President's representative. He took pains to impress upon them the dangers of the Soviet buildup. In a press conference he said: "The Soviets have increased their steaming days in the Mediterranean from 750 five years ago to 17,000 days now."

The United States fears that continued Soviet pressure will lure Turkey away from its U.S. alliance. The Turks have still not recovered from their anger over President Johnson's opposition to their entrance into Cyprus in 1964. They contend that by that action the United States interfered with a "right." When the fleet visited Istanbul thereafter, an angry mob attacked the sailors and dumped ten or twelve of them into the sea.

Even now, despite the Montreux convention, Soviet ships "use the Dardanelles as they wish," Secretary Davies testified. Under that pact, Turkey is the guardian of the Dardanelles.

Testimony by Davies and by Robert J. Pranger, Deputy Assistant Secretary of Defense, brought other details to the attention of the Symington subcommittee. The U.S. fleet is denied entry into Arab ports, into Algeria and other Mediterranean ports; the Greeks might not extend port privileges if the United States suspended military aid—which it has resumed in full panoply and which was never really cut off. The fleet cannot berth in France, but one of its ships did receive a token welcome in Yugoslavia. The fleet, in fact, is fairly well confined to the Mediterranean littoral. If Greece closed its ports, only Spain and its islands, Portugal, Italy and Morocco would be available to entry.

The fleet's need for friends seems to have inspired the release, while Nixon was visiting abroad, of a report on a "Trip to the Mediterranean Area" by a group from Chairman L. Mendel Rivers' House Armed Services Committee, which spared no words in urging the need for a realignment of U.S. politico-military associations in that region. It pictured the fleet's carriers as "sitting at anchor much of the time, a very dangerous situation in the present circumstances." The situation, it said, "gives the impression that the United States—having once sailed high and wide across the Mediterranean—is now content to let the Russians take over most of the operations in that ocean."

The report mentioned another need, as yet little discussed in public: "overflight rights for military purposes across Spain have become vital . . . with Switzerland and Austria neutral, and France undependable."

The well-informed letter, "Without the Censor's Permission," that appears regularly in the Spanish-language *Iberica*, published in New York, comments on still another aspect of the agreement. "We notice," says the informant, "that the U.S. Air Force in Spain now extends its field of action so as to include Italy, Greece and Turkey. It will have the mission of providing logistic support to the North American Air Bases in the so-called forward air safeguard of the Mediterranean region. . . . It is estimated that

10,000 members of the U.S. air army will constitute the 'Mediterranean Command.'"

The Pentagon's uses for Spain have changed radically since the original bases agreement was signed in 1953. The goal originally achieved, the acquisition of take-off platforms for manned bombers, has become obsolete by reason of the ICBM and the Polaris systems. But the uses of Spain as a home port for Polaris submarines and a haven for the Sixth Fleet; as an overflight area on the way to the Near and Far East; as a *"Champ de Mars"* for joint exercises by the Spanish and U.S. military forces; as an arsenal and a depot from which to give logistic support to U.S. Mediterranean allies, plus other purposes already set forth in this article, all give the U.S.-Spanish agreement new dimensions and a heightened military importance.

The question of commitment persists. Senator Case went into it further in a colloquy with Secretary U. Alexis Johnson at the Foreign Relations hearing. He asked whether a commitment was not:

"In a sense just an obligation by the United States to do something in the future which says nothing about what shall put the United States in motion to carry out that obligation"—and

"Whether a commitment was not a power created in the Executive to fulfill an obligation when the time comes or conditions arrive, without reference to Congress? That is another meaning or a bit of the content of the word 'commitment' is it not?"

Secretary Johnson said "Yes." Sen. Claiborne Pell, of Rhode Island, who did a seven-year hitch in the diplomatic service, and who called the agreement "a masterpiece of skillful draftsmanship," wryly remarked that the United States and Britain both interpreted the SEATO treaty in different ways, and that "the implications are that the United States might also have its unique interpretation of the Spanish agreement."

[From the New Republic, Nov. 21, 1970]

FRIENDS AND ENEMIES

There are rumbles about a dangerous drift in this country toward neo-isolationism. The danger is real, but it is not the Senator Fulbrights who are responsible for it. They do want to pull out of a degrading war in Asia, for that ruinous conflict itself is a major cause of revulsion against any and all foreign entanglements. But the Fulbrights do not want to isolate America from the East or the West. It is not they who, in their dreams, see mankind divided between saved and sinners, choosing for America only the very exclusive company of the former. It is the President of the United States who dreams that dream and is driven by it to withdraw into a contracting circle of "friends."

We had an example of this last May, when the Administration jumped on Henry Ford for having accepted an invitation to visit Russia to discuss building an automobile plant there. It jumped on him because Defense Secretary Melvin Laird claimed that the Russians plotted to use Ford to make trucks that would be shipped to North Vietnam. Some trucks might have been shipped to Hanoi; the Soviet Union does supply North Vietnam. But those supplies are dwarfed 30 to 1 by American aid to Saigon. And anyhow, the Russians wanted the trucks for themselves. Nevertheless, Ford had to abandon his project, and Mr. Ford commented somewhat bitterly that the Soviet invitation had been accepted in good faith, "because it is the expressed policy of the United States government to encourage trade with eastern European countries." That had been the State Department's impression, too, which is why it okayed the Ford deal in the first place. But Mr. Laird, not Secretary Rogers, had the ear of the President.

In September, Universal Oil of Chicago lost an order to build part of a Polish refinery, because the Administration refused to grant an export license; Poland trades with our enemy, North Vietnam. Here again, the arrangement had State Department blessing (the Rumanians received identical American equipment back in 1967), but the Department was overruled and the Pentagon prevailed. Neither the Russians nor the Poles were asking for anything free (as our "friends" do); nor were they asking to be handed blueprints for the latest U.S. antiballistic missile. Why the White House refusal? What prompts the Administration to block even such small steps toward normal trade relations? And how, given decisions such as these, can the President hope to move from confrontation and toward that era of negotiations he promised us in his inaugural address?

Indochina, of course, has distorted our perspective; that is not new. To be a "friend" of Lyndon Johnson was to refrain from open skepticism about his Vietnam operations. But Mr. Nixon's behavior, and not only toward Communist regimes, suggests that Vietnam is not the full explanation. What we see re-emerging is the Richard Nixon of 1950, the Cold Warrior. It is not only that the President builds no bridges; he detonates plans to lay bridges. That could not be his intention; he could not deliberately be seeking to foreclose opportunities for peaceful coexistence. But intentions aside, the practical result is a widening gulf not only between America and what used to be called "the Communist world," but between America and Europe, America and Africa and Asia, and even much of Latin America.

For the world moves, and even the World's Greatest Power can do little to stop it. Eastern Europe, following Rumania's lead in 1967, is headed toward full diplomatic relations with West Germany, France, Italy and West Germany are helping the Polish five-year development plan, a vital component of which is the Plock Oil Refinery where the Nixon Administration barred our participation. Fiat is building cars in the Soviet Union and would if it could, happily build the trucks Mr. Ford will not build. The Iron Curtain that has divided Europe has not been dismantled, but it is getting to look more and more like a sieve. And yet, the list of American exports to Communist countries that require licenses under the Trade Administration Act is longer than that of any other NATO nation.

No matter how insistently we badger them, few of our NATO allies have much use for the idea of throwing a noose around Castro Cuba's neck. And no matter how ardently we play on their sympathies (or their dependence), fewer and fewer of our "friends" have any faith in the American determination to "contain" Communist China. Last week, Canada and Italy joined the growing number of nations which have envoys in Peking; Belgium and Austria are likely to follow. West Germany is already mainland China's largest trading partner. The barriers erected against China at the door of the United Nations are breaking down. Yet the most the Nixon Administration is willing to concede is that it might not oppose China's entry to the UN, *if* Taiwan is not expelled. Meanwhile, Chiang Kai-shek is given another $157 million worth of arms; his aging troops on Taiwan have cost the American taxpayer about $5 billion to date; and Americans still participate in his military rehearsals, named "Forward Thrust," which are aimed at the mainland.

Sometimes the Administration's shortcircuiting of contacts seem explicable only in terms of ineptness. Thus, its recent snubbing of India, Zambia and Tanzania. The leaders of all three have been critical of our policy in Vietnam. India in particular has called for unconditional withdrawal of US troops. But that is flimsy justification for the cold-shouldering of Indira Gandhi by US officials, both in New Delhi and in New York, when she flew to the United Nations' 25th anniversary. And when Mrs. Gandhi declined Mr. Nixon's invitation to dine at the White House with other government heads, it was not just because of personal pique. The Administration's resumption of arms to Pakistan—fighter and bomber aircraft and other weapons—has the Indians thoroughly alarmed; they are unpersuaded that the arms are necessary to prevent Pakistan's getting too chummy with Peking. Pakistan, naturally, will take the aid and go right on backing mainland China's entry to the United Nations.

Having discombobulated Mrs. Gandhi, Mr. Nixon then pulled last minute switches on the presidents of Zambia and Tanzania. Both Kenneth Kaunda and Julius Nyerere were anxious to see him during their visit for the UN meeting. It was the second time in a year the White House had turned down Nyerere, and Mr. Nixon was too busy campaigning in the South to find time for Kaunda. China, meanwhile, is building Zambia and Tanzania a railroad (to employ 14,000 Chinese), and is busy elsewhere in Africa, while the Nixon Administration's policy centers on trying to replace Belgian financial influence in the Congo with American—and on keeping Ethiopia on "our side." The US donates $300 per Ethiopian soldier, compared to $1 per head for economic aid to all the rest of Africa.

The United States is far from being alone in the world; neo-isolation has not gone that far. Spain is to receive fighter bombers, artillery and American instructors; the full-scale military aid to Greece that President Johnson halted has been resumed; Thailand, Laos and now Cambodia get big US subsidies; we are tied to Thieu-Ky by an investment of around $100-billion so far, and watch the next two budget deficits for additions. But we are not buying friends, we are buying trouble.

[From the New York Times, Nov. 28, 1970]

FORTY-NINE ARE ARRESTED IN SPAIN AS TRIAL OF BASQUES NEARS

(By Richard Eder)

MADRID, Nov. 27.—Pressed by growing protest over the forthcoming court-martial of 16 Basques—and by doubts among its own adherents—the Government suddenly arrested 49 members of the opposition last night and early this morning.

One of those arrested was Prof. Enrique Tierno Galvan, a prominent Socialist and a philosopher. But Professor Tierno was released shortly after noon today after spending the night in police headquarters and undergoing questioning. Eighteen lawyers, professional men, students and worker representatives, arrested with Professor Tierno, were expected to be released after questioning.

It was not known whether 30 students, arrested at another meeting would be held. The arrests reflected the Government's fears that opposition groups would have some success in their announced intention to call strikes and demonstrations when the court-martial is held. The trial—for which the military prosecutor has asked six death sentences—is now scheduled for next Thursday.

SUBVERSIVE PLANNING CHARGED

A Government source said this afternoon that Professor Tierno and the others, who were seized at 1 A.M. while meeting in the office of a publishing house, were "planning an action of a subversive nature."

Professor Tierno disputed this account today. "In fact, the meeting was being held to discuss the publication of a series of books reflecting various political viewpoints," he said. "While waiting for everyone to arrive we were talking, as is natural, about

the situation and, of course, about the court-martial."

He said that the police appeared soon after the last of the 19 participants arrived—private meetings can be legally held without permission if fewer than 20 attend—and searched everyone for clandestine papers or other incriminating material.

"They found nothing," the professor said, "and they seemed puzzled what to do. The inspector made a lot of telephone calls, and finally he took us to headquarters."

"It has been a mistake, I think. They cannot make conversation a crime. That would be too much."

The court-martial of 16 members of the Basque resistance movement has caused serious political difficulties for the Government. Six of those on trial are accused of involvement in the killing of a police inspector, Meliton Manzanas, in 1968, and death sentences have been asked for them.

There is a growing move abroad, in Europe, to protest the trial. This was capped yesterday by the publication of a note from the Vatican asking that no lives be taken. Inside Spain, a widespread conviction that the requested death penalties are excessive, and that a civil rather than a military court should try the case, has resulted in a series of public pressures on the Government.

Two bishops in Basque dioceses have publicly spoken out against the trial. They have been supported by lawyers and professional groups, and a few days ago a protest with 900 prominent signatures was delivered to the president of the Parliament.

The court-martial, or at least the proposed death sentences, are unpopular inside the Government as well. A number of ministers have privately expressed their concern. Several high army officers—including, according to some reports, Gen. Tomas Garcia Rebull, who commands the military district with jurisdiction over the court-martial—are opposed to death sentences and do not want to have to deal with the protests that might follow them.

On the other hand, there is reported to be strong interest in police circles in seeing that somebody is executed for the police inspector's death. Nobody seems to know the position of General Franco, who in the past has commuted a number of death sentences, but cannot be counted on with certainty to do so in this case.

Many Government sources predict he will commute the sentences if they are imposed. The problem remains that if the court-martial goes ahead and imposes the death sentence considerable political damage will have been done—not to mention the probability of strikes and disorders—before the time comes for commuting sentences.

[From the Idaho Statesman, Nov. 28, 1970]

TIES WITH IDAHO SOUGHT—SPANISH BASQUES ASK HELP TO SAVE CULTURE

(By Carrie Ewing)

A dual purpose—seeking Idaho congressional assistance, and cementing Basque relationships in Idaho to those of the homeland—has brought three Basque representatives to Boise.

Pedro Beitia, Washington, D.C., representing the exiled government in Paris, met Friday morning with Secretary of State Pete T. Cenarrusa. He was accompanied by Inaki Zubizarretta, associate professor of architectural design at North Carolina State University, Raleigh and Javier Unzurrunzaga, a graduate student in architecture at the same institution.

Beitia also acts as an interpreter with the World Bank. He spoke Friday evening in the liberal Arts Building at Boise State College. An historical documentary film, "The Sons of Gernika," portraying the Basque movement for independence beginning in 1930, was shown.

With Cenarrusa the three discussed the impending trials of 32 Basques, 16 of whom have escaped to other countries and will be tried in absentia. They are accused of terrorism, anti-state activties and murder and complicity in the death of a San Sebastian police chief two years ago at Irun on the French border.

The three Boise visitors petitioned Cenarrusa, of Basque decent, to arrange a meeting with Idaho's congressional delegation in order that they "may put forward their case."

Contending the police chief was a "torturer" of Basque people, they say his death was caused by his own countrymen, and the blame has been placed on the ETA (Euzkadi Ta Askatasuna—Freedom for the Basques) organization. The Spanish government has described the ETA as a "separatist, terrorist and Communist group."

Beitia said trails of the 32, unless intervention by "outside interests" is effective, are to be conducted by a military tribunal swiftly and secretly. The original plan, he said, is that the 16 Basques still imprisoned in Spain, including two priests and three women, would be court-martialed in secret at Burgos, the military center of the Basque region.

Six of the defendants face death by garroting if found guilty on charges of military rebellion or terrorism, Beitia said. The prosecution has demanded prison sentences totaling 774 years against the group.

Zubizarreta explained the need for cementing Basque relationships.

"In 1931 the Spanish government gave the Basque people the opportunity to vote for the kind of government they wanted—86 per cent voted for autonomy (independence). This was not granted until 1936, but was lost in 1937–39 during the Spanish Civil War.

"We want to be independent," he said, "because the Spanish government oppresses us, has outlawed our culture, and discriminates against us. We are not treated as equals, and in order to continue our cultural background we have to use clandestine means."

In spite of all the restrictions, he said the Basque population of 2½ million, in an area of 20,000 kilometers, is the most highly industrialized portion of Spain. The four Basque provinces produce a large percentage of the total economic income of Spain.

"Nevertheless," Zubizarreta said, "the Basque region does not even have a university. All of the youth who have studied in the Basque provinces have to take their final examinations in Spanish cities.

"All the oppression" he added, "has led to emigration of the Basque people to America, Argentina, Chile, Uruguay, Venezuela, Mexico, Peru and Costa Rica."

The Basques in these countries are known for their folklore and romantic ways, he noted.

"But we have many more things to offer: a very rich history, scientific and historical discoveries, religion. And now we are making a concentrated effort toward cultural development, because pressure along this line has relaxed. These efforts are in the arts, anthropology, linguistics, architecture, industry, banking, highly developed music, he said, and far outranks any Spanish contribution.

"So, we feel the need for cultural ties with our Basque brothers in other countries. We want to start a flow of communication between the Basques of Idaho with Basques of the homeland and other lands. We want to seal a link," Zubizarreta said.

[From the Milwaukee Journal, Nov. 29, 1970]

STORMS STIR BENEATH CALM IN SPAIN

(By Larry Fernsworth)

(NOTE.—The surprise postponement Friday of the mass trial of Basque separatists before a closed military tribunal in Burgos, Spain, reflects a serious split in the Spanish cabinet over the harshness of the government campaign against the Basques of Northern Spain, the Manchester Guardian reports. Many Roman Catholic clergy and others within Spain and abroad have protested against the trial, which was to open Monday, and even Pope Paul asked the Madrid government to lift the secrecy surrounding the trial. Thursday, a delegation of Spanish opposition leaders went to the American embassy in Madrid asking that the U.S. use its influence to prevent invoking of the death penalty. The accompanying article about the discontent in Spain is by a newsman who recently revisited that country, where for several years he was correspondent for the Times of London. He is the author of "Spain's Struggle for Freedom" and other books on that country.)

The Spain where the trial of Basque nationalists is to be held is a land of grim happenings, quite in contrast to the Spain in holiday dress which President Nixon was shown on his visit there last month. He was carefully shielded from knowledge of such events, although he might have known about them by reading the free press of Europe, or the uncensored writings of exiles, or if he could have had private talks with nongovernmental Spaniards.

But the Spain of Generalissimo Francisco Franco has its military courts and its Tribunals of Public Order to take care of Spaniards who "slander the nation."

Glimpses of this other Spain emerged as I traveled through the country not long ago, renewing old aquaintances. They are further elaborated in Spain's underground press, publications by Spanish expatriates in places like Paris, Toulouse and New York's "Iberica"; in letters that Spaniards manage to send to the outside world and in international journals of wide circulation and high prestige like Le Monde of Paris and the Journal de Geneve. Few such reports are carried in most United States newspapers.

CATALOG OF TROUBLES

Some recent items from uncensored sources:

"Workers paralyze the subway of Madrid. . . . The government threatens to militarize striking workers. . . . Three construction workers shot dead when police open fire on striking construction workers in Granada. . . . Police beseige 500 workers in Granada cathedral for four days. . . . Basques in Pamplona clash with police as they protest against the assassination of strikers. . . .

"Spanish intellectuals and workers cry out against new military agreement with Spain, accuse the US of collaborating with Franco and other dictators. . . . Spanish intellectual leaders are heavily fined without benefit of trial for presenting petition of protest against the bases agreement to US Secretary of State Rogers on his visit to Spain. . . . Carlists importing arms to oppose accession of Don Juan Carlos as king after Franco.

"Anticlericalism of the right grows in Spain as worker priests and other Catholic activists side with the left. The Vatican gives no comfort to Franco, wants the Concordat radically altered, wants the state shorn of its powers to intevene in the church and to nominate bishops. . . . Police harass Basque priests who refuse to bless opening of a branch bank, calling it a publicity stunt."

"Thirty-six Spanish lawyers punished for protesting against rigged secret trials of civil and military courts. . . . Basque lawyers suspended. . . . Students join with Basque guerrillas—one gets 33 years in prison, another gets 20. . . . Civil Guard batters Basque students. Government dissatisfied with police chief of Basque provinces—No. 1 torturer, whose technique failed to silence Basque rebels, is removed."

BASQUES BEAR BRUNT

As you learn of these grim happenings in Spain, it seems you always find the Basque people bearing the brunt of the Franco regime's oppressive attention.

Basque priests have particularly angered the government by throwing in their lot with Basque workers and by wholeheartedly espousing the cause of Basque nationalism.

The government's anger rose high when they asked the United Nations in May of last year to investigate the violations of human rights by the Spanish government. They asked the International Red Cross to investigate prison atrocities. They called upon the minister of justice to abide by the law. They asked the hierarchy of their own church to rally to the defense of the people.

Five Basque priests who started a hunger strike in the residence of the Roman Catholic Bishop of Bilbao issued the following statement in the hope of calling world attention to the warfare being conducted against the Basques by the Spanish dictatorship:

"The Basque people live under an authentic reign of terror. . . . Human rights are abolished while citizens are persecuted and tortured. . . . The police hunt human beings like animals. . . . Radio-TV and the press are in the hands of the government, the facts are concealed, untruths are spread for the benefit of the regime."

The Spanish government called the Basque action "military rebellion." Police broke into the bishop's residence in violation of the Concordat and arrested the priests. Their lawyers were given four hours to prepare their case before a military court. Two received 10 year prison sentences. The other three received 12.

This was one—but only one of the incidents in the warfare against the Basque people during the 30 years of the Franco regime.

There are many Basque priests in prison along with Basque workers, students and political figures who have stood together in the struggle for their concept of Basque independence.

Leaflets of the Basque underground described some of the prison horrors of which the Basque priests complained.

Women as well as men were stretched out on long tables with feet and heads hanging over the edges, former prisoners reported. While several police held them down, water was drenched over their faces, into ears, nose and mouth.

When 31 women, ages 18 to 28, were jailed for alleged "illegal propaganda," their questioning was accompanied by psychological torture, it was reported. They were made to listen to taped screams of human terror, cries of anguish, of suffering, interspersed with hysterical shrieks of laughter. Then they themselves were insulted, clubbed and whipped.

Although the Basques are fighting for what they call their independence, most do not, by that term, mean separation from Spain.

They mean independence in the sense of the right to govern themselves within the framework of their own culture as they did in centuries past and according to the charter of self-government enjoyed under the Spanish Republic, which the onslaught engineered by the Franco-Mussolini-Hitler collaboration obliterated in the Spanish Civil War of the 1930's.

"We want independence, not merely for today or tomorrow but for all time," a Basque underground leader told me. "We want the government of Spain to respect our personality. Our culture is neither Spanish nor French but Basque. We are looking ahead. We are asking "what happens after Franco?" We want to share in whatever happens. We see a new future for Spain, foresee that it will be obliged to emerge from its isolation.

"We are democratic in every sense of the word and we want our share in bringing about democracy after the passing of Franco and to make our contribution to the Spanish order.

"All Spaniards are in the same boat. A new generation has grown up since the Spanish Civil War of the thirties and that new generation is irritated. A monarchy, if such is to follow the passing of Franco, must be neutral element for all Spaniards."

But the Basques do not accept the kind of monarchy carved out for Spain by Franco who named as his successor Don Juan Carlos, son of the exiled Don Juan de Bourbon who, in turn, is the son of the deposed late King Alfonso XIII.

Carlos represents what Spaniards label "continuismo," meaning continuation without interruption of what Franco calls his "sacred crusade." Neither the Basques nor any of the other liberating forces of Spain want any of that.

They look hopefully toward the elder Don Juan who did not participate in the Civil War and who has pledged himself not to make war on any political party.

HIERARCHY IS CAUTIOUS

The Franco regime is further infuriated against the Basques because they have the moral support of the liberal wing of the church, including some bishops. While many priests wholeheartedly side with the workers and with the liberating movements, not only of the Basques, but of the Catalans and of Spaniards in all parts of the country, a benevolently inclined part of the hierarchy at the same time acting cautiously and there are popular complaints that they ought to be more forthright.

Pope Paul VI himself has made gestures favoring the Basques and other elements seeking freedom from the dictatorship's oppression.

Franco's warfare against the Basques began during the Civil War, when Basque churches were bombed even while priests were celebrating mass. After the capture of long-resisting Bilbao in 1936, 14 Basque priests were shot without trial, more than 200 priests were imprisoned. Today Basques in exile affirm that "many of them lie in unremembered prisons, locations unknown."

Franco's propagandists have often asserted that what happened was because the Basques were "Reds," and such alibis were chorused by Franco's claque abroad. While some of the Basques did turn toward communism, most are obviously nationalists, fighting for their human rights.

[From the Christian Science Monitor, Dec. 4, 1970]

SPAIN AND THE BASQUES

There is something both pathetic and particularly pleasing about the Basques. Their mysterious language may be Europe's eldest. They are tough, dignified, law-abiding, hard-working, artistic, and few in number. They have striven to hold their own against ceaseless outside pressures which would whittle away their lands, their tongue, their culture, their very self-being. It has been a magnificent struggle.

But, as sometimes happens in these cases, small groups have resorted to violence and killing. Now 15 young Basques are on trial in Burgos, Spain, for the assassination two years ago of the head of the Spanish Political Police in a Basque province. To complicate the problem, a splinter group of the Basque nationalist movement has kidnapped the West German honorary consul of San Sebastian, threatening to kill him if there are convictions in the trial.

It is no easy task for any nation, Spain included, to know how to deal wisely and fairly with minorities determined to win various degrees of self-determination. But this is a problem which is growing in many parts of the world. Means must be found to protect racial individuality without sacrificing national unity. The starting point must be an all-around appreciation for every man's and every race's uniqueness. Although murder and kidnapping are never justified, Spain will succeed best with the Basques if it shows understanding and flexibility, not rigidity.

[From the Washington Post, Dec. 4, 1970]

SIXTEEN BASQUES GO ON TRIAL IN SPAIN

BURGOS, SPAIN, Dec. 3.—The government of Gen. Francisco Franco opened its military trial of 16 Basque separatists today and thousands of workers walked off their jobs in cities across the country to protest the courtmartial. The fate of a kidnaped West German consul also hangs in the balance.

The 16 Basques face charges ranging from banditry to terrorism and murder. The prosecution is demanding the death sentence for six of them and jail terms totaling 752 years for all.

Reports from San Sebastian said labor stoppages were all but total in the Basque province of Guipuzcoa. Twenty persons were reported arrested in several clashes between workers and police.

Sources in Vizcaya, another Basque province, said as many as 12,000 workers were on strike there, but other sources said the figure was much higher. The heavily industrialized province has a total labor force of 250,000.

Madrid University, which was supposed to open today after a three-day holiday, will remain closed until Monday to prevent disturbances, police said.

An empty bus burned in Seville during a demonstration Wednesday night.

CONSUL'S KIDNAPING

West Germany's honorary consul in San Sebastian, businessman Eugene Beihl, was kidnaped outside his home Tuesday by a group claiming to belong to the Basque terrorist organization ETA. An ETA communique from Madrid, however, said the kidnaping was done by a renegade group using its initials and denounced the abduction.

The kidnapers have so far failed to get in touch with Spanish authorities or German diplomatic officials in Spain, but they sent word to a French Basque group that Beihl's fate would depend on the outcome of the Burgos trial.

(Reuter, citing Basque sources in France, reported that a West German government representative had arranged to meet a leader of a Basque association near St. Jean de Luz to discuss the possible release of Beihl.)

[In Paris, a West German Embassy spokesman confirmed that such contacts were planned, the Reuter dispatch added, quoting him as saying: "Time is very short, we have to act."]

Beihl's car, in which he was abducted, was found abandoned yesterday near the foothills of the Pyrenees. There were no signs of violence.

There was speculation that Beihl had been taken to France through one of the rugged pathways smugglers use to cross the border.

TRIAL CRITICIZED

The trial, which may last five or six days, has aroused widespread criticism. The Vatican and the Spanish Conference of Catholic Bishops have asked that any death penalties be commuted to jail terms. The bishops appealed for the "utmost clemency."

Seventeen persons, including writers, lawyers and industrialists, staged a sit-in to protest the trial last night at the Barcelona branch of the Association of Friends of the United Nations. They said they would go on a hunger strike.

Student and worker demonstrations were expected today in Barcelona and elsewhere despite police warnings they would act with "the utmost energy and rigor."

CIVIL COURT URGED

Informed sources said the governing board of the Barcelona Bar Association has suggested to the military authorities in Burgos that the trial be passed to a civil court.

Police in Madrid arrested 19 students yesterday for holding an unauthorized meeting to protest the court-martial. Baton-wielding riot police in Barcelona dispersed several hundred demonstrating university students shouting "liberty" and "police assassins."

The six defendants facing possible death sentences are accused of planning the August, 1968, murder of a provincial political police chief at his home in the border town of Irun, Guipuzcoa Province.

Among the other defendants accused of practicing terrorism or aiding terrorism are two priests and two women. According to Spanish law, terrorism is a military crime.

[From the Christian Science Monitor, Dec. 4, 1970]

MADRID TRIALS CONTINUE—BASQUE DRAMA NEARS CLIMAX

(By Richard Mowrer)

MADRID.—Tough repressive measures including the imposition of a state of emergency throughout Spain are ready to be brought into play by Generalissimo Francisco Franco's government as a tension-packed drama moves toward a climax.

The drama centers on two related events: the trial before a military court in Burgos, northern Spain, of 16 Basque separatists, six of whom face possible capital sentences; and the kidnaping of a West German diplomat.

Eugen Beihl, honorary consul in San Sebastian, was abducted the night of Dec. 1 and is being held as hostage against the Basques on trial. At this writing his whereabouts are unknown.

The kidnapping was at first attributed to the clandestine separatist organization ETA (Euzkadi Ta Askatasuna—"Basque Land and Liberty"). But it now appears that ETA disclaims responsibility. A breakaway segment from ETA is said to have committed the deed.

ETA is reported to have decided earlier this year to sheer away from terror tactics in the hope of winning a broader base of support in the Basque regions of northern Spain. The breakaway group is said to disagree with this policy.

What seems certain is that the kidnapping of Mr. Beihl has strengthened the government's hands. The regime will seize the opportunity, observers believe, to equate the abduction with the recent kidnappings by French-Canadian separatists in Quebec Province.

Whatever sympathy Basque separatism or Basque nationalism enjoyed abroad and in the Basque country itself is now felt to be jeopardized by the kidnapping of Mr. Beihl and the Spanish Government is not likely to miss this opportunity to exploit the new situation.

It would be out of character in any case for an authoritarian regime like Spain's to give in to threats and terrorism from dissident groups. The feeling here is that the Franco government will not make concessions which could be interpreted as weakness and loss of face.

Nor is the regime likely to bow to foreign pressure if it feels that to do so would create serious problems on the home front by encouraging dissent.

CLEMENCY URGED BY MANY

But the government nevertheless is under heavy pressure from many quarters to exercise clemency should any of the accused Basques in Burgos be found guilty.

Two bishops in the Basque provinces of Guipuzcoa and Vizcaya, Jose Girarda and Jacinto Argaya, have petitioned the authorities to abolish the capital penalty regardless of the outcome of the trial. This week the 13th Episcopal congress of Spanish bishops meeting in Madrid dispatched a declaration to the Ministry of Justice in support of this stand.

The secretariat of state at the Vatican in Rome has interceded with the Spanish Government for clemency at the Burgos trial. Lawyers associations in Spain have waged a persistent campaign to abolish capital punishment. Students in Madrid, Bilbao, and Barcelona have demonstrated on campus and in the streets.

The Burgos military trial, which opened Dec. 3 despite the kidnaping of the West German consul, threatens to spark strikes and new demonstrations in various parts of the country. Extensive security measures have been taken to cope with expected eruptions of violence linked to protests in Madrid and Barcelona, as well as in the troubled north.

Behind the trial of the ETA separatists, among them two priests and two women, is the generations-old struggle of the Basques for local autonomy and independence.

Two-and-a-half million Basques live in a green, mountainous land bordering the Bay of Biscay, astride the French-Spanish frontier. Nine-tenths of the Basque region is in Spain.

Nobody knows the origins of the Basque race, a proud, gifted, stubborn people whose strange tongue, full of k's, x's, and z's has no known roots, whose national game jai-alai, a form of handball played in walled courts with wooden paddles or curved wicker baskets, is reputed to be the fastest ball game in the world.

The Basques have a tradition going back 10 centuries of regional independence with democratic institutions. They lost their regional charter of rights, the Fueros, in 1839. The central government in Madrid held against the Basques the active support they gave the Carlist cause in the civil wars of the period.

PARTY FOUNDED IN 1893

In 1893 the Basque National Party was founded in the small town of Larrazabal, near Bilbao. It began as a movement for an independent Basque land (Euzkadi) separated from France and Spain. Later it dropped the idea of independence and pushed instead for local autonomy.

In the early days of the Spanish Civil War of 1936 the Republican government in Madrid granted full autonomy to the hard-core Basque provinces, Guipuzcoa and Vizcaya, isolated by Franco's Nationalist armies. In June 1937, the Nationalists captured Balbao and that was the end of Basque autonomy.

In 1956 impatient, younger generation members of the Basque National Party broke away to create the "direct action" underground movement ETA. Since then ETA has taken an increasingly left-wing slant, calling for the creation of a "socialist" Basque state.

Operating on the theory that violence breeds repression, which in turn escalates popular dissent against authority, ETA embarked three years ago on a campaign of terrorism directed mainly against the police. The ETA people now on trial are allegedly implicated in the murder of a high security police chief, Meliton Manzanas, in Irun in 1968.

The slogan of Basque separatism is "Zazpiak bat"—"the seven are one." This refers to the four Spanish Basque provinces—Guipuzcoa, Vizcaya, Alava, Navarra; and the three French Basque regions—Basse-Pyrenées, Labourd, and Soule.

In democratic France, where things are quiet, the Basques seem satisfied with the way things are. It is in authoritarian Spain that the Basque issue has taken a violent form.

[From the New York Times, Dec. 4, 1970]

SPAIN REINFORCES BURGOS AS BASQUES' TRIAL OPENS

(By Richard Eder)

BURGOS, SPAIN.—The ornate, heavily guarded trial room of the Sixth Military District here was the quiet center of a political storm today as Spain began the court-martial of 15 Basques.

The Basques are accused in the murder of a provincial head of the Political Police, and their case has become a symbol of the continuing struggle between the Basque ethnic group and the central Government in Madrid. There have been widespread protests and petitions against the trial, in particular against the use of a military tribunal, from whose sentence there is no appeal.

The northern provinces of Guipúzcoa with Vizcaya were jammed with police reinforcements that rolled in throughout the night. Perhaps 100,000 workers in Balbao, San Sebastian and a dozen smaller towns were on strike to protest the court-martial.

A number of clashes, none especially serious, took place during the day. Tonight there were reports of a large demonstration in the industrial section of San Sebastian and of smaller demonstrations in Barcelona, Valencia and Seville.

As the trial opened the Government continued its search for the honorary consul of West Germany in San Sebastian, Eugen Beihl, who was kidnapped Tuesday. It is believed that the men who seized the 69-year-old businessman at his home are part of an activist movement seeking independence for the Basques.

A statement issued by the West German Embassy said it was "in close and continuous contact with the Spanish authorities, and had full confidence that they will do everything possible to save the life and secure the liberation of Mr. Beihl."

The West German consul in Bordeau Christian Sell, has met with Basque exile groups in St.-Jean-de-Luz, just across the French border, notably with Teleforo de Monzon, an exile leader who has reportedly been suggested as an intermediary.

HINTS OF DISAPPROVAL

The leaders of E.T.A., a guerrilla group that has been the target of a long government campaign, have shown signs of strongly disapproving the kidnapping. According to Basques who have been in touch with the leaders, some of whom are in France, they take the view that it may increase the chances that death sentences will be imposed on the six defendants who are accused of direct involvement in the killing.

There were unconfirmed reports that the group had sent a message to the kidnappers that argued that their action had accomplished all it could in attracting world attention to the court-martial and they urged Mr. Beihl's release.

How strong a line the Governor of Generalissimo Francisco Franco would take was not clear. The press has been allowed to give full coverage to both the kidnapping and the court-martial, and some observed evidence viewed that as that the public was being prepared for strong measures.

A Cabinet meeting will be held tomorrow, and there was speculation that it might decide to impose a state of emergency. A proclamation by the Civil Governor of Guipuzcoa today strongly hinted at such a course if the ferment continued.

Meanwhile, in Burgos, a cold, austere Castilian city that was General Franco's headquarters during the Civil war and is second to no other city in Spain in its loyalty to the Caudillo and its abhorrence of Basques, liberals and other troublemakers, strong security measures were taken.

ONE HUNDRED AND FIFTY SPECTATORS ADMITTED

The 120 members of the public and the 30 or so journalists allowed in the courtroom were searched. During recesses they were kept in a courtyard guarded by soldiers with submachine guns.

The 16 prisoners—it has been recommended that one of them, Mara Aranzazu, be set free and there is no charge against her—sat handcuffed in pairs facing the military judges. Twenty-six gray-helmeted policemen stood behind them.

The defendants are accused of being active members or adherents of E.T.A.—the initials stand for the Basque words "Basque nation and liberty"—and of carrying out a number of bombings, bank robberies and the distribution of clandestine propaganda. Of the six accused of planning the killing of the police inspector, Meliton Manzanas, two and a half years ago, one, Francisco Izco, is charged with the actual shooting.

The defense lawyers asked the presiding judge, Col. Manuel Ordovas, a cavalry officer and former member of an Olympic riding team, to have the handcuffs removed. The colonel, a gray-haired man with a thin mustache, asked the lieutenant of the court guard if he could guarantee security if the prisoners' hands were free. He replied in the negative, but they were loosened.

The first day was taken up with the reading of the first part of a 30,000-word summary of an investigating officer's report.

Before the trial the defense submitted a motion asking that the court disqualify itself. As military commanders, they argued, the judges had shown prejudice against Basque conscripts under their command. The prosecutor, a stout, dark-haired captain named Carlos Granados, showed a strong anti-Basque prejudice in previous court-martials, they added.

On three such occasions, in summing up his appeal for death sentences, Captain Granados had urged that those advocating separatism "be sent to a volcanic and desert island where, like slavering dogs, they would be obliged to scratch their nourishment from the soil with their fingernails."

The motion was rejected by Colonel Ordovas, who cut short an attempt by the lawyers to argue it.

[From the Washington Post, Dec. 7, 1970]

BASQUE TESTIFIES HE WAS TORTURED

BURGOS, SPAIN.—The youngest defendant in the trial here of 16 Basque separatists testified yesterday that police had beaten and tortured him.

In the first testimony heard after four days of trial, Jesus Abrizqueta Corta, 21, told a seven-man court-martial that he had been beaten by about 30 policemen at the police station for nine days after his arrest. This was followed by 22 days in solitary confinement, he said.

On Saturday, the investigating magistrate who prepared the case against the defendants read an account of the torture of another of the accused.

The 16 Basques are accused of terrorism and rebellion against the government. The prosecution reportedly will seek death sentences for six defendants and prison terms totaling 752 years for the others.

As the defense moved to enlarge details of police behavior, the court president shut off this line of questioning, saying the police were not on trial.

Later, however, he permitted a defense lawyer to ask Abrizqueta if he would have confessed to murder if he had been tortured as much as another defendant—who, unlike Abrizqueta, is charged with murder—had been.

"Yes," Abrizqueta replied.

[From the Christian Science Monitor Dec. 7, 1970]

SPAIN ORDERS QUASI MARSHAL LAW

(By Richard Mowrer)

MADRID.—Although so far it is only in the Basque province of Guipúzcoa that the government has declared a state of exception, the trial of 16 Basque nationalists has generated tension throughout the land.

The decision to clamp down hard was reached at a Cabinet meeting here Dec. 4 presided over by Generalissimo Francisco Franco.

The state of exception is to last three months but can be extended automatically for further three-month periods. It gives the police free rein in addition to the considerable powers they already enjoy in authoritarian Spain. They are empowered to:

Arrest persons at will.

Detain them indefinitely.

Deport them to other parts of the country.

Carry out searches anywhere anytime.

Also, residents in Guipúzcoa Province who want to change domicile will have to get the authorities' permission to do so.

The government's drastic security measure comes as the controversial trial of 16 Basques moves inexorably toward a climax. It follows the kidnapping Dec. 1 of the West German honorary consul at San Sebastián, Eugen Beihl, held by Basque dissidents as hostage for the lives of the Basques on trial.

SENTENCES DISCUSSED

Six of the defendants face possible death sentences. All, among them three women and two Roman Catholic priests, are being tried before a military court in Burgos, Northern Spain.

Judging from the agitation related to the Burgos trial that has erupted in different parts of Spain in the past two weeks, the issue has become a national one.

In cities as far apart as Barcelona, Oviedo, Gerona, Bilbao, and Madrid, there have been demonstrations demanding the abolition of the death penalty in Spain, protesting the Burgos court martial.

A number of Spanish lawyers' organizations have joined in with declarations and appeals in Madrid so much so that the bar association here has been closed until further notice.

Two Roman Catholic prelates in northern Spain have publicly appealed for clemency should the Burgos court hand down death sentences; so has the Spanish bishops' episcopal congress recently convoked in Madrid.

WORKERS PROTEST

In the Basque region itself, an estimated 100,000 workers have protested by going on strike even though strikes are illegal.

This is a situation the central government has coped with before. But what is new is its depth and magnitude. Dissent and violence in the name of local autonomy or independence is an old story in the Basque provinces of Spain.

But this time dissidents in other, distant parts of Spain have latched on to the Basque dispute and the trial in Burgos to bait and harass the caudillo's aging regime, now in its 34th year.

Prior to the government's declaration of a state of exception in Cuipuzcoa, the official Spanish news agency Cifra reported that Spain is the target of a vast Communist plot master-minded from abroad to stir up trouble and protests. This included Communist support for the Basque clandestine organization ETA, although, Cifra said, ETA is not Communist.

REPORT GIVEN

Reporting on the Cabinet meeting's decision to impose what amounts to a modified form of martial law on the province of Guipuzcoa, Information Minister Alfredo Sanchez Bella said that the government was satisfied that the "immense majority of Spaniards and the totality of the press" condemned terrorist acts, which, in any case, would not affect the normal course of justice.

The fact remains that cracks that have appeared in Spain's body politic run deep, and Basque separatism, highlighted by the Burgos trial and the kidnapping of the West German consul, is only one symptom of the country's troubled mood.

A younger generation that couldn't care less about the regime's civil-war origins is coming to the fore. Franco supporters themselves are divided into progressives and hard liners, the Roman Catholic Church, closely linked to the regime, appears now to be disengaging from it.

The Army, which traditionally has the final say in moments of national crisis, is not of one mind, according to private reports, as to the suitability of trying the 16 Basques before a military court. The Army prefers to remain apart from politics, these reports say, yet the Burgos trial is to a considerable extent, political.

[From the Idaho Statesman, Dec. 7, 1970]

HOMEDALE MAN FROM SPAIN ACCUSES BASQUE CENTER OF DISCRIMINATION

Editor, The Statesman:

Three months ago my wife and I arrived in the United States of America and we are now living in Idaho. We are both teachers from La Maucha, in Spain, and we came here through a Fulbright Grant to learn new techniques in education. My wife teachers in a bilingual program in Homedale as I am teaching Spanish at TVCC in Ontario.

We are very happy living in Idaho and we have many good friends. I would especially like to point out that we know a lot of Basques, who all are very kind in helping and receiving us in a very friendly manner. Our good impression of all Basque people in Spain was confirmed here. I needed to explain this for better understanding of the reason for this letter.

We had, some time ago, information about the Basque Center and also about a trip to Spain next summer. We were interested in both. After getting needed information we sent two checks to the Bureau members to obtain travel information and reservations.

We were very surprised when we received a telephone call asking us about our race. We answered that we were both Spaniards. They told us that we could not be center members, nor could they give us travel reservations. We have received the checks that they returned to us.

All the Basques who are aware of this kind of doing, after we told them, think they are deplorable. In view of this, I wonder if the needs of the Basque Center represent the feeling and wishes of all the Basque people.

I would like, through this letter, for all Basque and Idaho people, to know about these actions. If the center's rules require being of the Basque race as a condition to be a member I think it is a discrimination rule, unworthy of Basque and all Spanish traditions and culture.

What would the Basques think if in Idaho there were a Spanish Center closed to them? To better understand this! What would all Idaho people think if there were a center only for Quebec people and closed to all other Canadians?

This action is absolutely contrary to one which would ease the problems of Basques and other Spanish people living together. Furthermore, it is contrary to the promotion of good relations between all people of the world.

I am contemplating on sending a similiar

letter to a Spanish newspaper in the Basque Country in order that they may know the real facts about some heads of the Basque Center in Idaho.

TEODORO ALONSO.

Homedale.

[From the Idaho Statesman, Dec. 9, 1970]

NON-BASQUE BOISEAN DEFENDS BASQUE CENTER'S EXCLUSIVENESS

Attention: Teodore Alonzo.

Your letter to The Statesman published Monday has been read. You complain of exclusion from activities of the Boise Basque Center, a private organization of people of Basque origin.

By your own statement, you are not Basque, but Spanish. Coming, as you do, from a people long renowned for courtesy, I am astounded that you would presume to force yourself upon any private American organization where you are not wanted. I do realize that many such organizations have not been allowed in Spain for many years, while in our country they may well be deemed the basis of our freedom.

It is unfortunate, but necessary, that you be reminded that you and your wife are guests of the American people of whom the Basques of whom you speak are a respected and integral part.

The last paragraph of your letter, in which you speak of "sending a similar letter to a Spanish newspaper in Basque country" is most reprehensible, and such a threat should not be countenanced by any American citizen. Should you do so it would be a duty incumbent upon all of us to take steps as might be necessary to legally bring your welcome among us to an end, especially as you are teachers.

I am neither Spanish nor Basque. Were I invited to participate in an activity of the Basque people I would feel honored. To attempt to attend without being invited I would abhor as being the worst of bad manners.

Since you have chosen to make your letter public, it would seem that a public letter of apology would be most appropriate.

KENNETH L. HILL.

BOISE.

[From the New York Times, Dec. 8, 1970]

BASQUE TRIAL DELAY IS RAISING QUESTIONS

(By Richard Eder)

MADRID.—The Basque court-martial in Burgos, marked yesterday by accounts of torture and statements of opposition to the regime, was suddenly adjourned today for at least 24 hours.

The move added to the tense atmosphere that has built up in Madrid over the last week.

The president of the court-martial, Col. Manuel Ordovas, came in person this morning to the Burgos Hotel where the defense lawyers—and dozens of journalists—are staying to explain the adjournment. The colonel, a trim, erect man, dressed in sport clothes for the visit, a most unusual one by the standard of Spanish military protocol.

He said the adjournment had been necessitated by the illness of Capt. Antonio Troncoso, the legal officer at the trial of 15 Basques accused in the killing of a police chief. The lawyers tended to believe that Captain Troncoso—who looked pale yesterday—might be ill. But they suspected that the Government might be considering whether it wanted to keep the trial public, in view of the kind of testimony the accused are giving, or put it behind closed doors.

There is the grave problem posed by the kidnapping of Eugen Beihl, honorary German consul in San Sebastián. Mr. Beihl was abducted from his home Tuesday night and apparently is being held as a hostage for the Burgos prisoners who face possible death sentences. They are accused of having planned or carried out the murder of Melitón Manzanas, the chief of the secret police in San Sebastián in August, 1968.

Today the West German Ambassador, Hermann Meyer-Lindenberg, received a handwritten letter from Mr. Beihl, posted, like previous notes, from Vitoria.

The note read:

"I hope these lines come to you. I do not know specifically what they hope to gain from my detention. I strongly urge you to see that my wife is protected and my daughter stays in Germany. I have been treated humanely up to now. I shall be sincerely grateful for whatever you and the (German) Federal Government can do for my release."

Mr. Beihl's uncertainty over the demands of his captors—members of a splinter group of the ETA guerrilla organization seeking Basque autonomy—is shared by the Germans. No specific release terms have been set, other than the statement that the consul's fate was linked to that of the accused at the court-martial. The initials ETA are for the Basque words for "Basque nation and freedom."

There is no specific indication of what the Spanish Government is doing to obtain Mr. Beihl's release, although the belief is growing among observers at Burgos that may help free the German.

[From the New York Times, Dec. 9, 1970]

BASQUE COURT RESTRICTS TESTIMONY OF DEFENDANTS

(By Richard Eder)

BURGOS, SPAIN.—The court-martial of the 15 Basques accused of terrorist activities resumed here today after a one-day recess, but with the presiding officer cutting off the kind of defense testimony he had permitted on Sunday.

No longer were the accused allowed to give searing descriptions of the interrogation methods that they said had produced their confessions. Nor were they permitted to make detailed statements of their opinions about Spain and the Basque revolution they were working for.

As the court-martial reconvened this morning in the big barracks downtown, Col. Manuel Ordovas, the cavalryman presiding over the five-member panel, restricted testimony on police mistreatment to assertions that it had occurred. He refused to allow lawyers to question the accused about their beliefs, upbringing or what had led them to work in the ETA organization, which advocates violence to bring about a Socialist Basque state in what is now the northern part of Spain.

At the start of today's proceedings, each defendant's lawyer made a point of congratulating the court's judge advocate, Capt. Antonio Troncoso, on his quick recovery from the illness that had been described as the cause of the one-day recess. The lawyers appeared to be implying that the recess was used for a reconsideration of the way the court martial is being conducted.

The first of the accused to be brought up from the well at the front of the court in which the 16 prisoners sit was José Dorronsoro. One prisoner, Maria Urruti, sits with the others, although the prosecutor has decided to ask for her acquittal.

Mr. Dorronsoro, a thin-faced former seminarian, answered the prosecutor's questions with loud and contemptuous no's. He is accused of having helped plot the killing of Melitón Manzanas, police chief of Quipuzcoa, and death sentences have been asked for him and five others allegedly involved.

His lawyer, Pedro Balerdi, asked if he had been mistreated.

Mr. Dorronsoro said that he had been, and that he had never been brought before an investigating judge, as is required. President Ordovas allowed this, but he cut off the repeated attempts of Mr. Ruiz to get him to elaborate, until finally the lawyer burst out:

"Perhaps the court would prefer if I sent it telegrams instead of developing my case."

A second lawyer, Gregorio Peces Barba, tried to ask Mr. Dorronsoro why he thought he was being judged by court-martial, whereas he had been tried by regular court on other charges concerning ETA activities. The use of a court-martial is one of the most sensitive points about this trial.

Q. Do you know why, at one point, you were tried by . . .

The COURT. Irrelevant.

Q. Can I finish my question?

The COURT. No, sir.

Q. But questions must be finished before they can be ruled impertinent.

Finally, Colonel Ordovas allowed him to finish the question and immediately ruled it irrelevant.

Another lawyer, Miguel Castels, began:

Q. You say you were mistreated?

A. Yes, sir.

Q. How were you mistreated?

The COURT. You may say you were mistreated. You may not say how you were mistreated. We are not trying the police here.

Q. Do you feel you have freedom to answer here?

A. No, sir.

As the session wore on, the exchanges between the lawyers and the president grew angrier. The prosecution's case, at least as regards the killing of Inspector Manzanas, rests mainly on what the prisoners say about each other in their confessions. The defense feels that the confessions were produced by coercion, and that it must be given scope to demonstrate this.

[From the New York Times, Dec. 10, 1970]

BASQUE TRIAL DISRUPTED BY DEFENDANT'S OUTBURST

BURGOS, SPAIN.—The court-martial of 15 Basque nationalists came to an abrupt end here today after one defendant advanced on the tribunal and his manacled companions struggled with policemen.

During the pandemonium two military judges drew their swords, and prisoners and spectators, most of them relatives of the accused, broke into shouts and singing.

The court was cleared of prisoners, spectators and newsmen, and the defense lawyers, announcing that their clients no longer wanted to be defended, asked permission to leave.

Col. Manuel Ordovas, the president of the five-member panel, refused, and the lawyers sat stonily through a three-hour presentation by the military prosecutor, Capt. Carlos Granados.

He maintained his demand for death sentences for the six defendants who are accused of having arranged the killing of an inspector of the political police, Melitón Manzanas, in August, 1968.

As for the others, who are accused of banditry, the prosecutor reduced by 30 years his original call for a combined total of 754 years and one day in prison.

With the trial over after a week, the judges retired to consider their verdict. The deliberations are expected to take two to eight days, and the judges are not allowed to leave the red-brick military barracks where the court-martial has been conducted until they finish. Beds were set up for them this morning.

The trial has become the center of the most serious political storm that Spain has known since the Civil War. It has aroused demonstrations in many places, particularly in the Basque country in the north, and last week Basque guerrillas kidnapped the honorary West German consul in San Sebastián, Eugen Beihl.

The outburst at the tribunal today was partly a protest by the accused against the

restrictions on their testimony, although the court has been more lenient in this respect than other Spanish military panels. Mainly it appeared to be a demonstration of the defendants' rejection of the regime of Generalissimo Francisco Franco and an assertion of the fighting spirit of the guerrilla group to which most proudly admit belonging.

There had been rumors before the session that there might be trouble after the last of the prisoners' declarations had been heard. The Burgos barracks, where security precautions had been relaxed in the last few days, bristled with green-bereted paratroopers carrying submachine guns.

The small courtroom had even more plain-clothesmen than usual, including two young women in midicoats.

Colonel Ordovas, who clamped down severely yesterday on the lawyers' examination of the accused, returned to his milder manner of earlier days. He not only allowed the last prisoner, Mario Onaindia, to talk freely but he watched with considerable amusement and only token efforts at rebuke as Mr. Onaindia, a tall, strapping man, infuriated the military prosecutor by terming his question irrelevant or rephrasing them.

Mr. Onaindia, one of the six accused in the killing of Inspector Manzanas, denied the charge. His activities were not military, he said, but political.

After 20 minutes or so, his lawyer, Miguel Castells, asked if he considered himself a prisoner of war. Two of the other accused have made this statement, on the ground that their organization, ETA, was fighting a war to set up a Basque socialist state.

[From the New York Times, Dec. 10, 1970]

TO THE BASQUES IT IS THEIR UNIQUENESS THAT IS ON TRIAL IN SPAIN

(By Richard Eder)

BURGOS, SPAIN.—Two-thirds of the way north from this drab Castilian town, where 15 Basques are on trial, the train hurdles one of those sharply defined geographic boundaries that are more common in fairy tales than in life.

It is like "The Wizard of Oz," say, where one crosses a line and suddenly finds himself in the land of the Quadlings, where everything is red and the people are different.

The bare, rocky countryside of Castille, basically golden yellow, comes to sudden end at a steep gray mountain wall. The train climbs through cuts and gorges, and all at once everything is green and rolling, with neat, red-roofed cottages, and with haystacks and grazing cattle zigzagging up the hillsides.

And the people are different. To the Basques it is the difference that is on trial in Burgos.

BEYOND THE USUAL VIEW

True, the young people facing the five judges are associated with a group that goes beyond what most Basques conceive as a proper way to conduct their quarrel with the rest of Spain.

ETA—the initials stand for Euskadi ta Azkatasuna, or Basque nation and freedom—is shattered and divided now. In its best days it numbered no more than 200 or so activists, who set off bombs, held up banks, carried guns and, once in a long while, used them.

One victim was Inspector Meliton Manzanas, chief of the political police for Guipúzcoa Province. It is his death that figures in the main charge in the court-martial and that could result in the execution of up to six of those on trial.

The Basques are not unwarlike—the 19th century in Spain was marked by the bloody fighting of the Carlist wars in the north—but they are prosperous farmers, artisans and tradesmen. Though they have been dubious and skeptical of the young hotheads in ETA, they did not really disapprove of the killing of Mr. Manzanas, whom they considered a sadist obsessed with stamping out all manifestations of their way of life.

The court-martial, with its proposed death sentences, has gone far to convince the Basques that they are being persecuted by the Government of Generalissimo Francisco Franco. The formulation is important. The Basque rebelliousness reflects hatred not only of dictatorship as such but of the centralizing form it takes.

One question, posed the other day at the court-martial, serves to show why what the accused are saying has found an echo in the Basque provinces. Juan Abrisqueta was asked about his schooling.

He and his companions, despite two years in jail, beatings and the threat of execution, still look startlingly young. They have the square-featured good looks and fresh complexions and the air of carrying an extra quart of blood in them that are characteristic of their people, who eat better, weigh more and get a great deal more exercise than other Spaniards.

"They made me speak Spanish," the young man said, "and they punished me because I pronounced the letter 'R' too heavily."

The Basque language, difficult, guttural and related to nothing else human, is more the symbol than the reality of the Basque community. It is venerated, as Mr. Abrisqueta's bitter words show, but it is spoken less widely than it is venerated.

In the villages and farmhouses it is still commonly heard but in San Sebástian and Bilbao it is rare. One sign of the times, in fact, is the study groups of young university students who spend hours at night trying to learn at least a bit.

The Basques, a race that was here when the Iberians came, live in all parts of Spain—not to mention a shepherd group in Idaho. As a community, they exist in four Spanish provinces—Guipúzcoa, Vizcaya, Alava and Navarre—as well as in three French departments near the border.

Guipuzcoa is solidly Basque and Navarre is predominantly so. The Navarrese, having fought on General Franco's side during the Civil War, were politically hostile to the Guipuzcoans and Vizcayans, who were and are republicans. Recently, however, Basque nationalism has made inroads among the younger Navarrese.

Vizcaya contains some of the strongest of the Basque communities—the port of Bermeo and the towns of Guernica and Durango, for instance. Its capital, Bilbao, however, has seen heavy immigration from other parts of Spain and its Basque character is diluted. Alava tends to be Basque in the north and Castilian in the south.

WEIGHT LIFTERS AND HIKERS

Culture and community life among the Basques are quite different from those of the Spaniards. The Basques are weight lifters, choppers of trees, hikers and mountain climbers. Evidence of that was the pile of ancient knapsacks in front of the judges' bench—evidence seized by the police when they caught four Basques in a mountain cabin.

Indeed, the civil guard has had some unaccustomed exercise breaking up meetings that started at the bottom of the green hills and got more and more political along the way up.

In the countryside the Basques' houses are individual, one to a farm, instead of being bunched in villages, as in the south. They are sentimental, sturdy, democratic and contemptuous of other Spaniards.

At the end of the Middle Ages the Basques lived with local lords or chieftains, but with a strong element of community self-government. As the Kingdom of Spain developed, the Basque provinces came in under guarantees of a certain degree of autonomy.

That autonomy persisted until after the Civil War when, General Franco punished Vizcaya and Guipúzcoa by taking away their privileges. The Basque government, which was federated with the defeated republic, had gone into exile and the symbols of Basque nationalism—language schools, publications and songs and dances—were forbidden or restricted.

TREATMENT IS ROUGHER

In recent years many restrictions have been removed, but the Basques still feel discrimination. Several times before, when states of emergency were proclaimed, they applied only to the Basque provinces. The one invoked last week after the kidnapping of the honorary West German consul in San Sebastián, applies only to Guipúzcoa.

The civil guard, drawn from non-Basques, is undeniably rougher with the Basques than with other Spaniards. Until recently, the Basques say, Basque military recruits serving in the Burgos district, which takes in the northern provinces, were discriminated against in matters of leave, promotion and discipline.

All this—the replacement of a democratic form of government by a dictatorship, the abolition of limited autonomy, the years of cultural restrictions—has changed the mild nationalism of the older Basques into more active and uncompromising forms.

The ETA group is an extreme. More representative, and more dangerous for the Government, are the 100,000 workers who struck in the Basque provinces last week to protest the trial, the hundreds of shopkeepers who shut their doors despite official pressure and the crowds who defied the police and civil guard and sometimes fought them.

[From the New York Times, Dec. 11, 1970]

THE BASQUES CONFRONT FRANCO

By incredibly mishandling a trial of Basque nationalists, Generalissimo Franco's Government has stumbled into one of its worst political crises since the end of the Spanish Civil War.

The fifteen defendants, members of a Basque guerrilla organization known as E.T.A., are charged with terrorism and the murder of a hated provincial police chief. Many Spaniards other than the Basques were incensed by the decision to try the defendants by court-martial rather than in a regular court, and to demand the death penalty for six, with long prison terms for the other nine.

Despite severe restrictions on testimony by the military judges, the defendants were able to make the point that their "confessions" during two years in prison had been extracted by police coercion and brutality. The over-all result was to produce solidarity among outraged Basques, many of whom had never been sympathetic to E.T.A., and to provoke strikes, demonstrations and protests throughout Spain that included elements usually in support of the regime. Even the Vatican joined Catholic bishops of Spain in pleading for clemency.

The hope must be that General Franco belatedly realizes the extent of the crisis in Basque country and elsewhere and will intervene if the Army court is not disposed to clemency. But the danger is that Franco at 78 may react to the pressures—including the kidnapping of a West German consul by Basque terrorists—by supporting harsh treatment for the defendants as an act of defiance against his critics.

[From Christian Science Monitor, Dec. 11, 1970]

BASQUE TRIAL—A CROSSROADS: SPAIN SCANS IDEOLOGY ROUTE MAP

(By Richard Mowrer)

BURGOS, SPAIN.—The case of the Basque separatists may well have brought Gen-

eralissimo Francisco Franco's authoritarian regime to a crossroads where a choice will have to be made between two routes:

Exercising leniency and preserving the image projected abroad of a regime liberalizing itself to win acceptance as a partner of democratic Europe.

Reverting to a stronger line, dealing harshly with rebelliousness so as to keep control of a deteriorating situation within the country.

With the military trial of the 16 Basque separatists ended and the court's judgment awaited, all eyes are on the caudillo.

For only he can commute death sentences, and it is expected that before the weekend is over he will be faced with the decision of whether to exercise his prerogative.

Seven lives hang in the balance: those of the six defendants for whom the military prosecutor has demanded the supreme penalty, and that of the West German consul, Eugen Beihl, whom Basque extremists threaten to "execute" if any of the Basques on trial are put to death.

If the Army court sitting in this austere, windswept garrison town of Old Castile Province takes a tough line, as expected will General Franco take a softer course? The complexities of the whole affair are such that no one can be sure.

If one or all six of the Basque prisoners are executed, serious trouble threatens not only in the Basque areas of Spain but in other parts of the country, including Madrid. In this eventuality, the regime would have no choice but to meet force with superior force or abdicate, observers believe.

Yet, if no Basques are executed, the "soft" line risks being construed by the regime's opponents as a sign of weakness inviting further challenge.

In recent years, the Franco regime has been divided between hard liners and progressives. The hard liners have watched with anger and anxiety the erosion of the regime's old-time tough, no-nonsense authority as the progressives in the government have pushed for easing of authoritarian constraints at home to make Spain more acceptable abroad.

GULF EXPECTED TO WIDEN

The trial of the 16 Basques and whatever follows will, in the opinion of qualified observers, widen drastically, perhaps dangerously, the gulf between the regime's hawks and doves.

The Burgos trial at first was tuned to the "soft" line then prevailing in Madrid. Intended intially to be held behind closed doors, later it was opened to the public and to foreign reporters.

Most of the defendants admitted to being members of ETA, the secret extremist Basque guerrilla organization. Then, with slight hindrance from the presiding judge, Col. Manuel Ordovas, they went on to denounce and describe tortures allegedly inflicted on them by the police.

It was at this point that the trial was suspended for one day, apparently for consultations with Madrid, although illness on the part of one of the prosecutors was said to be the cause.

ATTITUDE CHANGES?

When the trial resumed it immediately became clear that the presiding judge's attitude had changed. Questioning of the defendants by the defense, previously accorded considerable scope, was now cut short.

The Basque defendants staged a spectacular revolt in the courtroom. They instructed their lawyers to stop defending them, and denounced the court's validity.

Mario Onainda Natxiondo, bank clerk and ETA member for whom the death sentence has been asked, rose dragging with him a companion to whom he was handcuffed and lunged toward the judges, shouting a Basque war cry. The other defendants followed suit.

COURT CLEARED

Within minutes the court was cleared of spectators, press, prisoners, and guards.

But the defense lawyers were not allowed to leave. Depositions were read in the almost empty courtroom and the trial formally ended, in the prisoners' absence, several hours later.

The military is clearly unhappy at having been placed, as one observer put it, "in the position of washing the police's dirty linen." The trial should have been held before a civilian tribunal, some officers concede privately, but it's their job to obey orders.

The military finds itself in the position of having its authority challenged, a situation that makes a tough verdict by the Burgos court practically mandatory.

[From the Washington Star, Dec. 13, 1970]

COURT VERDICT AWAITED—FINAL FATE OF BASQUES MAY BE UP TO FRANCO

(By Richard Mowrer)

MADRID.—As a panel of five army officers deliberates on the fate of 16 Basque nationalists, it is expected that Gen. Francisco Franco will soon be the central figure in a drama nearing its climax.

For only Franco can commute death sentences and the belief here is that at any moment he will be faced with the decision whether or not to exercise his prerogative.

Seven lives hang in the balance: those of the six young men for whom the chief prosecutor of the Burgos military court has demanded death, and that of Eugen Beihl, the kidnaped West German consul whom the Basque underground has threatened to "execute" if a death sentence is carried out.

If death penalties are imposed they would first have to be confirmed by Lt. Gen. Tomas Garcia Rebull, commander of the 6th Military Region headquartered in Burgos.

After that it would be up to Franco.

Spain's tough 5-foot-4 Caudillo, who marked his 78th birthday Dec. 4 and the same day decreed a three-month state of exception in the turbulent Basque province of Guipuzcoa, has on occasion commuted death sentences.

Two years ago he changed the death penalty imposed on a Basque terrorist to 40 years. In 1963, however, he declined to commute the death sentence imposed by a Madrid military court on a former police officer under the republic, the Communist Julian Grimau.

Grimau died before a firing squad one hour before dawn, standing against a wall of Carabanchel Prison, outside Madrid. Despite pressures from abroad, or quite possibly because of them, Franco ignored appeals for clemency.

The Basques waiting to hear the verdict of the Burgos court are in very serious trouble but so, because of them, is Franco's regime.

GAINS NATIONAL DIMENSION

Until now Basque turmoil was a regional affair, but it has taken on a national dimension.

Demonstrations to protest the court martial of the Basque extremists have erupted in many parts of Spain during the past two weeks, with the promise of worse to come if death sentences are carried out.

The trial has galvanized public opinion abroad. The abduction of Beihl has further complicated the picture.

The cabinet itself is reported to be deeply divided between the hardliners who fear that leniency will destroy the authority of the state and spur dissidents to greater efforts, and the "progressives" who have worked diligently to project abroad the image of a regime liberalizing itself.

The "image" is in danger of being shattered if the pleas from politicians, statesmen and churchmen in Western Europe are ignored and if a deteriorating situation in Spain generates repression.

The Spanish military, who regard themselves as traditionally the final arbiter in moments of crisis, are divided and unhappy over the trial of the Basques and its political overtones. There is a strong current of resentment that the job of judging terrorists for the murder of a police official was foisted on the army.

[From the Washington Star, Dec. 13, 1970]

SPAIN'S BASQUE "NATION"

(By Richard Mowrer)

MADRID.—At the root of the Basque problem taking the spotlight in Spain is 77 years of striving by a proud, gifted, stubborn people for local autonomy and independence.

For generations the rallying cry of the Basques has been "For God and our ancient laws." Today the call has a tragic ring as a small but fanatically dedicated group of Basque separatists wages a silent, vicious, escalating war against the Franco regime.

The clandestine terrorist organization ETA (Euzkadi Ta Azkatasuna: The "Basque land and liberty") is in mortal combat, its commandos killing or be killed, kidnaping or being captured and sentenced to death or life imprisonment.

Who are the Basques? Nobody really knows. In terms of ethnic origins and linguistic roots they are a mystery. Their strange, almost impossible tongue of k's, x's and z's has no known link with any language, live or dead.

The Basque country extends along the southeast rim of the Bay of Biscay, backs up into the Pyrenees, straddles the French-Spanish border. Nine-tenths of it is in Spain. Most of the 2.5 million Basques who populate the area live on the Spanish side.

The Basques are intensely Roman Catholic. They have a tradition of independence, in terms of local laws and customs, going back 1,000 years.

The Basques lost their centuries-old "fueros," or regional charter of rights, in 1839. They had made the mistake of backing the losing side in the Carlist wars of the period and the central government in Madrid was vindictive.

In 1893 Sabino de Arana Goni founded the Basque National party in a restaurant in the town of Larrazabal, near Bilbao. The BNP began as a movement for an independent Basque land (Euzkadi) separated from Spain and France. Later it dropped the idea, favoring instead the attainment of local autonomy for the Basques.

When the Spanish republic displaced the monarchy in 1931 the BNP's hopes revived and it set its sights on autonomy first, then independence.

In 1932 the Spanish Basque provinces of Vizcaya and Guipuzcoa voted overwhelmingly in favor of autonomy, 87 percent and 86 percent respectively. But the inland province of Alava was split, with only 48 percent in favor. Navarra voted massively against.

Nothing more happened until the Spanish civil war broke out in 1936. Navarra went over to Franco. The republican government in Madrid on Oct. 1 granted full autonomy to the hard-core Basque provinces, Guipuzcoa and Vizcaya, cut off in northern Spain. They were the republic's second front until the Franco forces finally broke their resistance in June 1937 by capturing Bilbao, the industrial city and seaport.

It was during the campaign against the Basques that the Nazi "Condor Legion" first experimented with saturation bombing from the air, using the town of Guernica as its target.

In 1956 impatient Basque militants splintered from the old Basque National party, regarding it as too mild. A year later the secret underground "direct action" group, ETA was formed. Its founders defined it as a

"Basque revolutionary liberation movement based on patriotic resistance, independent of all parties, groups or organizations."

Five years ago it revealed a marked shift to left-wing revolutionary ideology. ETA stated as its objective "The independence and reunification of the Basque land, the transformation of its economic, social and cultural structure, the creation of a Socialist state."

ETA's tactics center on the principle of "action-repression," that is, resort to violence with the object of provoking repression, and so on in escalating sequence.

ETA commando units have derailed trains, dynamited police stations and army garrisons in northern Spain, robbed banks for funds, printed and circulated subversive leaflets. They have also killed.

Quite often in northern Spain one sees scrawled on walls the equation: 4+3=1. Spelled out this means: the four Basque provinces in Spain (Guipuzcoa, Vizcaya, Alava, Navarra) plus the three Basque regions in France (Soule, Labourde, Basse-Navarre) equal one united Basque state.

Most Basques shrug off "Zazpiak Bat" ("The Seven are One") as unrealistic and not feasible. But wanting local autonomy and not having it does generate a strong undercurrent of resentment in Spain.

[From the Washington Post, Dec. 14, 1970]

LOCK SELVES IN SPANISH MONASTERY—300 INTELLECTUALS PROTEST BASQUE TRIAL

(By William Cemlyn-Jones)

MADRID, December 13.—About 300 Spanish artists and intellectuals locked themselves up this weekend in the mountain monastery of Montserrat as a protest against the Burgos court martial of 16 Basque nationalists.

Painters, including Joan Miro, 77, and Antonio Tapies; poets, architects, writers, actors and film directors, have joined in this peaceful demonstration by the intelligentsia to show their concern over the methods adopted by Gen. Franco's government to repress the rebel Basque patriots.

The Benedictine monastery of Montserrat is perched on top of a jagged mountain range 30 miles west of Barcelona. It is the mythical repository of the Holy Grail. The abbot, like his predecessor who was expelled from Spain six years ago, is an outspoken critic of the Franco regime.

POLICE KEEP WATCH

[Police blocked traffic to the monastery Sunday, AP reported from Montserrat. Civil guards in tricorn hats patrolled outside the monastery but there was no sign they would try to interfere with the gathering. Assemblies of more than 20 persons in Spain without permission of the government are illegal.]

This was the latest in a continuing series of demonstrations and protests which are breaking out all over Spain.

The verdict and sentences on the accused Basque nationalists are not expected until Tuesday or Wednesday. Events during the past week have shown that if even one death sentence is imposed, the reaction in Spain will almost certainly be violent and will not be confined to the northwestern Basque provinces.

All the Spanish opposition, from Communists to liberal Roman Catholics, have united on this issue and have made the Basque trial a common cause.

At the same time, the hard-line conservatives within the government have also made their position completely clear. On Saturday the Spanish vice president, Adm. Luis Carrero Blanco, accompanied by five cabinet ministers, attended a ceremony, the Presentation of Colors at the academy of the armed police.

The ministers of justice, education, army, navy and the home secretary were joined by the chief-of-staff, Lt. Gen. Diaz-Algeria, symbolically showing their unflinching solidarity with forces of law and order in the face of the present disorder.

The Papal Nuncio in Madrid has addressed an appeal to the Basque extremist organization, the ETA which kidnaped the West German consul in San Sebastion and are holding him as a hostage, to spare his life.

Informed sources said about 200 persons were arrested in San Sebastian Saturday night under the state of emergency imposed on the city and its surrounding province of Guipuzcoa more than a week ago, Reuter reported.

[Those held included 40 bank clerks who staged a silent strike in memory of a young Basque, Roberto Perez Jauregui, who died after being shot by civil guards last week during demonstrations protesting the Burgos trial. Police entered the paralyzed bank and herded all 40 into vans about an hour after the stoppage began.]

[From the New York Times, Dec. 15, 1970]

DEFENSE LAWYERS FOR BASQUES WEEP FOR CLIENTS AND SHARE THEIR DANGER

(By Richard Eder)

BURGOS, SPAIN, December 10.—"I don't believe I have wept since I was a boy. Maybe once, when my wife came to see me in Almeria."

Juan Maria Bandrés, sitting over a 4 P.M. lunch here yeserday, still looked shaken. He and five or six of the other lawyers at the Burgos court-martial had watched in tears as their young clients, handcuffed, singing and shouting, were taken off by the police.

The defense lawyers have a strong emotional link with the 13 men and the two women they are defending. Most of them, like their clients, are Basques, and they share profoundly the conviction that there is a Basque nation, and that it has been oppressed ever since the Civil War ended in 1939.

Some of the lawyers have paid for these convictions and for their insistence on defending compatriots arrested for what the courts call "separatist activities"—or, in the case of the ETA guerrilla group tried here—"separatist-terrorist-Communist activities."

José Antonio Echevarrieta, a spindly, bearded lawyer with a flashing wit and an illness that obliges him to use crutches, was set upon one night in the hallway of his apartment and beaten bloody.

ARRESTED AT HOME

Mr. Bandrés was picked up at 5 A.M. one day last December at his home in San Sebastián. He was driven in a police car across Spain—spending the night in the jail in Córdoba—and set down, with his suitcase, in the remote mountain village of Purchena, in the province of Almeria. Two other lawyers at the court-martial were banished at the same time.

Mr. Bandrés remained in Purchena for three months. His wife gave birth to a boy and then joined him as soon as she could.

At the Burgos court-martial, as in all Spanish military trials, the defense lawyers have been at a striking disadvantage. Many of the proofs and witnesses they request are denied them. In a number of areas where their case might be helped—for example, eliciting evidence of police mistreatment—they are cut off.

In addition, of course, their clients are generally "guilty" of many of the acts with which they are charged—acts that are not illegal in other countries: distributing propaganda, holding meetings, in other words, political activity.

Confronted with those difficulties, the lawyers practice legal resistance quite as much as legal defense. When the foreign press is admitted, as in the current case, they seek not so much to prove that their clients did not violate Spanish law as that the laws are such that any decent man in conscience ought to violate them.

THAT MISSING SWORD

A number of images of the Burgos trial remain in the mind.

Gregorio Peces-Barba, a Madrid lawyer with a solemn, oratorical manner and a startlingly quick mind, proposing that the proceedings be started all over again because the prosecutor had forgotten to wear his sword.

Mr. Echevarrieta shouting at the presiding judge, who had cut off almost every word of his effort to interrogate his client: "These are six death sentences that are being asked!"

And Mr. Bandrés, whose manner is diffident and introspective and who, when he explodes, does so as if some unutterably tragic point of no return had been reached—even though there was such a point only five minutes earlier.

His sweetness is more deadly than his explosions. Interrogating one of the accused, who the police had picked up to identify a companion, Mr. Bandrés asked if the accused had noticed anything unusual about the other man's face. The president interrupted, declaring the question irrelevant.

"If the court pleases," Mr. Bandrés said, "if it is a matter of a face-to-face identification, it seems to me most relevant to know whether one of the faces is swollen or disfigured."

These were games, but very serious games. It is conceivable that after the verdict is in there will be reprisals against some of the lawyers. In any event, there was tension, and the lawyers tried to relieve it—by passing notes during the session, for instance.

"He is a truck-driver with a truckload of participles," one note remarked of the prosecutor, a heavy-featured captain with a ponderous, hortatory delivery.

"He knows how to read, but badly," another said of the investigating judge, who spent most of three days reading out the indictment.

"Waiter: whisky, please. I have to be serious"—this from a lawyer about to interrogate his client.

The lawyers have now gone home to await the verdict. Mr. Bandrés returned to San Sebastián, where he is a considerable, if slightly scandalous, figure.

"Scandalous" seems a strange word to apply to a man whose manner is so mild and affectionate and who describes himself as a practicing—others say devout—Roman Catholic, though a Catholic of the left.

"What I like, in fact, is to be at home with my wife, wear slippers and listen to music" he has said.

FROM BEETHOVEN TO TALK

Sometimes Mr. Bandrés does manage to stay home, put on a sweater and curl up on a tasseled sofa to listen to Beethoven's Seventh Symphony. Then some friend turns up, sits politely for a while, begins to wave his arms as if he were conducting and finally drags his host into discussing some urgent case that must be attended to.

Mr. Bandrés has, in fact, become something of an essential personage in the Basque country, and it was he who coordinated the efforts of the other lawyers at the court-martial.

Mr. Bandrés was brought up at the Sacred Heart School in San Sebastian, where the teachers, he said, "thought that to be Christian meant being anti-Basque and pro-German."

He worked his way through law school and then was sent to military service—in the Spanish territory of Ceuta, in North Africa. He was assigned to the infirmary. "Here," he said, "I found I was able to do things for people; arrange a pass for a soldier with a dying mother, get a change of assignment in cases of hardship."

"It is possible," he added, "that I may have been just a bit more helpful if the patient was Basque."

He considers himself a man of the left as well as a Basque nationalist, and he talks musingly about Premier Fidel Castro, the Prague uprising and other things. But he belongs to no party. What makes him a leader among the Basques is his ability to take the anguish that he and his friends feel about the situation and translate it into a series of small, practical steps.

He is trusted and consulted by bishops, members of ETA, his fellow lawyers and a wide range of others. The Government does not consult him, but it is likely that if some future Spanish regime—or even some variation of the present one—decides to come to terms with the Basques, it will try to make its peace with Mr. Bandrés. He may or may not be willing.

[From the New York Times, Dec. 15, 1970]

SPAIN GIVES POLICE DETENTION POWER—PROTESTS ON BASQUES BRING SUSPENSION OF PROVISION FOR PROMPT HEARING

MADRID.—The Government of Generalissimo Francisco Franco, under strong political pressure as a result of the trial of 15 Basque nationalists, gave the police special powers tonight to hold people for up to six months without a hearing.

The decree, adopted at an emergency session of the Cabinet, suspends for six months Article 18 of the Fuero de los Españoles—a sort of bill of rights—which requires that anyone who is arrested be brought before a judge within 72 hours. A similar, somewhat broader restriction, adopted 10 days ago, applied only to the Basque province of Guipúzcoa.

Since then at least 200 persons have been detained in this province alone. Presumably the number of arrests under tonight's nationwide measure will run many times higher.

The latest restriction, which could prove to be drastic although it fails to include powers of banishment and censorship that the Government has invoked on other occasions, was a response to the continuing torrent of dissension aroused by the court-martial, which began Dec. 3 in Burgos.

Special powers of arrest as in the latest measure have not been enforced in Spain for many years except when invoked under emergency powers. The last time such powers were invoked nationally was early in 1969.

The rule requiring arraignment 72 hours after an arrest has generally been strictly observed in Spain except during periods when the guarantee has been suspended.

If the most spectacular pressures on the Government have come from the liberals and the left, those most dangerous to the Government may have come from the right and, above all from the army.

Many army officers, including some top generals, have let it be known in the past weeks that they believed the Government was handling things badly. There was widespread resentment of the use of a military court-martial to try the 15 Basques. Death sentences have been asked for six of the defendants.

SAW PERMISSIVENESS

Some officers believed the Government was being overly permissive in allowing the protest demonstrations of the last two weeks. Others, of more liberal view, charged the Government's repressiveness caused the protests.

According to several military sources, a petition addressed to General Franco has circulated among the officers of units around Madrid. The petition reportedly asked that the army be permitted to fulfill its constitutional role of defending the country's institutions.

The most recent rumors to hit Madrid which has been choking on them for the last two weeks, concerns possible military uprisings or ultimatums. Well-placed sources report that at present, no significant army group seems prepared to do much more than talk about its complaints.

Even this is significant in a regime whose leader has never conceded that army officers had the right to discuss politics—not, at least, since he took command of the army uprising that started the Civil War in 1936.

MILITARY MEETINGS HELD

In the last few days, and without recent precedent, a series of meetings has been held at the principal military headquarters in the Madrid area. At these meetings, according to reliable reports, senior officers have been briefed by their superiors on the situation, and have been allowed to air their misgivings.

If the emergency arrest powers are aimed partly at convincing the army that the Government, despite General Franco's age and its own divisions, is not weak, they are apparently intended also to calm the regime's extreme right wing.

The preamble of the decree pointed squarely at the wide-spread campaign of protest against the Basque court-martial that has given fire to a broader protest against the dictatorship. It cited "the superversive maneuvers of minority groups of activits" and said that the exercise of civil rights "is not to threaten the spiritual, national and social unity of Spain."

NEW LEFTIST OPPOSITION

The weight of the new decree is likely to fall upon the wide range of liberal and leftist opposition that has sprung to life. Apart from strikes and street demonstrations, there have been public statements and concerted actions that have ranged most of the nation's intellectuals, many professionals, and part of the Roman Catholic Church against the regime.

One of the most impressive of these actions ended tonight. Some 280 Cathlonian artists and intellectuals had conducted a 48-hour sit-in in the 1,000-year-old Benedictine Abbey of Montserrat, near Barcelona.

The abbot Cassia Just, a mild-mannered but strong-willed musicologist, had resisted repeated calls by the Government to evict the demonstrators. At one point, an official reportedly told the abbot by telephone that the meeting was a "provocation."

"So was the Burgos court-martial," the abbot reportedly replied.

[From the Washington Star, Dec. 16, 1970]

PRESSURE IN SPAIN

The extension from the Basque provinces to all of Spain of special powers of arrest is an indication that the hardliners around Generalissimo Franco have prevailed. And that is bad news for everybody, including the Opus Dei cabinet members.

Spain has been in turmoil in recent days as the result of the trial by courtmartial of 15 Basque nationalists of the ETA terrorist organization. The prosecution is asking the death penalty for six of the separatists in connection with the murder of a particularly odious official of the secret police. The accused claim confessions were extracted from them by torture. The evidence against them seems largely circumstantial.

Other ETA members are holding an honorary West German diplomat hostage and threaten to kill him if the death sentences are imposed. West Germany, which has been putting heavy pressure on Madrid, is vital to Spain's economy and is its best friend in its search for association with the European Common Market.

While all the noise is coming from the Spanish Left, the real danger is on the political Right, which is suspicious of the slightly liberalizing efforts of Opus Dei technocrats such as Foreign Minister Lopez Bravo and Economic Development Minister Lopez Rodo. These ministers, in concert with the politically moderate General Diaz Alegria, the Spanish chief of staff, reportedly have urged restraint on Franco in his handling of the Basque problem.

But the suspension of Article 18 of the Spanish bill of rights, which provides that any arrested person must be brought before a magistrate and charged within 72 hours, would seem to indicate that the moss-backs within the army have won, that the regime is preparing to ride out such difficulties as may eventuate from the sentencing of the 15 Basques.

These sentences are expected hourly. The United States government is not without influence in Madrid. The Nixon administration should make an eleventh-hour attempt to procure clemency for the accused men, both on humanitarian grounds and because disorder in the Iberian peninsula is in nobody's interest.

[From the Christian Science Monitor, Dec. 16, 1970]

BASQUE TURMOIL PERILS FRANCO REGIME—SPANISH POLICE GET MORE MUSCLE

(By Richard Mowrer)

MADRID.—Alarmed by a growing challenge to its authority in the form of continuing disorders throughout the country, Generalissimo Francisco Franco's government has decreed nationwide emergency measures giving the police full power for six months.

From now on people may be arrested without charge and held indefinitely.

The move was decided on at an emergency Cabinet meeting Monday night presided over by General Franco. It follows the clamping of a state of exception on the Basque province of Guipúzcoa Dec. 4, the caudillo's 78th birthday.

Monday's measure is not so sweeping as the state of exception imposed on Guipúzcoa for three months, which gives the police unlimited powers to arrest and detain people at will and to carry out searches anywhere, anytime.

The granting of additional powers to the police may seem academic when applied to an authoritarian country like Spain. However, the law requires that an arrested person either be brought before a magistrate and charged within 72 hours of his detention or released. This legal hindrance has now been removed.

HIGH TENSION GENERATED

The crackdown is the latest element in a situation that has generated high tension in Spain. The focal point is the trial before a Spanish military court of 16 Basque nationalists, six of whom face possible capital sentences for terrorism.

The court's verdict is expected to be announced this week. If it is a harsh one, an eruption of protest riots is feared, particularly in the Basque portion of Spain. Pleas for clemency have poured in from abroad, backed by street demonstrations in parts of Western Europe. But whether these will sway the Franco regime remains to be seen. The hard liners in the government are reportedly opposed to any concessions that could be interpreted by the opposition in Spain as a sign of weakness.

The situation is made more complex by the kidnapping of the West German consul in San Sebastian, Engen Beihl. Abducted on Dec. 1, he still hasn't been found. His captors are a splinter group of the Basque extremist underground movement ETA. They have let it be known that Mr. Beihl is being held hostage against the lives of the Basques now awaiting the court's decision.

Even if none of the Basques are sentenced to death and executed, there is no assurance that Mr. Beihl will be released.

Monday's emergency Cabinet meeting had some unusual, possibly significant, aspects. It is noted that, while Minister of the Inte-

rior Tomas Garciana Goñi and the ministers of the three armed services were present, three of the Cabinet's "liberal" ministers were absent: Foreign Affairs Minister Gregorio López Bravo, Economic Development Minister Laureano López Rodó, and Public Works Minister Fernández de la Mora.

Mr. López Bravo was in Lisbon, 50 minutes flying time away Mr. López Rodó was in northwest Spain, Mr. Fernández de la Mora was in Paris. None of the three, the first two reputedly leaning to leniency for the Basques for the sake of Spain's relations abroad, was recalled.

But Prince Juan Carlos, General Franco's designated successor, was summoned from a concert at the Teatro Real in Madrid. According to reliable sources, the Prince did not attend the Cabinet meeting proper, but it had been decided that he should be a party to the Cabinet's decisions, at least to the extent of being informed of them right away.

Meanwhile, proregime elements, groups, and veterans' organizations are rallying around the Franco state in this moment of crisis, pledging their loyalty and denouncing "minority groups who disturb the tranquility and peace of Spain."

[From the Washington (D.C.) Post, Dec. 17, 1970]

FRANCO FORCES RALLY AS VERDICT ON BASQUES IS AWAITED

(By Anatole Shub and Miguel Acoca)

MADRID.—Hardline adherents of Generalissimo Francisco Franco began mobilizing public support throughout Spain today for the expected condemnation of 16 Basque nationalists tried at Burgos last week.

With tension high in both government and opposition circles, there was still no indication of when the five military judges at Burgos, who have been deliberating since Dec. 9, will pronounce sentence. The prosecution has asked the death penalty for six of the defendants, accused of banditry, terrorism, and murder.

The trial, the unprecedented delay in sentencing, and Monday's suspension of the right of habeas corpus throughout Spain have provoked what many diplomatic observers consider the country's gravest crisis since the 1936–39 civil war.

The crisis has been heightened by the kidnaping of a West German honorary consul by Basque guerrillas, who have threatened to kill him if any of the Burgos defendants are executed.

In Burgos today, hundreds of pro-Franco civil war veterans and members of other "patriotic" organizations rallied to denounce Basque terrorists and pledge firm support to the government. The demonstrators were addressed by Lt. Gen. Tomas Garcia Rebull, the military commander who must approve the sentences the tribunal hands down.

Another mass rally has been called in Madrid for Thursday noon, in memory of three men allegedly murdered by Basque terrorists in 1968 and 1969. Pro-government observers expect a large turnout by military men and ultra-rightist groups.

The press, meanwhile, has been reporting dozens of messages of support to Franco from political leaders and veterans organizations, many of the messages have denounced as anti-Spanish the campaign aboard on behalf of the defendants.

With government, army and church leaders reportedly divided over the trial, the new hard line drive was interpreted by qualified observers as a strong indication that there may be several death sentences and, probably, executions. Opposition leaders have made it clear that any executions will set off strong protest demonstrations throughout the country.

Acting under their emergency powers, police were rounding up leaders of outlawed labor organizations in Madrid and in the Basque provinces. Major Spanish universities have been closed, and intensive police patrols were reported tonight in and around the Basque industrial stronghold of Bilbao.

With Franco's regular cabinet meeting scheduled for Friday, political observers in Madrid speculated that the verdict would be announced in time for the government to commute possible death sentences and thus head off internal and external protest. However, defense attorneys, who must be notified in advance of the sentencing, said that they do not expect a decision before Monday.

Despite the tribunal's silence the Spanish press continued to give extensive coverage to the national and international controversy over the trial. It has published a Vatican appeal for clemency, foreign press interviews with exiled Basque leaders and photographs of the captive West German honorary consul, Eugen Beihl.

West German sources said they had no new word on the kidnapers' conditions for Beihl's release.

[From the New York Times, Dec. 17, 1970]

BASQUE ACTIVISTS—HEROES OR VILLAINS?

(By Richard Eder)

MADRID.—In a crowded Bilbao restaurant, a couple of weeks ago, a Swedish journalist asked a Basque lawyer why the Basque guerrilla group known as ETA should be judged any differently from say, the French Canadian extremists who recently kidnapped a Briton and killed a Canadian. The question reflects the confusion that has marked the present Spanish crisis, growing out of the court-martial of 15 ETA members on charges of banditry and, in the case of six, of killing a secret-police inspector.

The question is not sufficiently answered by the slogans of demonstrators in the other European capitals or by accounts sent by some European journalists that present the trial in the Basque city of Burgos as a simple case of Franco tyranny versus democratic resistance.

LINE INCLUDES NIXON

It is also not answered by the official Spanish accounts threaded through the local press, which describe ETA as a plain Marxist-Leninist separatist terrorist gang. The groups activity is compared to that of the Quebec extremists or the American Weathermen. And a common line of opposition to this activity is drawn neatly from Prime Minister Pierre Elliott Trudeau to President Nixon to Generalissimo Francisco Franco.

The Basque lawyer's answer was: "You cannot speak in the same way of those who use violence against a dictatorship as of those who use it, for whatever laudable purpose, against a government that allows free expression and political activity."

The lawyer was a Basque nationalist and a man of the left, and he was at least sympathetic to ETA, which calls for violence to create an independent, socialist Basque state. Another answer comes from quite a different viewpoint, that of one the few non-Basque lawyers in the Burgos defense.

"I did not agree with perhaps 30 per cent of the views of the other lawyers," he said. I was not defending ETA nor even Basque nationalism. I was fighting the use of court-martials for political cases, and the use of police torture to build the prosecution's case."

OPPONENT OF FRANCO

This lawyer, a liberal, is a public opponent of the Franco Government. He has little sympathy for the vision of an independent Basque state that is shared, at least romantically, by many Basques who shun the violent methods of ETA.

The entire defense panel at Burgos—whose political views range from moderate to extreme left, and whose views on Basque nationalism range from impassioned advocacy to puzzled incomprehension—were horrified by the kidnapping of Eugen Beihl, honorary West German consul in San Sebastian, on Dec. 1.

The lawyers say they do not approve of kidnapping, and all say they foresaw political repercussions for the Burgos, trial, which began Dec. 3.

Those tried at Burgos, for six of whom death sentences are asked, have been behind bars for nearly two years and have no conceivable connection with the kidnapping. But the kidnapping did allow official spokesmen to blur what would originally have been a trial before world opinion of the peculiar problems of the Franco dictatorship, and to argue that it was simply one more instance of a member of the world community's wrestling with a problem that affects them all.

Moreover, ETA is spilt into various groups, with varying ideas about the tactics of violence, and the kidnappers are classified as part of a splinter group that has still to be identified.

VIOLENCE ORGANIZED

Police pressure on the Basques precedes by a long time the killing of the police inspector, the bank-robberies and the detonating of bombs.

Despite the group's belligerent rhetoric, virtually all of the ETA operations—including the setting off of bombs in deserted places at midnight—were so organized to avoid killing anyone. But plainclothesmen and the civil guards were arresting Basques—and in some cases torturing them—10 and 15 years ago, for writing and distributing propaganda, for running language schools, for flying Basque flags or even for playing the xistu, or Basque flute.

If Spain were a democracy, and if the Basque culture, language and forms of community organization had been allowed to develop freely, would there have developed a strain of separatist violence? It is interesting to note that in France, where the Basques are free to organize their own lives—although the centralism of the French Government annoys them—the ideas of the French Basque equivalent of ETA have failed to take hold.

[From The New York Times, Dec. 18, 1970]

MORE THAN 100,000 DEMONSTRATORS IN MADRID SHOUT THEIR SUPPORT OF FRANCO

(By Richard Eder)

MADRID, December 17.—The largest crowd Madrid has seen in 25 years, except perhaps at football games, gathered today to shout its support for Generalissimo Francisco Franco.

The demonstrators included Falangist groups, Government employes let off for the day, civil war veterans, many of the middle aged and the middle class, fewer of the young and very few workers.

Their number was estimated by the national press agency at 500,000 and by other Spanish newsmen at 100,000 to 200,000. Madrid's population is three million.

The demonstration had a double political significance. In part in was a repudiation, by those most closely connected with the Government of the climate of opposition and controversy that has surged up in Spain in recent weeks.

It was also a show of force by groups within the Government that have felt themselves slipping from power against the faction—known variously as the technocrats or the Opus Dei group—that has dominated the Government for a year.

Most of the signs carried by the crowd and the slogans it shouted occasionally were things like "Viva Franco!" "Viva Espagna!" and "ETA al paredón" ("ETA to the wall").

The last was directed at the Basque guerrilla organization, ETA, 15 of whose adherents are awaiting sentence from a court-martial in Burgis on charges ranging from banditry to murder. The trial has served as focus for the current crisis here.

Some of the signs today emphasized the second theme, "Franco Si, Opus No," one read and another bore a complicated denunciation of the efforts of Foreign Minister Gregorio López Bravo to promote better relations with Eastern Europe.

The mood of the crowd, and many of the shouted remarks, made it even clearer that if this was a pro-Franco demonstration it was also a call to General Franco to get a new Cabinet.

The demonstration began with a mass at the Church of the Incarnation, in memory of two policemen and a taxi driver killed in encounters with ETA. It was celebrated by the Rev. Miguel Oltra, a Franciscan who heads a right-wing association of priests that had been repudiated by the local bishops.

Afterward the crowds moved into the big square in front of the Royal Palace. There were shouts, singing, waving of signs but not speeches. Two small planes flew overhead trailing streamers with patriotic slogans. After three-quarters of an hour, General Franco, who had arrived by helicopter, appeared on the palace balcony accompanied by his designated heir, or chief of state, Prince Juan Carlos de Borgon.

The 78-year-old generalissimo dressed in a suit and a gray overcoat, spoke for about 40 seconds. He thanked the crowd for its enthusiasm and added:

"Because we have a state of law, because we have made our Constitution and our institutionale laws, we have a solution for all our problems. Thank you for your vigilance, for this explosion of faith and enthusiasm backed by the people, the true people with faith in the destiny of our country."

FALANGISTS DOWNGRADED

When General Franco reorganized his Cabinet in October of last year, he relegated to an inferior position the Falangist faction that until then had been the main stay of all his governments. Power was taken by the technocrats, a conservative but more European-minded group, some of whose leading members belong to the Roman Catholic organization, Opus Dei.

The Opus faction consists of economists, administrators and profesionals. The regime's only mass base—veterans' group, officials, in the provincial governments and the syndicates—are Falangist-oriented. The Falange, a rightist group, supported General Franco in the Spanish Civil War.

Meanwhile, the West German Embassy here was reported to be becoming increasingly uneasy about Engen Beihl, Bonn's honorary consul at San Sebastian, who was kidnapped by Basque terrorists two weeks ago.

A letter, purported to be from the consul, was made public yesterday in St.-Jean-de-Luz, across the French border. It said he was losing hope.

Presumably, his fate depends on the decision of the Spanish court-martial involving the Basque nationalists.

[From the Washington Post, Dec. 18, 1970]

FRANCO APPEARS AT HUGE "UNITY" RALLY

(By Anatole Shub)

MADRID, December 17.—Generalissimo Francisco Franco mobilized today a well-organized demonstration of national unity, at which he made a rare public appearance himself.

The demonstration, attended by about 100,000 people, seemed clearly aimed at preparing public opinion for possible death sentences for one or more of the 16 Basque nationalists tried by a court martial in Burgos last week. Referring to the Basque nationalist organization ETA, the crowds shouted "ETA to the wall" and carried banners vowing death to the ETA.

The demonstration, in which blue-shirted veterans of the Falange or Fascist party were active, also seemed to be in part directed against liberal tendencies in the Roman Catholic church and against the church-influenced Opus Dei technocrats, an important group in Franco's cabinet. There was no indication, however, that Franco intended it to take this direction.

Massed before the old royal palace and marching through the old city to other squares, demonstrators carried the red, black and red Falange flag as well as the red-yellow-red national flag. They frequently sang the Falange anthem, Cara al Sol and thrust up their right arms in the old Fascist salute.

Their banners included: "No Red Bishops, Vatican," "United Italian Marriages, Don't Disunite Spain," and "God Save Us From Weak Governments." In addition to frequent chants of "Franco si, ETA no," there were cries of "Franco Si, Opus no."

Although Falange militants dominated the demonstration, in which clergy were few and workers even fewer, its official inspiration was clear from police, army and technical arrangements and from the appearance of Franco, his designated heir Prince Juan Carlos and other high dignitaries on a balcony of the palace.

Thanking the crowd for its vigilance, faith and enthusiasm, Franco in a two-minute speech gave no hints of the possible sentences in the Basque trial. His only presumed reference to it was Delphic. "As we have a state of law," he said, "so we have a solution for all problems."

The 72-year-old chief of State, who has ruled Spain since 1939, appeared reasonably fit in a gray-blue coat and hat as he joined in chanting patriotic slogans and singing the Falange anthem. Prince Juan Carlos, who likewise wore civilian clothes, refrained from singing the anthem, which many Spanish citizens identify with militant fascism.

The demonstrators, who had been massed before the palace awaiting Franco's appearance for more than an hour, moved on afterward to the Madrid district military headquarters, where they were addressed by the regional commander, Lt. Gen. Joaquin Fernandez de Cordova. Vowing the army's readiness to follow Franco's orders Cordova attacked Basque terrorism as profoundly alien to the majority of the Spanish people and denounced the sympathy given abroad to the Basque defendants.

"Countries which have problems of their own, on whose streets people are shot without trial," Cordova said, "arrogate to themselves the freedom to lie and also the freedom to support crime and terrorism."

The Madrid demonstration today followed a similar rally yesterday in Burgos, where the five-man military tribunal has yet to pass sentence on the 16 Basques variously accused of banditry, terrorism and murder. The death penalty has been asked for six of the defendants, ETA guerrillas have seized a West German honorary consul, Eugen Beihl, as hostage for their comrades' lives.

Despite more or less discreet hopes expressed for clemency by the Vatican and by the West German, French and U.S. governments, Spanish officials even before the rallies appeared to be conveying the impression that there would be one or more death sentences followed, probably, by executions.

The case could be referred to the supreme military tribunal, or the sentences could be commuted by Franco, but officials have been stressing such themes as the independence of the court martial, the convincing evidence, popualr indignation against the terrorists, and the inadmissibility of losing face under pressure from abroad.

"We have shown that Spain knows how to walk alone," Gen. Cordova told today's demonstrators, adding that the country could do so again if necessary.

Many observers believe the tribunal's decision may be announced in connection with Friday's cabinet meeting, or else when Franco's vice president, Adm. Luis Carrero Blanco, addresses the Cortes (parliament) on Monday.

[From the Washington Evening Star, Dec. 21, 1970]

STILL NO VERDICT: DELAY ON BASQUES MAY BE ARMY PLOY

(By Richard Mowrer)

MADRID.—Strenuous behind-the-scene maneuvering by the army is believed responsible for the extraordinary delay in announcing the verdict in the case of 16 Basque separatists tried before a military court in Burgos.

The trial, in which six death sentences were demanded by the prosecution, ended Dec. 9.

Decisions of Spanish military tribunals normally are handed down within 48 hours after cases have been heard. Death sentences are carried out within 12 hours unless commuted to life imprisonment by the chief of state Gen. Francisco Franco.

DAY AFTER DAY

But the verdict in the case of the 16 Basques has been put off day after day.

With Christmas approaching the impression was growing that the delay was planned so Franco could, in a gesture of Christian compassion, and without seeming to give in to pressure, commute the expected death sentences.

But this explanation is now seen as having been supplanted by another: The Spanish army's eagerness to dissociate itself from an unsavory affair full of political implications.

It is believed that Capt. Gen. Tomas Garcia Rebull, commander of the 6th Military Region who must confirm any death sentences imposed by the Burgos court before he passes them on for Franco's final decision, is extremely reluctant to approve them if they materialize.

He is said to be resorting to delaying tactics to win time to extricate the army from having to take a decision it might later regret.

MISTRIAL POSSIBLE

Legal circles here think a mistrial even may be declared because of evidence in court that confessions had been extracted from some of the defendants by torture, a procedure repugnant to the military.

If this happens the case would be submitted to the Supreme Council of Military Justice which could declare its incompetence and refer it to a civil tribunal.

High ranking officers have publicly proclaimed the army's readiness to act "if the peace and unity of the country" are threatened. Lt. Gen. Alfonso Perez Vineta, captain general of Catalonia, said in Merida:

"The army won't permit a return of disorder and indiscipline that once put the country in danger (a reference to the turbulent days of the republic which led to a military uprising and the civil war of 1936). If necessary we shall launch a new crusade to rid our country of the lawless and godless."

POLITICS SHUNNED

But the army prefers to steer clear of politics, intervening only when it believes a dangerous national crisis exists. Opinion as to whether such a crisis now exists appears divided.

It is perhaps significant that Lt. Gen. Jose Ruiz Fornells, captain-general of the 7th Military Region, felt compelled to proclaim: "I can promise you that the army is firmly united and immune against any attempt to divide it."

WRITTEN REMINDER

A reminder that the army should remain above politics is contained in a letter received by Garcia Rebull, whose contents have since been circulated privately.

The letter was written by one of the regime's outstanding military figures, Lt. Gen. Rafael Garcia Valino, who retired from the army two years ago.

He told Rebull, "It is unwise for the army to allow itself to be put in a position of having to rule on cases when there already exist adequate organisms for dealing with them . . . My life has been and remains that of a military man. For this reason I feel obliged to express my opinion on anything that affects the army.

"I would like to think that we have not taken over those functions which belong to ordinary jurisdictions. The army draws on the people for its strength, to be the nation's bulwark and to serve it. It should shun involvement in quarrels which could separate the army from the people."

In 1963 Garcia Valino, now 72, as captain-general of the 1st Military Region (Madrid) confirmed the death sentence—which Franco did not commute—imposed on Communist Julian Grimau, a police official during the republic.

[From the Idaho Statesman, Dec. 14, 1970]

BASQUE BLASTS ALONSO LETTER

EDITOR, The Statesman:

I am answering the letter of Teodoro Alonso, Homedale.

If you are thinking the action of the Basque Center could ease the problems of the Basque and Spanish being together, you have another thought coming. The Basque Center has their rules made up, years ago, before you and I came here Camarade.

I am also a teacher, coming to this country 20 years ago, to escape rejection brutality of the Spanish after we lost our independence. So, you talk about discrimination, because you couldn't take advantage of a ticket on base of membership. What can we say when we were denied from the Spanish food, clothes, speech, freedom of movement and the exercise of our profession? What do you call this Camarade? I call it brutality.

As for the idea of sending a similar letter to the newspaper in Spain, wasn't Don Quixote or Dulcinea's idea either. Poor Cervantes and La Mancha would be ashamed of your philosophy.

Now, get courage camarade, and send this letter with yours to the Spanish newspapers or order it to be hung on a windmill in La Mancha to be flown in all directions because we are the ones to have the cause for complaint.

Mr. Alsonso, this is not Spain, in which the grants, prize and rights are bestowed according to the membership of the dictatorship party. This is the great America in which the rights are equal for all. Not as in Spain. This is the land of blessed.

Thanks, Mr. Hill, for your letter to The Statesman. God bless you and all citizens of this wonderful land.

As a proud American citizen and Basque. Hurrah! ETA brothers of the motherland, in this moment of brutality and persecution, my heart and prayers are with you.

MRS. ELISA JAYO.

Emmett.

PROJECT CROSSROADS

Mr. MATHIAS. Mr. President, our prisons are overcrowded, underfunded, and understaffed. Too many correctional institutions harden the casual offender into a committed criminal. It often radicalizes inmates, breeds anger, retribution, and recidivision. Our correctional system is too often not a positive contribution. Both the criminal and society suffer.

There are a growing number of criminologists who believe that the only way to break this vicious cycle is to avoid the correctional institution, at least until it has established modern and relevant rehabilitative techniques. Halfway houses, residential centers, and so forth, have begun in an effort toward accomplishing this objective. Society demands such effort in the search for law and order for every man's safety and security, as well as for the pursuit of justice.

Project Crossroads, a Labor Department funded manpower project attempts to keep prospective defendants out of jail by putting them into jobs. It is a creative and innovative program which gives manpower services to young first offenders. It is not a free ride. Prospective defendants upon arrest are interviewed by the Crossroads staff to decide whether they meet the qualifications for participation in the program. If they do, and with the consent of their counsel, the judge, and the district attorney, the individuals are placed into jobs and given remedial and manpower services. If after a couple of months they do not show signs of adjustment, they are placed back on the court calendar for trial. Nothing is lost.

If the program is successful, the individual may avoid the judicial system with its expenditure of precious time and meager money, and circumvent the doubtful success of the correctional institution. But above all, there is a possibility that a human life is saved—that a human life may become productive both to himself and to the community. It is an experiment worthy of close study and careful evaluation.

The following two articles, one as it appeared in the November 4 issue of Manpower Information Service publication and the other by the Crossroads help to explain the program.

Mr. President, I ask unanimous consent that the above-mentioned articles be printed in the RECORD.

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

[From the Project Crossroads, October 1970]

AN EXPERIMENTAL AND DEMONSTRATION PROGRAM FUNDED BY THE U.S. DEPARTMENT OF LABOR, MANPOWER ADMINISTRATION

I. INTRODUCTION

Crime has become one of the most virulent diseases of our society—a disease for which no certain cure has been found. The President of the United States, in his State of the Union Message, called for ". . . war against the criminal elements which increasingly threaten our cities, our homes and our lives." The President asked for "new and stronger weapons" to wage this war.

Perhaps, through Project Crossroads and similar programs we may identify a few "weapons" which we believe can be effective in the continuing search for answers to this growing problem.

Given an opportunity for a job that pays a decent salary, with a chance for advancement, and provided adequate training to qualify for the job, will a young person choose crime? We don't believe he will. This isn't a simple solution of course, for each youth presents a different problem and a new challenge. It is only by recognizing the needs of each individual that we can reach young people in their first conflict with the law.

If these young people can be turned aside from lawbreaking before they have established a "record," there is a greater hope that they will refrain from committing further acts of delinquency and crime. One of the most crippling handicaps a young person can have in seeking a career is a record of conflict with the law. If redirection and new motivation can be achieved before the habit of lawbreaking has been established, prevention, the most powerful weapon against crime, is in our hands.

MRS. ISABELLA J. JONES,
Executive Director, National Committee for Children and Youth.

II. WHY PRETRIAL DIVERSION

The concept of pretrial diversion embraced by Project Crossroads has three points of focus: the criminal defendant himself, the criminal justice system which must respond to his social deviance, and the community to which both belong. In the first instance, the project aspires to provide accused offenders with an assist along the road to social and economic viability through the application of intensive, short-term manpower services.

In the second area, the project hopes to demonstrate a feasible method of making the criminal justice system flexible in its operation and more effective as a rehabilitation vehicle. The former is achieved by building into the system an alternative to the three traditional dispositional possibilities: discharge without supportive services, release on probation (formal or informal) with a modicum of support, and incarceration, usually the least desirable of all. At the same time, the system's effectiveness as a rehabilitative and deterrent mechanism is enhanced by the availability of relevant, personalized and intensive services for young offenders who may be on the threshold of a criminal career, and for whom normal court processing would in all probability be a negative and hardening experience.

Thirdly, as a result of this intervention, the community as a whole gains from the reduction in recidivism or repeated criminal activity among the group served as well as from their improved employability and productivity.

Project Crossroads was designed for implementation in two phases. Phase I (January 15, 1968-May 15, 1969) was devoted to exploration and development in the areas of program concepts, staffing, administration, human services, and the utilization of community and VISTA volunteers. It had an enrollment goal of 350 first offenders. During Phase II, which covers the period of May 16, 1969, the December 15, 1970, program effectiveness is being measured and assessed, with particular reference to the feasibility of its replication in other jurisdictions. At the end of Phase II, during which 500 additional enrollees will have been served, the project will become a component of the new Superior Court of the District of Columbia.

III. HOW THE PROJECT OPERATES

A. Organization and staffing

The project staff of 14 paid workers and seven VISTA volunteers is divided into three components: counseling, employment services, and education. The counseling section of five community worker-counselors and one supervisor is responsible for both the screening of prospective enrollees and the provision of close guidance and supportive services for assigned caseloads which average about 20–25 youths per counselor.

The employment section of three placement officers and a manpower specialist has the task of evaluating the employment and training needs of enrollees and placing them in good positions offering skill upgrading, good pay and upward mobility.

The education section of the project is staffed by seven VISTA volunteers assigned by EOE to provide community involvement in the Crossroads program. The VISTAs recruit and coordinate a volunteer staff of about 45 tutors to provide individualized tutoring and test preparation services to project participants and other youths referred by community agencies.

Backing up the three operational components are a project director, an assistant director, and two secretaries.

One of the project's experimental and demonstration features has been the utilization of non-professional staff in what have been traditionally professional occupational roles. Consequently the project is staffed primarily by non-professional workers most of whom are culturally and experientially similar to the participant population. These workers have demonstrated their ability and dedication to the goals of the project and have earned the respect and praise of their professional counterparts in other community agencies with which they work.

B. Recruiting participants

Project Crossroads recruits participants from both the Juvenile and General Sessions (adult) Courts of the District of Columbia. In the adult jurisdiction, project recruitment procedures closely parallel normal court processing of defendants. Project community workers screen all defendants detained in the court cellblock prior to each day's arraignment, and interview those who meet enrollment criteria. If an eligible defendant desires to participate in the program, the consent of the United States Attorney's Office and of assigned defense counsel is then obtained and an identifying card attached to the defendant's papers in arraignment court. When the defendant's case is called, usually within 2–3 hours of his initial interview, his case is continued for 90 days to permit project participation and the youth goes directly from the courtroom to the project office only one block away.

Recruitment procedures are different for the project's Juvenile Court program. There court Intake Officers, who interview each youth referred to the court on a delinquency complaint and decide whether or not he is to be petitioned for a court hearing, refer cases meeting Crossroads criteria to a project community worker stationed in the court. If the youth desires to enroll after the program has been explained to him, the intake officer is notified and the youth invited to the project office, preferably with a parent or guardian, to be formally enrolled and assigned a counselor-community worker. The cases of juvenile participants are also calendared to permit a 90-day project enrollment period.

Following are the project's enrollment criteria as of September, 1970:

1. Sex, age: Males and females between 16 and 26.

2. Residence: Washington, D.C., Metropolitan Area.

3. Employment status: Unemployed, underemployed, or job in jeopardy because of arrest; for juveniles, tenuous school enrollment or school dropout.

4. Present charge: Petit larcency, auto theft (attempted), receiving stolen property, false pretenses, forgery, soliciting for prostitution, attempted burglary II, simple assault (relative), unlawful entry, presence in illegal establishment, destroying property, procuring. Irrespective of charge, drug addicts, alcoholics, and defendants with serious psychological disorders are excluded.

5. Pretrial release status: Must qualify for personal recognizance under the criteria of the District of Columbia Bail Agency.

6. Prior record: For adults, no previous adult conviction nor incarceration for more than one year as a juvenile; for juvenile participants, no adjudication of involvement within preceding 12 months, no pending case less than six months old, no previous incarceration for six months or more.

C. Counseling and personal assistance

Each new Project Crossroads participant is assigned a community worker-counselor who is responsible for providing supportive services for the duration of his project program and for submitting biweekly evaluation reports on his project performance to the appropriate court.

The initial contact between counselor and participant is usually the "intake interview" conducted on the latter's first visit to the project office after recruitment. During this interview the program is explained in detail and the counselor ascertains the youth's immediate needs—usually employment and, in many cases, emergency financial assistance—and any personal or family problems that may require referral to local social welfare agencies.

During the first couple of weeks when a participant's project program is being developed, his counselor maintains frequent or even daily contact with the youth. When the participant is settled into a job and/or school situation, the counselor is expected to maintain personal contact with him at least once weekly and telephone contact as frequently as possible. Home visits are the primary focus of personal contacts, since any rehabilitative efforts must take into account the factors of a youth's home environment which may be somewhat responsible for his social problems. Visits to a participant's job as well as school and neighborhood visits are also emphasized.

Although group counseling is not an integral part of the project's supportive services, counselors are encouraged to hold group sessions with members of their caseloads whom they feel will benefit from group discussion of mutual problems.

An important facet of Project Crossroads is its role as a middleman between participants and local social welfare service organizations. While many participants and their families have needs far beyond the budgetary and staff capabilities of the project, they often lack knowledge of the availability of appropriate resources or of the necessary procedures to obtain access to them. These needs range from medical and dental care to legal assistance, to emergency food, shelter and clothing. Liaison has been established with public and private organizations able to address these various needs and arrangements made for expedited access to services for participants and their families.

D. Employment and training placement

After his initial interview, each participant is accompanied by his counselor to the project's employment section where a job placement officer discusses the various employment and vocational training opportunities available to him through the project. The employment staff arranges employment interviews for the youth in any occupational area he expresses interest in, and will continue to do so until a suitable placement is made. If the participant desires and is qualified for a job not then available, the staff attempts to develop an appropriate opening.

Application forms for government jobs and most of the local manpower training programs are kept in the employment section and all necessary arrangements for testing or interviewing for such positions can be made directly from the project office. There is a close working relationship with the Manpower Training and Employment Security Administration (MTESA) of the District of Columbia, with sharing of information and mutual support.

The employment staff and counselors periodically review the status of each participant to determine if a change in employment is necessary or advisable, either because of job dissatisfaction, lack of upward mobility, or the availability of new jobs for which the participant is better suited.

E. Education services

Each new participant is given an orientation on the project's remedial education program by one of the VISTA volunteers responsible for that component. Individual tutoring is available four evenings per week in the project office and specialized programs such as preparation for the high school equivalent diploma examination, remedial reading, job test preparation and the preparation for armed forces qualifying examinations are offered. The participant is encouraged to avail himself of the education program to any extent he desires and which is compatible with his job or school schedule. The education staff also provides assistance to youths who wish to re-enroll in school and those who are seeking admission to colleges. A scholarship fund donated by friends of the project has been established at two local colleges for qualified project participants.

Ancillary activities conducted by the education component include field trips, films, seminars with guest speakers, and intra-project sports competitions.

F. Court review

Biweekly progress reports on each enrollee are forwarded to the appropriate court for inclusion in the youth's case file, with copies to defense counsel and/or parents.

At the end of the prescribed 90-day period, a participant's counselor may make one of three recommendations to the court at a disposition conference: (1) dismissal of pending charges based on satisfactory project participation and demonstrated self-improvement; (2) extension of the continuance to allow the project staff more time to work with the individual, or (3) reversion of the defendant to normal court processing, without prejudice, because of unsatisfactory performance in the program. In addition, at any time during the 90-day period a participant may be unfavorably terminated and revert to normal court processing and trial either because of chronic uncooperativeness or the commission of a new offense.

IV. SUMMARY RESULTS

From the start of court recruitment in April, 1968, through September, 1970, a total of 825 young offenders had been enrolled in the project, 72 of whom were still active. Charges against 468 enrollees had been dropped due to their successful project participation, while 285 were returned to normal court processing, primarily because of unsatisfactory program performance. The respective dismissal rates for program participants were 76% for General Sessions Court (adult) enrollees and 40% for Juvenile Court enrollees.

In keeping with the manpower orientation of the project, approximately 1000 job and training placements have been made for participants, including non-enrollees, and over 6000 hours of remedial education and test coaching was provided by volunteer tutors under the direction of the project's VISTA component.

Research evaluations of the project indicated that the intensive supportive services provided by project staff during the three-month enrollment period had a substantial stabilizing effect on participants in the post-project period. For example, the employment rate among former enrollees a year after leaving the project was more than double that at the time of enrollment, and recidivism among former participants was one-third less than that of a control group which did not receive project services. Equally important from the point of view of program replication, the project exhibited a benefit-cost ratio of at least 2:1, and a program cost of little over $500 per enrollee.

BACKGROUND OF THE NATIONAL COMMITTEE FOR CHILDREN AND YOUTH

The National Committee for Children and Youth grew out of historical concern by leaders in education, social service, religion and health for the total well-being of America's children and youth. Its roots trace back to the first White House Conference called by President Theodore Roosevelt in 1909 and

similar conferences convened of presidents in each succeeding decade. A provision for organized followup activity, built into the plans and financing for the 1960 White House Conference on Children and Youth, called by President Eisenhower, resulted in the creation of the NCCY on November 1, 1966.

But NCCY is more than a followup agency. In doing that job it quickly evolved into an essential national point of focus on children and youth in the rapidly changing decade of the sixties, helping its national, state and local constituency keep aware of developments, stimulating governmental and voluntary cooperation, and undertaking demonstration projects to pioneer new services.

While keeping its focus on the positive, i.e., helping all of America's children grow into knowledgeable, healthy and responsible citizens, NCCY helps the agencies deal with such problems as delinquency, dropouts, lack of opportunity, urban and rural slums, weakening family ties, etc. Beyond that, however, and in response to the very multiplicity of agencies and programs, governmental and voluntary, NCCY serves an essential coordinating function, helping avoid wasteful duplication, promoting exchange of experiences and stimulating cooperative activity. NCCY is thus in itself a pioneering experiment in organization for effective concern for all children and youth.

[From the Manpower Information Service, Nov. 4, 1970]

HIGHLIGHTS OF CURRENT REPORT

"Substantial Unemployment," Job Vacancies Rise: The list of areas with 6 percent or more unemployment rose again as of November 1 with the addition of Los Angeles and four other major areas to lift the total to 170 in all. Manufacturing job vacancies dropped to 137,000 in August, mostly in durable goods.

Industry Help South for Blue Collar Workers: Again pointing to the plight of the blue collar worker, Assistant Labor Secretary Jerome M. Rosow tells businessmen it is in their "self interest" to help out. He cites "job enrichment" and sensitivity training for foremen among series of recommendations.

New Career Interns Upgraded in Federal Plan: An in-house upgrading program in the Office of Education is designed to move clerical employees out of dead-end jobs into professional positions. Three-year program, seen as "model" for other federal agencies, mixes classroom study with new work assignments.

Pollution/Poverty Attacked in Training Effort: A $1.2 million contract to train 1,000 disadvantaged persons as waste treatment plant operators is signed between the Federal Water Quality Administration and the Labor Department. Funds will be allocated among 27 states for both training and upgrading.

Kentucky Tests Home Repair Project for Needy: A pilot home repair demonstration project for the aged and disabled in four rural communities successfully uses unemployed in rebuilding effort. Federal-state-local agencies recommend project expansion but find $500 per-house federal maximum is insufficient.

JOBS Contracts Advance but Impact Doubtful: Despite declining economic activity, the National Alliance of Businessmen's JOBS training contracts are on the rise. Appeal of training funds seen as one factor in upsurge, but net employment gain is questioned. MIS examines new trends in $200 million program.

Administration Releases Funds for Education: Some $498 million in education funds withheld by the Department of Health, Education, and Welfare were released after a legal decision that they were a mandatory appropriation of Congress. Education programs for needy get $160 million, Voc Ed gains $64 million.

"Project Crossroads" Guides Offenders to Jobs: A three-year pilot rehabilitation project in Washington, D.C., provides manpower services to young first offenders before trial. Counseling, job placement, and remedial services are offered in project aiding more than 1,300 youths arrested for misdemeanors.

Bus Project Links Ghettos to Suburban Jobs: A one-year pilot project by the St. Louis Model Cities Agency tests the feasibility of subsidized transportation of ghetto residents to suburban jobs. Study sees pitfalls in city-to-suburb transportation; favors "flexible" routes, smaller buses for task.

Studies Rate Fairness of Minority Job Testing: Procedures for testing minority job applicants are reviewed in study of research reports, *Employment Testing and Minority Groups*. The reports examine the relationship between ability test predictions and performance by blacks; review test validation procedures.

PRETRIAL "PROJECT CROSSROADS" OFFERS DELINQUENTS JOBS, NOT JAIL

On the theory that a solution to urban crime requires more than post-imprisonment rehabilitation programs, an experimental effort known as Project Crossroads in Washington, D.C., has devoted nearly three years to a different approach to rehabilitation—stepping in with manpower services before young first-offenders are tried and sentenced. Eight hundred young people have been enrolled in the project's counseling, job placement, and remedial education services immediately after their arrest on misdemeanor charges, and 500 other youthful offenders have participated as well. With the cooperation of the D.C. Juvenile or General Sessions Courts, those who show satisfactory progress toward leading socially productive lives may have their charges dropped. Weighing the project's costs against the youths' earnings and their lowered recidivism rate, Crossroads staff feel the approach is a success and "an efficient use of society's resources."

Funded by a federal manpower demonstration grant and operated since early 1968 by the National Committee for Children and Youth, Project Crossroads has had such promising results in Washington that the Labor Department hopes to sponsor variations of its approach in other cities. Cleveland and Minneapolis are soon to become sites of two more pre-trial intervention projects, while others may be launched next year in Boston, Baltimore, San Antonio, San Jose, and perhaps other cities.

NONPROFESSIONAL STAFF

Crossroads is similar in many ways to the Manhattan Court Employment Project run by the Vera Institute of Justice in New York (see MIS, April 22, 1970, page 24). Also a pre-trial program of manpower services, the Vera program employs ex-convicts as counselors on the theory that they will be more sympathetic to the problems of defendants, having had the same problems themselves. But Crossroads Director Leon Leiberg asserts that Crossroads is unlike the New York project in that its entire staff—counselors, job developers, and back-up administrators alike—are to be nonprofessionals; persons whose backgrounds are like those of their clients. Though the indigenous inner-city staffers are aided by VISTA volunteers, Leiberg and an assistant are the only professionals on Crossroads staff. When the Washington project completes its experimental phase and gets on its feet as a permanent institution working with the courts, these two men will bow out of the picture—probably within the next few months.

Use of a nonprofessional staff has proved to be a great improvement over what Leiberg terms the traditional "do-good" sort of counseling. But he points out that numerous problems arose during its evolution. The former inmates, high school dropouts, and chronically unemployed persons who were hired had to be trained to work within the system, he noted. Their training had to bridge a communications gap, refining their understanding of various manpower terms and techniques such as job development and counseling. Many felt initially that their being black and empathetic would be enough to help them reach their clients, and they tended to disregard professional approaches.

For this reason, an in-service training program was made mandatory for the staff. Crossroads hired one professional training person who organized seminars, casework conferences, and participation in a special course on group leadership at Washington's Federal City College. Particularly noteworthy was the college's response to the project. Not only did it create the course to fit the needs of Crossroads staff, but it opened all of its regular classes to the staff members regardless of their previous academic standing.

Leiberg feels that in-service training of nonprofessionals has been a key to the success of the project. He is confident that when he turns over Crossroads' direction to the top nonprofessional under his command, the program will be in good hands.

Alternative to trial

The concept of giving youthful offenders an opportunity to do something constructive rather than sending them to court has caught the imagination not only of Crossroads staff but of D.C. court officials as well. According to Leiberg, the U.S. attorney in Washington welcomed the plan because it offered a meaningful alternative between the extremes of dismissing the case at once and sending it to trial. Since 60 percent of Washington's crime at the time the project was launched was attributed to juveniles (youths under 18), Crossroads could aid not only the youths but the overloaded court machinery. The police, too, have been enthusiastic about the plan, Leiberg says.

This is not to say that it was easy to win support for Project Crossroads, however. Before the project could get off the ground, some skeptics had to be convinced of the idea's soundness, Leiberg says. Arguments were raised, suggesting that the legal rights of a defendant would be violated, that he might be presumed guilty without a trial, if he entered into this sort of rehabilitation program. Crossroads countered that no person would participate unless he and his legal counsel approved.

In the nearly three years since Crossroads began serving 16 to 22 year olds, more than 1,300 young men and women have participated. Of these, 800 had been accused of such offenses as burglary, auto theft, larceny, forgery, or prostitution; the names of eligible defendants are taken each morning from police lock-up files. Another 557 were enrolled unofficially, having heard of the program through friends or publicity posters.

Job seen as key

Crossroads emphasizes getting a job. "We feel it is important to find work quickly, but there are no broom and dishwashing jobs," Leiberg comments. Within 48 hours of his first interview with a Crossroads counselor, an enrollee is placed in some sort of employment—not the most desirable work, perhaps, but enough to sustain him and help him pay his bills. When the counselor has had a chance to assess his needs and search out a better opportunity, he may move on; par-

ticipants usually hold three or four jobs while they are enrolled in Crossroads.

Job counselors keep in touch with areas employers and the Washington Job Bank. Typical jobs may be with banks, government, or airlines. Sometimes enrollees are referred to training programs, and for those lacking education, VISTA volunteers conduct evening tutoring sessions at Crossroads headquarters.

The project offers both group and individual counseling, focusing on employment goals and personal problems of enrollees. Each participant has a counselor who is responsible for him for the full 90 days. It is the counselor who keeps in touch with the court every two weeks on an enrollee's progress and who appears before the D.A. shortly before the trial is set to arrange dismissal of the case.

Generally, four to six months elapse in Washington between the time a defendant is originally apprehended and the date of his trial, Leiberg noted. Crossroads staff is usually able to tell within 30 or 40 days if a participant is not responding to counseling and job placement services, in which event his case reverts to a court trial. Two thirds of the enrollees do complete the program, though. If they have shown progress, Crossroads reports this to the court and requests that the case be dismissed. The court has been very cooperative.

Wider use anticipated

Crossroads' effect on young first-offenders indicates that this approach holds promise in treating the problems of juvenile delinquency and crime. Of 400 participants whose cases have been followed up by a Crossroads survey, 80 percent are still employed. Only 10 percent are repeat offenders. Enrollees who fail to complete the program tend to have both higher recidivism rates and more unemployment.

At a cost of $506 per enrollee, the expenses involved in a pre-trial intervention program make it "very, very competitive" with court, jury, and trial costs, Leiberg asserts. So far, its budget has come entirely from the Labor Department demonstration grant. Since the grant expires this fall, Leiberg—with the backing of the court—has sought money from the D.C. budget to make Crossroads a permanent, independent organization working under the Superior Court of the District of Columbia. Leiberg estimates that Project Crossroads would need about $21,000 a month initially, later perhaps doubling in size. However, Congress must approve all D.C. appropriations and has not yet acted on the court appropriations for 1971.

Leiberg, who has been consulting with the Labor Department on initiating similar programs in other cities, feels Project Crossroads has demonstrated several important points for planners of pre-trial intervention. The criminal justice system in many cities needs reform, he declares. In Washington, the courts have recently been reorganized in an effort to make them more efficient. A pre-trial program like Crossroads, he feels, can help further relieve the court system of its growing load as well as intervening before a potentially good citizen has spent time in the harmful atmosphere of a prison.

The use of nonprofessionals, too, has been shown to be a vital aspect of successfully aiding young offenders. Their rapport, their common experiences are helpful in gaining enrollees' respect, as well as the support of the inner-city neighborhood. At the same time, Leiberg observes, recruitment of nonprofessionals adds urgency to the need for planning permanent sources of funds. It would not be fair, he asserts, to train nonprofessionals like guinea pigs and leave them stranded when federal demonstration funds expire.

Further experiments along the lines of Project Crossroads will explore other administrative features which might enhance a pre-trial manpower program. Some will test the approach in neighborhoods which are predominantly Spanish-speaking, poor white, or Indian. One may even test the idea of making the pre-trial program a private money-making venture, Leiberg hinted.

WORK INCENTIVES UNDER PROPOSED FAMILY ASSISTANCE PLAN

Mr. PERCY. Mr. President, on December 19, 1970, in response to a question I raised with Senator WILLIAMS of Delaware about work incentives under the proposed family assistance plan, the Senator discussed a number of points which I feel merit more consideration by the Senate. I would like to take this opportunity to present my views on several of these points, an opportunity I did not have at the time I raised the question.

First of all, Senator WILLIAMS stated that there are work incentives under current law and that family assistance would cut those incentives in half in my State of Illinois. The Senator was referring to the marginal income increases for female-headed families resulting from marginal increases in earnings. It should be brought out that there are substantial income notches under present law which the proposal will remove and that it is this aspect of the reform which reduces the marginal earnings incentive. However, to leave these existing notches in place would be to retain the tremendous disincentives inherent in present programs.

An income notch is a point at which total income declines as earnings increase because of the loss of some sizable program benefit. Today we have major notch disincentives associated with Medicaid, the food programs, and the AFDC earnings disregard, to say nothing of the failure of current AFDC programs to assist the intact family headed by working fathers. All of these disincentives are removed by family assistance and related administration proposals.

Senator WILLIAMS has stated that we can work out the mathematics so that we can have much higher marginal incentives with no income notches. He is right, we can do this, but only at great cost to the Federal Treasury.

The reason is that the more slowly you reduce a welfare benefit as earnings increase, the higher the amount of earned income it takes before the recipient is no longer eligible for assistance. That would mean that income eligibility levels would be much higher than those proposed for family assistance, resulting in many more people being covered at much greater cost.

What the administration has done to fashion a program which has adequate work incentives for most people, and combined these incentives with sensible work requirements and improved manpower and child care services to produce a program which helps the people who need help the most, moves them toward economic independence, and costs in the neighborhood of $4 billion. To do more would be admirable, but the Federal budget could not sustain such costly liberalizations at this time.

Senator WILLIAMS, in his remarks of last week, cited several examples where female family heads earning $7,000 could have higher total incomes by earning less. According to my understanding of table 3 on page 27 of the Finance Committee's November 5 print, his example of this effect in Chicago was in error. In fact, total income would be higher at the $6,000 earnings level than at any lower level.

Nevertheless, I think such examples generally miss the major work incentive issue. We should be more concerned with work incentives for fathers, since mothers frequently must care for young children and have more limited participation in the labor force. Also, incentives for persons earning $6,000 and $7,000 a year are not nearly so important as they are for those less well established in jobs.

With these points in mind I would like to call attention to a table prepared for me which focusses on the situations where work incentives are most important. The table shows incentives for a male-headed family of four in Chicago, Ill., under various changes in the father's work status. The table shows that he would retain 32 percent of his earnings if he obtained a part-time job. If he quit the job or refused to take it, the family's benefits would be reduced to the point that the earnings incentive would then go up to 67 percent. For a man working full time at the minimum wage, he would retain 24 percent of additional earnings if he found a job paying $2 an hour.

The only case where this marginal earnings incentive is not substantial is if he moved from part- to full-time work. The reason is that States must supplement family assistance for unemployed, but not for fully employed, fathers. Thus, the family would lose the State supplemental portion of the benefit with full-time work. However, this constitutes a great improvement over current law. Under AFDC, the family would lose its entire assistance payment when the father achieved full-time employment, resulting in a large disincentive to work.

In summary, I think Senator WILLIAMS' remarks overlooked the most important incentive features of the family assistance proposal and how they improve the current situation. The plan is not perfect by any means, but its enactment would mean a great change for the better in the welfare area and start a long-needed overhaul of our approach to the welfare problem.

Mr. President, I ask unanimous consent to have the table printed at this point in the RECORD.

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

EXAMPLES OF WORK INCENTIVES UNDER FAMILY ASSISTANCE—MALE-HEADED FAMILY OF 4 IN CHICAGO, ILL.

Change in work status	Net income [1]	Percent of earnings retained
Case 1:		
From no work	$3,915	
To 20 hours per week, minimum wage.	4,430	32
Case 2:		
From 20 hours per week, minimum wage	[2] 4,430	
To 40 hours per week, minimum wage	4,001	[3] 5
Case 3:		
From 40 hours per week, minimum wage	4,001	
To 40 hours per week, $2 per hour	4,197	24
Case 4:		
From 20 hours per week, minimum wage	4,430	
To no work	[2] 3,361	
To 20 hours per week, minimum wage	4,430	67

[1] Annual income, including earnings, family assistance benefits, State supplemental benefits for less than full-time work, food stamp bonuses (using the administration's proposed benefit schedule), and the difference between premium value and contributions for the proposed family health insurance plan. Incomes have been reduced by the amounts of Federal, State, and local income taxes and social security taxes.

[2] $3,934. Assumes refusal of work which resulted in benefit reduction penalties.

[3] The lack of a work incentive in going from part- to full-time work at the same wage results from the fact that unemployed father benefits terminate when the father is working more than 30 hours per week. However, this situation under family assistance is much better than under current law. Under family assistance, the family would retain the Federal FAP benefit. Under current law, the family loses all cash assistance and therefore faces a tremendous work disincentive, or income "notch."

CLEARING OF MISUNDERSTANDING ON ANIMAL WELFARE ACT OF 1970

Mr. DOLE. Mr. President, over the past several days there has been a flood of confusion over certain provisions of the Animal Welfare Act of 1970, H.R. 19846, that passed the Senate by unanimous consent on December 8. This bill was identical to S. 4539 which I introduced in the Senate on November 24.

I am informed that the White House has received several thousand telegrams in opposition to this bill, and that over 200 congressional offices have contacted the Department of Agriculture as a result of outside pressure objecting to the bill.

It is my understanding that as a matter of general inquiry, these objections have come from hobby dog breeders who have interpreted this bill as bringing their dogs for the first time under Federal regulation. Apparently, their objection stems from the definition of "dealer" in section 3 of the bill which, by omitting intervening phrases, states:

> Dealer means any person who . . . sells any animals . . . for exhibition purposes or for use as pets.

Mr. President, this definition on its face appears to bring hobby dog breeders under Federal regulation. But, this definition cannot be read by itself. It must be considered in context with the existing law which it in no way changes. The existing law, section 3 of Public Law 89–544, specifically exempts any hobby dog breeder who derives less than a substantial portion of his income from the breeding and raising of dogs on his premises and the selling of such to a dealer or research facility. This provision has exempted hobby dog breeders from Federal regulation in the past, and will continue to do so in the future.

I am very sorry because of the confusion that has surrounded this important bill. The basic legislative intent all along has in no way been to bring hobby dog dealers under Federal regulations, but basically in an effort to enhance the humane treatment of our animals.

Mr. President, I ask unanimous consent that this letter signed today by Mr. Duncan Wright, president of the American Dog Owners Association, to President Nixon stating that the American Dog Owners Association has no objection to the animal welfare bill be included in the RECORD at this point.

Also, I ask unanimous consent that this letter dated today from the Department of Agriculture insuring that this legislation is not an effort to regulate hobby dog breeders and owners be included in the RECORD.

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

AMERICAN DOG OWNERS ASSOCIATION, INC.,
Detroit, Mich., December 22, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: On December 8, 1970, a bill was passed by the Senate and sent to you for signature to amend the Act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets. This bill, H.R. 19846, contained certain provisions which, in the opinion of the American Dog Owners Association, were detrimental to American dog fanciers pursuing the breeding and exhibiting of pure bred dogs as a sport and hobby.

The American Dog Owners Association communicated to you on Saturday, December 19, 1970, our request that H.R. 19846 be vetoed. In substance, this bill was acceptable but in our opinion contained certain ambiguities regarding hobby breeders which needed clarification.

Today the American Dog Owners Association, as a representative of major elements of the American dog fanciers, reached an agreement with the U.S. Department of Agriculture that the Association will be invited to participate in drafting regulations for implementation of the bill.

Further, we have been assured by the Department that it is not the intent of the legislation to impose Federal regulations over hobby breeders.

In view of this agreement and our opinion that those areas of the bill which we consider deficient can be corrected by regulation, we have no further objection to your signing the bill into law.

Respectfully,
DUNCAN G. WRIGHT,
President.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., December 22, 1970.

Hon. ROBERT DOLE,
U.S. Senate

DEAR SENATOR DOLE: This is in reference to your telephone request to the Department for information concerning the Animal Welfare Act of 1970 as it relates to hobby breeders and owners of only a few dogs.

The Department recognizes the concern of these breeders that the bill would prevent them from showing their dogs, that it might prohibit the sale of their puppies, and that they might be required to obtain a dealer's license in order to continue their hobby. The bill, as it passed the Congress, specifically excludes dog shows from its provisions. It also would not require licensing of persons who derive less than a substantial amount of their income from the breeding and raising of dogs and cats on their own premises for sale to dealers or research facilities. Owners would be free to enter their dogs in shows without restriction under the bill, and there is nothing in it which would require the dogs to be sold to any group or individual.

The Department recognizes the concern of dog owners and organizations. It expects to invite representatives of these concerned groups to consult with the Department in formulating regulations and standards of care if the bill becomes law. A draft of the proposed regulations will be published in the Federal Register and adequate time allowed for the public to comment on the proposal before the regulations become effective. We believe that this procedure will result in workable and reasonable standards with adequate care assured for the animals.

Sincerely,
NED D. BAYLEY,
Director of Science and Education.

AMERICAN BICENTENNIAL CELEBRATION

Mr. BYRD of Virginia. Mr. President, plans for the American Revolution Bicentennial celebration to be held in 1976 were set in motion by a joint resolution of Congress in 1966.

The responsibility for organizing and conducting the celebration was delegated to the American Revolution Bicentennial Commission. This Commission has proceeded under a succession of able leaders to formulate many admirable projects and goals.

As a member of the Bicentennial Commission, I feel it is my duty to call to the attention of the Senate, one facet of the Commission's plans about which I have reservations. There is, at present, a study being conducted concerning a possible national exposition in Philadelphia in 1976.

As originally envisioned, the bicentennial was to have been a commemoration of the events of 1776, and the spirit of those historic days. This commemoration was to have been national in scope.

The July 4, 1970, report of the Commission to the President discussed plans for a project known as Open House USA. The Commission in that report recommended a multicity exposition "to celebrate the American quest for life, liberty, and pursuit of happiness."

I call to your attention the fact that the Commission specifically stated that there should be no "commercially oriented world's fair in the traditional sense."

After listening to the exposition plans of three cities, the Commission invited Boston to develop a program; it endorsed Miami's idea for a trade center; and it informed Philadelphia that if that city would "commit itself" to an exposition which would be noncommercial, it would invite Philadelphia to undertake such a venture. Nothing was said about Federal funding.

The matter has been under consideration by the Office of Management and Budget for several months. No official figures have been released, even though Public Law 91–269 requires the Secretary of Commerce to submit a written report concerning the feasibility and financing

of any proposed exposition to be held in the United States.

The International Agency in charge of classifying such expositions has listed the proposed Philadelphia event as a category II exposition, which means that the host country must pay for the exhibit spaces.

The city of Philadelphia, according to the chairman of the Bicentennial Commission, has made it clear that it did not want to stage the exposition alone. Obviously the Federal Government will be called upon to pay for much of this exposition, which, as presently planned is not at all national in scope.

The staggering cost of the proposed U.S. exposition is of utmost concern to me. I associate myself with Senator BROOKE of Massachusetts who made an excellent speech on the floor of the Senate last week.

I feel that it is important that the Members of the Senate understand that $1.2 billion has been set by the city of Philadelphia as the price of the exposition and various urban renewal projects which the city feels are needed.

The Federal Government is being asked to pay half of this amount, or $556.6 million.

Of the costs for the exposition alone, the Federal Government was asked for $49.8 million. The remainder of the Government donation is for urban renewal, mass transit, and highway costs.

Senator BROOKE's speech may have borne fruit. According to a newsstory in the New York Times of Friday, December 18, the city of Philadelphia may ask that their proposal be withdrawn. If so, I am pleased, and I feel Senator BROOKE deserves much of the credit.

I am concerned lest there be a repetition of this nonessential expenditure of Federal tax revenue.

If there is to be an exposition in any one city, I strongly recommend that the Secretary of Commerce should lay down specific guidelines detailing the extent of Federal participation in any such event. The Congress should have the full benefit of the findings of the Office of Management and Budget prior to the approval of any financial authorizations.

I feel that the Commission must inform the public of its plans, complete with cost estimates of any future proposals. No law has been, nor should be, passed by Congress granting the Commission a blank check.

The proper observance of our 200th anniversary demands far more than a celebration centered around a costly and questionable project such as this.

I do not condemn the Commission, for that body has labored arduously and has produced many meritorious ideas. I do question this one facet of their planning and ask the Senate to be alert to prevent any future extravagance.

VISTA

Mr. KENNEDY. Mr. President, I am dismayed at the preliminary determination of the Office of Management and Budget to do away with the VISTA program as part of its decision to downgrade the antipoverty program.

The congressional liaison section of the Office of Economic Opportunity has confirmed that the new Office of Management and Budget has recommended a 23 percent in OEO funding for 1972.

This act comes fast on the heels of OEO's efforts to stall the legal services program; first, by restricting its autonomy, and finally by firing its director Terry Lenzner and his deputy, Frank Jones.

Now we see the unveiling of the administration's game plan for the New Year. Although the size of the cutbacks in reseach and development, community action and health and nutrition are appalling, the decision to totally eliminate VISTA—Volunteers In Service To America is the most deplorable.

By destroying VISTA, the administration is closing one of the few roads left open for the constructive activists of our Nation to seek change within the system. To these volunteers and to the poverty communities at whose pleasure they serve, the destruction of VISTA is the most unfortunate example of the policy of "benign neglect" that this administration has engineered in the past 2 years.

Time and again we have argued on the campuses of our colleges and universities that the system can be made to respond. The administration itself has asserted that it wants to see the nonviolent involvement of our young people. Yet how can the administration maintain its credibility when it places VISTA on the funeral pyre. The young people see the poverty that exists in our affluent society and then they watch as the administration prepares to destroy the major avenue of domestic service open to them.

Over the past 5 years of the VISTA program, I know of no substantive evaluation that calls for the program's elimination. The GAO report filed last March offers only minor criticisms of administration and training procedures that now are being remedied. The oversight committees of the Congress continually have recommended expansion of VISTA and its full funding. During his confirmation hearings, Donald Rumsfeld said:

> I think the VISTA program is an important one, and can be strengthened and improved.

Mr. Rumsfeld as well as previous OEO directors have recognized the contribution of VISTA in presenting a challenge to people of all ages to serve their Nation by helping other citizens to help themselves.

And I would urge the administration to examine the history of VISTA, how it came into being and the reasons why it came into being. This administration may forfeit its claim to the allegiance of the youth of this Nation and the poor of this Nation if it continues to advocate the death of this program.

The idea for a domestic peace corps was discussed by President Kennedy in 1960 and then he named a Cabinet-level Study Group to consider its creation. The study concluded that the volunteer corps would work in the ghettos, in Appalachia, and with the migrants and the Indians—wherever the dispossessed of our land were struggling for a better life. In the State of the Union Address in 1963, the "prospect of a domestic Peace Corps" was announced and a month later the President sent to Congress a message on youth, which said:

> The logic and value of a National Service Corps has been demonstrated by the work and success of our Peace Corps overseas. Although the U.S. is the wealthiest nation the world has ever known, the poverty of millions provides fertile fields for those citizens with the desire and the ability to be of assistance.

Congressional hearings were held and in 1965 the national service corps was incorporated into the antipoverty program as VISTA. In the past 5 years, some 22,656 volunteers have served in every State in the Nation. Today, another 4,620 volunteers are in communities, and 414 are in training. VISTA has stood as a way for young Americans to lend their skills and talents and abilities to strengthen the voice of the poor and to contribute something of themselves to their fellow man.

At a moment when the Congress of the United States and the Supreme Court have extended their faith in the Nation's young people by approving the right of 18-year-old's to vote, it would be particularly unfortunate if the executive branch were to adopt the opposite approach by suggesting the disbanding of VISTA.

Time still remains for the administration to reverse itself, to bring its budgetary limitation and restrictions in line with its rhetoric of concern for the problems of poverty in this Nation. One way it can tell the poor of this Nation and the young of this Nation that it is not totally blind to their demands is to recommend the continuation and expansion of the VISTA program and the full funding of the other OEO programs.

BOMBING HAS ALREADY FAILED

Mr. CRANSTON. Mr. President, the United States officially stopped bombing the territory of North Vietnam on November 1, 1968. Nevertheless, we have adopted a policy where all incursions over the territory of any nation in Indochina can be justified for either tactical or reconnaissance purposes.

The United States retains complete air superiority in Southeast Asia. Events in the last few weeks demonstrate that the Nixon administration is prisoner of a philosophy that says American involvement on the ground can be reduced while our involvement in the air increases. If the American goal is peace in Indochina through the process of deescalation and negotiated settlement, the inconsistency between diminishing the ground war and increasing the air war must be evident to the administration.

In an extremely lucid editorial entitled "But Bombing Has Already Failed" the Los Angeles Times presents the serious pitfalls in the administration's recent indications that it is ready to rely once again on bombing of the North. As the Times so ably documents, there are no indications now that bombing will be more effective today than it was 3 years ago.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

[From the Los Angeles (Calif.) Times Dec. 21, 1970]

BUT BOMBING HAS ALREADY FAILED

The Nixon Administration is theatening to resume the bombing of North Vietnam.

There is no doubt now about the threat. This is the sequence: Until recently the Administration predicated resumption of the bombing of North Vietnam only upon violation of that three-part "understanding" with Hanoi which led to the stopping of the bombing in 1968. The Administration said, until recently, the "understanding" was that North Vietnam would not fire on unarmed reconnaissance planes over North Vietnam, would not attack major population centers in South Vietnam, and would not infiltrate on a large scale through the demilitarized zone.

The first hint of a change in the government's position came with Secretary of Defense Melvin R. Laird's warning of Nov. 13 that strikes against aircraft would bring about "protective reaction," a term that indicated a stronger retaliation than the United States had hitherto engaged in. Thereafter followed the widespread bombing of military sites in North Vietnam coincidental with the abortive raid on the prisoner camp at Son Tay.

Then President Nixon in his Dec. 10 press conference added to his warnings about attacks on recon planes a new and more explicit warning: "If as a result of my conclusion that the North Vietnamese, by their infiltration, threaten our remaining forces, if they thereby develop a capacity and proceed possibly to use that capacity to increase the level of fighting in South Vietnam, then I will order the bombing of military sites in North Vietnam, the passes that lead from North Vietnam into South Vietnam, the military complexes, the military supply lines."

Last week Laird pointedly quoting from a statement made by Secretary of Defense Clark Clifford at the time of the 1968 bombing halt, warned North Vietnam that bombing could be resumed if Hanoi does not proceed "in good faith" with negotiations.

Setting aside the argument about what was actually understood in that 1968 "understanding," the main point here is that the Administration has expanded, has changed, its public position about that understanding. The Administration has in fact put itself in a position to claim, if it wishes, that the current situation justifies the bombing of North Vietnam. At the least the Administration's several statements amount to a serious warning to Hanoi.

Why? Perhaps to jolt Hanoi into making concessions at Paris. Perhaps to deter Hanoi from launching a damaging dry-season offensive. Perhaps to justify to Hanoi and to public opinion a decision to damage the warmaking capability of the North Vietnamese within North Vietnam itself.

But there is no experience in this long war to justify a reliance on threats made against Hanoi. Neither is there any experience to justify a reliance upon the bombing of North Vietnam to force the North Vietnamese into concessions. Neither is there any experience to justify reliance on air power significantly to damage the North Vietnamese war effort. The bombing of North Vietnam failed, and that failure was recognized by President Johnson when he stopped the bombing.

No evidence has been offered to date for believing that bombing North Vietnam or threatening to bomb North Vietnam, will be more effective now than in the past.

ANNUAL REPORT OF SENATOR PERCY

Mr. SCOTT. Mr. President, the distinguished senior Senator from Illinois (Mr. PERCY) recently prepared an annual report for his constituents which I found both interesting and informative. It puts the year 1970 into context, highlighting the important foreign and domestic legislation which was passed during the second session of the 91st Congress, but also reminding us of those areas in which we failed to live up to our responsibilities. I was particularly interested in some of the predictions of things to come.

Mr. GRIFFIN. Mr. President, I am glad to associate myself with the remarks of the distinguished minority leader. Having had the opportunity to read the report of the distinguished Senator from Illinois, I commend it to my colleagues and his constituents. Furthermore, I can say that the Senator from Illinois deserves a significant share of the credit for much of the vital legislation we have enacted.

Mr. BAKER. Mr. President, I especially appreciate the memorial efforts and accomplishments in 1970 of the senior Senator from Illinois in behalf of our former colleague, Senator Everett McKinley Dirksen.

I am reminded particularly of his successful bill to name the Federal office building in Chicago after Senator Dirksen; his efforts to designate I–74, extending across the entire width of the State of Illinois, as the Everett McKinley Dirksen Highway; his participation in the dedication of the Everett McKinley Dirksen Chair of Political Science at Bradley University in Peoria; his support of the Dirksen Forum, a nonpartisan political science forum conducted monthly in Washington; his work in aiding the Dirksen Library in Pekin; and his support of the Dirksen prayer amendment.

Mr. President, I agree with the leadership of my party that the senior Senator from Illinois has written a very perceptive report to the people of Illinois. I ask unanimous consent that it be printed in the RECORD.

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

1970 REPORT OF SENATOR CHARLES H. PERCY

The first year of the new decade is nearly over, and I believe that we can look back upon it with some satisfaction.

With much left undone on the domestic front, with the economy in a precarious condition, with a debilitating war continuing in Southeast Asia and a tenuous cease-fire all that separates the Mideast from another outbreak of fighting, we remain a long way from our twin goals of world peace and domestic tranquility.

Yet I believe that we have made measurable progress both nationally and internationally in 1970. We have begun to reorder our priorities, reform our governmental institutions and redefine our foreign policy. There were many disappointments, some of which I will discuss in this report, but in my judgment there are legitimate grounds for optimism about our future.

FOREIGN AND NATIONAL SECURITY AFFAIRS

Indochina

As it was during the second half of the 1960's, Indochina was the principal foreign policy concern of the United States in the year 1970. President Nixon continued to guide the nation on a course of steady withdrawal from the war, a course which I have strongly supported since its inception, indeed urged during the Johnson Administration. By next May, 265,000 American troops will have been brought home under the President's plan. Already, South Vietnamese forces have assumed the bulk of the combat burden and American casualties have been sharply reduced. It is my earnest hope now, that we can realistically look forward to the day when we have disengaged ourselves completely from this tragic war.

On October 7, the President announced a new imaginative five-point initiative for peace in Southeast Asia, including several of the steps I previously had advocated, such as a standstill cease-fire, an Asian peace conference and repatriation of prisoners of war. The peace proposal was very gratifying to me, since I believe it created a new climate for the long-stalled negotiations in Paris.

The day after the President's address to the nation, I introduced a Sense of the Senate Resolution which said that his initiative was "fair and equitable and lays the basis for ending the fighting and moving toward a just settlement of the Indochina war." My resolution, which was cosponsored by a bipartisan group of 22 Senators, was adopted unanimously by the Senate the same day it was introduced, meaning that for the first time in several years the Senate spoke with one voice on Indochina policy. Our chief negotiator in Paris, Ambassador David K. E. Bruce, told me that the passage of this resolution was "the biggest shock the Communist negotiating team has yet had".

During the brief congressional recess this fall, I undertook a trip with the encouragement of the State Department and the White House in order to meet personally with several chiefs of state and other world leaders and obtain their support for President Nixon's peace proposals.

In talks with the leaders of Great Britain, France, Finland, the Netherlands, Italy, Nigeria and Ethiopia, I stressed the necessity of their using the diplomatic channels available to them to make Hanoi, Peking and Moscow understand that the two preconditions to serious negotiations laid down by the Communists were unrealistic. These two matters—the removal of the current South Vietnamese government and recognition of the National Liberation Front as its legitimate replacement, and the setting of June 30, 1971 as a definite withdrawal date for all American forces—clearly should be matters for negotiation, not arbitrary preconditions.

As the year drew to a close, there were a few hopeful signs, faint though they were, emanating from the Paris peace talks. North Vietnam acknowledged that the United States would never accept preconditions and indicated a willingness to discuss a deadline that is "logical and reasonable." Some progress also was made toward solving the problem of how to effectuate a cease-fire, an important part of the President's October offer.

Earlier in the year, the Senate spent several weeks debating amendments arising out of the Cambodian incursions. I was a cosponsor of the Cooper-Church Amendment, which was adopted by the Senate. In my view, this amendment effectively prohibits future American involvement in Cambodia without Congressional authorization, while in no way impugning the constitutional power of the President as Commander-in-Chief.

However, I could not vote for the McGovern-Hatfield Amendment, believing that it would not be an effective means of ending the war, and would, in fact, detract from our efforts to negotiate a settlement in Paris. A majority of my colleagues concurred and the amendment was defeated.

Middle East

As I suggested at the outset, the cease-fire in the Middle East is a very uneasy one. But the fact that the guns now are silent and the killing has been stopped in this troubled part of the world is a tribute to the diplomatic initiative taken by President Nixon and Secretary of State Rogers. I have fully supported their efforts to insure that Israel remains strong enough militarily to deter any aggressive activity that could jeopardize the continuance of the cease-fire.

Nuclear arms race

Another heartening development has been the continuation of the SALT talks with the Soviet Union. To speak of nuclear weapons is to ponder the survival of man; there can be no higher priority than the limitation of such arms. Consequently, I am extremely pleased that the negotiators on both sides have not permitted propaganda outbursts or their very real differences over such matters as Vietnam and the Mideast to distract them from the crucial issues they are considering. This fall, when I was in Helsinki, I had an opportunity to meet with our delegation, headed by Ambassador Gerard Smith, for a full discussion of the SALT negotiations.

NATO

During the past year, my longstanding proposal to bring about a more equitable sharing of the cost burden of the defense of Europe with our NATO partners was accepted in principle by the NATO Defense Ministers.

For years, it has seemed ludicrous to me for the United States to continue to commit $14 billion annually to the defense of Europe at a time when we must turn our resources to pressing problems at home and when our allies can easily afford to bear a larger share of the expense. Naturally I was pleased by the willingness of the European nations to agree to the concept of burden-sharing, but the proposal made by our European partners, $950 million over five years, including just $165 million in direct relief for this country, is patiently inadequate. I intend to press for a more realistic offer in 1971.

ABM

The Safeguard anti-ballistic missile system was again a focal point of the fight over national priorities in the Senate. I opposed the ABM because I believed that deployment at two additional sites would further escalate the arms race at a time when we were attempting to negotiate arms limitation agreements with the Soviets, would not enhance our security and would constitute a misuse of tax monies needed for urgent domestic needs.

The ABM battlefield this year consisted of two major amendments to the Military Procurement Authorization Bill, one introduced by Senators Cooper and Hart and the other by Senator Brooke. I voted for Cooper-Hart, which would have eliminated $334 million of authorized funds for Safeguard and directed that the number of sites be limited to the two approved in 1969. I decided to vote against the Brooke Amendment, however, for it would not have reduced expenditures, and under it funds would have been spent at a faster rate in fiscal 1971 than will be the case under the Administration's program.

Foreign trade

Protectionists in the Congress made a strong effort this year to legislate import quotas and thereby reverse the commitment to freer trade that has characterized American policy for more than three decades.

Fortunately, however, it appeared in the waning days of the 91st Congress that the trade bill, which I strenuously opposed and fought on the floor of the Senate, would not be adopted by the Senate. My objections to the bill were numerous: It would have increased our already dangerous rate of inflation; it would have protected the inefficient and, of prime importance to the economy of our state, it unquestionably would have led to retaliatory action by the European nations and Japan against American agricultural exports, particularly soybeans and corn from Illinois and in addition would cost Illinois tens of thousands of jobs.

In my judgment, the death of the trade bill in the 91st Congress, which would have carried us back to the disastrous days of the Smoot-Hawley legislation of the 1930's, represents a major victory for the people of Illinois.

DOMESTIC LEGISLATION: THE YEAR OF REFORM

Since my last yearly report to you in December of 1969, the Congress has faced up to its responsibilities in many areas, passing several notable pieces of landmark legislation. We failed in other areas.

Though the pace with which we conducted the nation's business was often exasperatingly slow, we managed—only partially because of the first lame-duck session in nearly two decades—to write what I deem to be on balance a positive record.

One reason for this assessment of the second session of the 91st Congress was the broad effort which we made to dig into the fundamental structure of government and make it more responsive. Again, there were some frustrations, in the form of sound reforms that were rejected or smothered by procedural tactics, but there were several encouraging developments.

Welfare

Let me begin with the most revolutionary reform, and the one which, at this writing, appears destined to be my principal disappointment—the Family Assistance Plan, President Nixon's proposal for a thorough overhaul of our archaic welfare system.

This nation's present public assistance programs are a moral, economic and administrative disgrace. They promote family breakup, destroy the will to work, degrade the recipient through a series of demeaning eligibility tests and diminish us as a people by their very existence.

The Family Assistance Plan would place a $1,600 federal floor under welfare payments, ending the wide disparity that exists between states such as Illinois and Mississippi. It contains strong work incentives, which would help move many thousands of Americans off the welfare rolls and onto payrolls, where they would contribute to the support of their communities rather than being supported by them. It offers job training to the unskilled and provides day care facilities for working mothers with small children. In sum, it rebuilds the machinery of the welfare system from the ground up, and represents one of the most significant pieces of social legislation since the 1930's.

Because I believe so deeply in the need for welfare reform, I was dismayed as we moved into the final days before adjournment by the failure of the Senate to enact the Family Assistance Plan. But the bill has passed the House, hearings have been held in the Senate and it has been offered for purposes of debate on the Senate floor, with my sponsorship. I am confident that it will become law in the new Congress.

Postal service

The Post Office Department, with its chronic deficits and its labyrinthine political arrangements, was recreated in 1970 as the United States Postal Service, an independent establishment within the executive branch. Hopefully now, through implementation of modern business techniques, and by taking politics out of the Post Office, the American people will begin to receive the type of efficient mail service that has been denied them for too long.

Social Security

Basic reform also seems certain to come to the Social Security system. Widespread support developed in 1970 for my bill, introduced originally in 1967, to establish a permanent "escalator" provision, which would insure that benefits increase at a pace consistent with increases in the cost of living. This would mean that the elderly, who, because of their fixed incomes, have paid a tragically high cost for inflation, would be able to plan their financial futures with greater confidence.

Congress recognizes the need to raise the earnings limitation beyond which Social Security recipients begin to lose their benefits. While this would be a welcome step, I believe that the limitation eventually should be phased out altogether. To tell individuals who have contributed to our economic system for four decades or more that they cannot receive their full Social Security benefits unless they sharply curtail their work activities is to authorize an unconscionable waste of our national talents and experience.

Executive reorganization

To streamline the functioning of the executive branch, the Congress approved President Nixon's proposals for an Office of Management and Budget and an Environmental Protection Agency. As a member of the Senate Committee on Government Operations, I worked closely with the Administration on these basic organizational reforms.

The Office of Management and Budget absorbed all of the functions of the Bureau of the Budget, but also contains within it a new Domestic Council, a priority-setting mechanism for domestic affairs comparable to the National Security Council that operates in the realm of foreign affairs.

The Environmental Protection Agency consolidated all major programs to combat pollution in a single agency independent of existing departments, paving the way for a unified battle to save our environment and eliminating a jungle of overlapping jurisdictions.

Neither of these new agencies has attracted a great deal of public attention, but it is difficult to overstate their importance. In an era when many thoughtful Americans have begun to scrutinize seriously our national goals and values in an attempt to decide which of them deserve precedence, it is vital that there be machinery within the government to sift priorities and make recommendations to the President. Similarly, with the evolution of the environment issue into a national crusade, with its having moved to its rightful position near the top of our list of priorities, it is imperative that there be an effective institutional basis for sound environmental management.

Congressional reform

The movement toward reform even extended into the Congress, with passage of the Legislative Reorganiaztion Act, the first congressional reform measure since 1946. The new law opens more of the operations of the legislative branch to public examination by insuring that the voting positions of Congressmen are publicly revealed, takes steps to expedite legislative proceedings, modernizes the processing of federal fiscal and budgetary data, increases staff assistance and establishes a Joint Committee on Congressional Operations to continue the study of congressional functioning.

Change is so rare in the Congress that even a modicum of institutional reform must be applauded. But the problem of re-

vitalizing the Congress making it more responsive to the will of the people, is far from solved. The seniority system, which rewards longevity and the accident of residence in a one-party state, is a pervasive—and often stultifying—influence on our operations. It must be modified. We must make all of our procedures more democratic if we are to regain the confidence of an increasingly skeptical public.

It was the absence of democratic procedures in the Congress which was responsible in my view for our failure to enact three additional pieces of valuable reform legislation. I strongly supported each of these measures and will work for their adoption in the 92nd Congress.

Consumer protection

The first of these, the Consumer Protection Act, was the product of eight months of work in the Senate Government Operations Committee, upon which I serve. It was overwhelmingly approved in the Senate, by a vote of 74–4, but was killed by a 7–7 tie vote in the House Rules Committee, which is far from representative of the House as a whole.

This bill represented the best thinking of both the Administration and of a bipartisan group of Senators. It would have spelled an end to the haphazard attempts to deal with consumer problems through the establishment of a Council of Consumer Advisers, a Consumer Protection Agency, a program of consumer protection grants to state, local and private organizations, and various other progressive features.

Yet this strong, fair bill is dead because the votes of seven men denied the full House of Representatives any opportunity to consider it—an absurd result. And the beleaguered consumer is left to be protected by the uncoordinated efforts of some 34 different departments and agencies in the federal government.

Electoral reform

The electoral reform bill, which would have amended the Constitution by abolishing the antiquated Electoral College and providing for the direct, popular election of the President, was a victim of verbosity. It was talked to death in the Senate after passage in the House.

We are now faced with the specter of an election in 1972 in which a candidate without a plurality could be elected President, a paralyzing possibility which the 1968 presidential election should tell us is not remote. The 1968 election had brought the need for reform to the fore, yet the clear wishes of the people—as expressed in numerous polls—and the majority of Congress were thwarted because of our inability in the Senate to find enough votes to shut off a filibuster on the issue. We were not defeated on the merits of the issue, but by a procedural requirement—the need for a two-thirds vote to close off debate—and I was reminded again of the overriding need for an easing of the cloture rule.

Revenue sharing

In 1967, I was one of the earliest sponsors of legislation providing for the sharing of federal revenues with the state and local governments, and I was distressed again this year by the failure of this key proposal to emerge from the House Ways and Means Committee.

I do not believe that all wisdom resides in the federal government; there are many local problems which can best be attacked at the local level. But the state and local governments, with growing problems and a desperate shortage of new revenue, must have federal financial assistance, with no "strings" attached, if they are to launch innovative programs and resume their proper roles as full partners in the federal system.

Revenue sharing has the full support of President Nixon and an almost unanimous endorsement from the chief executives of the states, counties and municipalities of this country. I strongly suspect that it also would be approved by a majority of both houses of Congress. But we will never know if my feeling is correct until the revenue sharing concept is permitted to stand or fall on its merits by a vote in both the House and Senate.

OTHER HIGHLIGHTS ON THE DOMESTIC FRONT

Almost every major piece of domestic legislation can be construed as a reform measure, since it affects to some degree the way in which government approaches a particular national problem. Consequently, there were many new laws or amendments passed by the second session of the 91st Congress which might properly fall under the rubric of reform. Under any heading, however, they constituted significant, forward-looking congressional action.

Let me touch on these measures, all of which I either co-sponsored or actively supported, and mention their principal provisions.

Mass transportation

Authorized $3.1 billion over six years in loans and grants to state and local governments for mass transportation, which I regard as one of our most overwhelming urban problems.

Railpax

Created a semi-public corporation to operate a nationwide, intercity rail passenger system.

Drug Abuse Act

Establish a National Institute for the Prevention of Drug Abuse and Drug Dependence, authorized $190 million in grant programs and made a key distinction in consideration of the drug problem by lightening the penalties for simple possession and cracking down severely on "pushers" and manufacturers.

Organized Crime Control Act

Recognized that organized crime saps our national economic and moral strength and provided new legal weaponry for the battle against it.

Voting rights

Extended the Voting Rights Act of 1965, under which 900,000 black Americans in the South were given the franchise, for another five years; limited residence requirements for voting in presidential elections by providing nationwide standards, and lowered the voting age to 18 in federal elections, which will add approximatey 11 million young people to the rolls in federal elections now that the action has been upheld by the Supreme Court. Since the right to vote is the most fundamental of all over civil rights, I was pleased that the Congress fought efforts to weaken the Voting Rights Act and eventually succeeded in strengthening it.

Water Quality Improvement Act

Established the Office of Environmental Quality in the Executive Office of the President; provided harsh penalties for those liable for oil spills; controlled the flushing of raw sewage into our waters.

Clean Air Act amendments

Recognized that auto exhaust fumes are responsible for between 60 and 80 percent of our air pollution and ordered the automobile industry to build by 1975 cars that are 90 percent cleaner than those which exist today; established nationwide air pollution standards and toughened enforcement procedures.

Nerve gas

Prohibited the disposal of chemical or biological warfare agents unless they are first detoxified or otherwise made harmless to man and his environment. I introduced this bill shortly after the Army dumped 12,000 concrete-encased nerve gas rockets into the ocean last August, over the strong—but futile—protests of a concerned American public.

Housing

Increased the availability of mortgage credit for the financing of urgently needed housing; made available for immediate use a total of $2.75 billion for federally assisted low- and moderate-incoming housing.

Supersonic transport

The Senate ordered the deletion of a $290 million appropriation for the SST from the Department of Transportation Appropriations Bill. Since the SST has come to symbolize the effort to reorder our national priorities, I was very gratified by the success of our effort to place the Senate on record as opposed to further subsidies for an airplane that would produce unacceptable noise levels and other environmental hazards and is a very bad risk from an economic standpoint. At a time when we must turn our limited resources to the human needs of millions of Americans, there clearly could be no justification for an airplane that offered no benefits other than a modest reduction in travel time for those who travel abroad.

It is clear that the final decision in the SST will be made by a subsequent Congress, not the 91st. I was glad to have taken a leadership role in this fight however, for I believe that the groundwork has been laid for a continued careful examination of our priorities in the Congress in the months and years ahead.

Agriculture

Because agriculture is central to the economic health of Illinois, I devote special attention to legislation affecting farmers. The year 1970 was particularly important in this area because the basic farm law was due to expire at the end of this year and new legislation was required.

I cast my vote against the Senate farm bill in September because it simply was not good enough for the farmers of Illinois. It could easily have been described as the "Cotton Protection Act of 1970" because of the manner in which it favored cotton interests and discriminated against feed grain producers.

I offered a series of amendments in an effort to remove the bill's anti-Midwest bias, but when the Senate rejected all but one of them, I had no choice but to register my protest with a "no" vote.

The conference report on the farm bill was substantially the House version, a distinct improvement, though still not enough to insure the prosperity of Illinois farmers.

Moreover, as I mentioned earlier in this report, the trade bill represented an additional threat to the farmers of our state, and it came dangerously close to passage. I strongly suspect that the battle against the protectionists will have to be fought again in years to come.

The economy

The issue which dominated all others—foreign or domestic—in 1970 was the economy. Unemployment reached an unacceptable level; prices continued to rise and inflation imperiled every wage-earner; the stock market, after a precipitous drop, made a modest, though not thoroughly comforting, comeback; the fiscal 1971 federal budget appeared headed for a deficit of between $15 and $20 billion. The state of the economy concerned virtually every American.

In an effort to help bring the budget into balance, and thereby reduce inflationary pressures and restore stability to the economy, I undertook a program designed to reduce non-essential federal spending by at least $4 billion. By the beginning of December, I already had proposed cuts totaling $3.4 billion.

Among my major recommendations were: Eliminating the appropriation for the SST (a $290 million annual saving); rejecting the request for 40 additional F–111 aircraft, ending a scandalously expensive project that

has yielded planes so inadequate that they have been grounded ($350 million); opening the shipping of surplus American agricultural commodities to competitive bidding, rather than requiring that 50 percent of these foodstuffs be shipped in American vessels ($130 million); and reducing the number of unnecessary moves by military families ($140 million).

In a private meeting, I also urged the President to bring the prestige of his office to bear on the battle against inflation. The continuing cycle of inflationary wage settlements and subsequent price rises must be stopped and, for those of us who believe that wage and price controls would be ineffective at this time in history, utilizing the moral force of the Presidency seems to be a necessity.

To increase public confidence in the stock market, I co-sponsored and worked vigorously for passage by the Senate of legislation that would protect the small investor in the event of failures by brokerage houses.

At year's end, I have begun to notice a few signs that our economic health is returning, although the prognosis is far from clear. The increase in the money supply by the Federal Reserve Board should step up the growth rate of the economy and help reduce joblessness, particularly in the construction industry. Housing starts have increased appreciably over the past two months. The securities market continues to show greater strength. The prime interest rate charged by banks dropped again at year end.

On the other hand, the rate of inflation has been disappointingly resistant to government's efforts to curb it. And the federal budget is dangerously out of control in some areas.

This economic uncertainty troubles me greatly, and I intend to devote much of my attention in 1971 toward finding better approaches that will end it. We must wage an all-out war against inflation, without further damage to our economy and without further loss of jobs.

ILLINOIS AFFAIRS

As a United States Senator, one of my most important functions is to provide a link between the sprawling federal bureaucracy, with its myriad agencies and programs, and the governmental units and individual citizens of Illinois.

Casework

Several thousand of the letters, telegrams and telephone calls I received this year involved requests for assistance in such areas as Social Security, veterans affairs, Selective Service, federal grant and loan programs, immigration, education, employment and many more. I have sought to expedite these requests wherever possible, and I hope that any of you who may need assistance in the future will not hesitate to call upon me. Remember—aiding constituents is an integral part of my job, not an extra chore.

Appointments

In the Area of Presidential appointments which require the advice and consent of the Senate, Federal judges, U.S. attorney's and Federal marshals, we take most seriously our responsibility to recommend men and women of preeminent qualifications in 1970. We were especially pleased when the President nominated and the Senate confirmed the appointments of three very distinguished men: John Paul Stevens to the Seventh Circuit Court of Appeals, Frank McGarr to the Federal District Court and William Bauer as U.S. Attorney for the Northern District.

Keeping in touch

The vast majority of the approximately quarter million pieces of correspondence I received in 1970 dealt with legislative matters pending before the Congress. These expressions of opinion, whether they support my views or not, are extremely helpful as an indication of the prevailing sentiment in Illinois, something which is difficult to discern. Moreover, I sometimes find that my mail suggests new problems that require legislative attention and offers sound recommendations for improving existing programs.

Beyond reading the mail, I try to keep in touch with the thinking of the poeple of Illinois through frequent trips back to the state and by inviting special groups to Washintgon to discuss problems of mutual concern.

During the past four years, I have returned to Illinois approximately 200 times. Frequently I have conducted "listen-ins" in various parts of the state, which give the people a chance to discuss their problems with me without an appointment. I strongly believe that a public official should be as accessible to the citizens he serves as his Senatorial duties will allow.

Last January, I sponsored an all-Illinois College Conference on the '70's as a means of bringing the ideas of student leaders and faculty members from throughout the state to bear on key national problems. The college and university representatives exchanged views with officials in the Nixon Administration and other public figures, and I believe the sessions were very profitable for both groups.

In August, more than 80 police chiefs, sheriffs and other interested officials from Illinois came to Washington for my Conference on Law Enforcement and Individual Rights, during which they met with representatives of the Justice Department, the federal judiciary, the Senate and the Washington Police Department. The conference focused on the most basic issue in the field of law enforcement—the rights of the individual versus the rights of our society as a whole—and I found it quite productive.

Lake Michigan

One of our most precious natural assets in Illinois is Lake Michigan, which is now seriously jeopardized by our carelessness. Experts tell me that the lake already is 70 percent polluted.

To prevent Lake Michigan from going the way of Lake Erie, which has been accurately described as a "dead sea," I proposed this year a complete restructuring of the Great Lakes Basin Compact. As it is now written, the Compact is distinguished by its ineffectiveness; it does little more than compile and distribute recommendations that are not binding.

My proposals—if adopted by the member states to the Compact and approved by the Congress—would put some teeth into the agreement and prevent Lake Michigan from becoming a giant cesspool. Under my plan, it would be possible to set standards for water quality, to strictly enforce these standards and to raise revenues for pollution control.

But, if the condition of Lake Michigan made us aware of man's capacity to destroy, we also had evidence in 1970 of our ability to create new facilities that will husband our resources. In September, I had the privilege of speaking at the dedication of the Shelbyville reservoir, an exciting $56 million project forged out of an alliance involving federal, state and local governments. In addition to the magnificent recreational opportunities it offers, the reservoir project will be a boon to the economy of central Illinois and protect the area from flood damage.

I also sponsored several pieces of legislation in 1970 that were designed specifically to meet the needs of Illinois.

Mass transit

The transportation crises which plagued such cities as Chicago, Danville, and Joliet prompted me to introduce an amendment to the Housing Act of 1970 to provide federal assistance for failing mass transit systems. The amendment was adopted by the Senate, but failed in conference with the House. I have no doubt that the Senate will approve my bill again in the 92nd Congress, but I will need help from the Illinois delegation in the House to insure that it becomes law.

Rehabilitation

To enable the Rehabilitation Institute of Chicago to expand its important humanitarian work, I sponsored an amendment to the Health, Education and Welfare Appropriations Bill to provide the Institute with federal funds for a new Rehabilitation Research and Training Center. After Senate passage of my amendment, a conference committee approved $1.75 million for the center. I hope we will be able to keep this outstanding project on schedule until its completion.

Everett McKinley Dirksen

I scored perhaps my easiest legislative victory this year when both houses of Congress voted overwhelmingly to support my bill to name the federal building and courthouse in downtown Chicago in memory of my late colleague, Senator Everett McKinley Dirksen. So high was the esteem in which Senator Dirksen was held that more than 80 Senators joined me in this legislation. In July, following the signing of the bill by the President, I participated in dedication ceremonies for the Dirksen Building.

Illinois campuses

As the fall term opened, I addressed an open letter to college and university students, faculty and administrators on the approximately 80 campuses in Illinois. In that letter, I said:

"To stand up against those who would substitute force for reason on our campuses will mean inconvenience and may require courage. But moderates must join together to stem the tide of campus violence by firmly stating that they will not permit it. If they abdicate their responsibility, in all likelihood they will invite swift and unwelcome intrusions into their affairs by the heavy hand of government. Make no mistake about it; given the choice between anarchy and repression, government will always choose repression. And even a free people will support such measures, abhorrent as they might be....

"...I am earnestly suggesting that all members of the academic community in Illinois dedicate themselves to insuring peace on their campuses in this academic year. With a strong commitment to non-violence, you can rescue your institutions from an obstreperous minority who would sacrifice your right to teach and to learn to further their own ultimate interests—interests that you do not share, no matter how they are disguised."

THE ELECTIONS

From a Republican standpoint, the 1970 elections results in Illinois were very grim, and no amount of literary legerdemain will disguise that fact. I believe that Republicans generally did not devote enough effort to transmitting our very real accomplishments at all levels of government to the voters and concentrated too heavily on simplistic slogans that were understandably resented by the electorate.

A drastic revision in tactics is in order if Illinois is to be returned to the Republican column in 1972. Our state will be crucial to President Nixon's re-election bid, as it was to his election in 1968, and only a vigorous, united effort, stressing the positive aspects of our record, will prevent a repetition of this year's verdict.

I sincerely believe that good government is good politics. It is apparent to me, therefore, that there is no better way to prepare for electoral success in 1972 than by writing a solid list of achievements over the next two years. Only by demonstrating its capacity to govern effectively can a political party con-

vince the people that it is entitled to represent and lead them.

I intend to work with President Nixon wherever possible for the enactment of imaginative, responsive programs that will be the foundation of victory, and I am confident that Governor Ogilvie and the State Legislators will do the same in Springfield.

Cost of campaigns

Along with many other Americans, I have grown increasingly disturbed by the astronomical cost of running for public office in this country. We have reached a point at which a candidate for a statewide office in a large state must either be wealthy himself or accept large contributions that could compromise him in the public eye after he is elected.

The Congress passed legislation this year which would have limited the amount of money that political candidates could spend on radio and television advertisements. Although I had some reservations about this bill, I agreed with the principle behind it and would be willing to abide by its provisions if I should be a candidate for re-election in 1972.

But I did not believe that this legislation represented a comprehensive effort at reform. It provided controls over just one type of campaign expense, broadcasting costs, and omitted any reference to expenses for mailings, newspaper advertisements, public opinion surveys, campaign staff and travel. Moreover, I felt that the legislation as passed by the Congress gave an undue advantage to incumbents. For these reasons, I voted against the bill when it was considered by the Senate and later voted to sustain President Nixon's veto of the measure.

I have committed myself to introducing broad reform legislation early in 1971 that would come to grips with all of the problems raised by the mixing of large sums of money with politics. I look forward to the time when we permit the voters to choose their representatives on the basis of issues and not image; on records of achievement, not advertising claims; on sensitivity to constituents, not submission to contributors.

A JUDGE AND SENATORIAL JUDGMENT

Finally, I would like to comment on the Carswell nomination because it was one of the most controversial issues of 1970 and because it bears upon my philosophy of what a United States Senator should be.

I know some of you in Illinois disagreed vehemently with my decision to vote against the confirmation of Judge Carswell for a seat on the Supreme Court, and I personally found it difficult to oppose the wishes of a President of my party.

Yet it was apparent to me, after a thorough study of the testimony of the confirmation hearings and of the other available evidence, that Judge Carswell was glaringly deficient in legal scholarship and in his sensitivity to the aspirations of all Americans for full membership in our society. When I considered that confirmation might have meant that Judge Carswell would sit on the Supreme Court until the year 2000, I felt that I had no alternative but to vote against him.

Naturally, I hope that the majority of the people of Illinois support my position on this issue, and on many of the other complex issues that I must decide by a simple "yes" or "no" vote. But I realize that in all likelihood there will be a few instances in which I will find it necessary to vote contrary to the prevailing opinion in my party or in my state.

I have always assumed that the people of Illinois elected me as their Senator because they had confidence in my judgment, and that I would justify their faith in me on most issues. If that is not the case, I am sure I will discover that fact soon enough.

No public official disregards the opinions of his constituents, insofar as they can be measured. Yet I see my basic role as your trustee, entrusted with your interests and empowered to represent them as my conscience and judgment dictate. I would contrast this role to that of an instructed delegate, who must rigidly adhere to what he understands the wishes of his constituents to be. This may be a subtle distinction, but I regard it as central to the operation of a representative form of government.

I hope I have represented you well. I know I have tried to do so for the past four years. And I know that I have not done violence to my own convictions

PREDICTIONS

Looking ahead to the future is always more perilous than recording the period through which we have just passed. But for those of us who must make public policy, it is a valuable exercise. If we are to act positively, rather than to crises, we must try to anticipate what the year 1971 and subsequent years will hold.

So, with no guarantees on the quality of my crystal ball, I predict that:

1. Despite temporary flare-ups, American withdrawal from Indochina will be steady, and that in approximately a year all American ground fighting will have ceased.

2. Some progress will be made in the Paris peace talks in 1971 after two years of absolutely no accomplishment.

3. A far more effective burden-sharing arrangement will have been worked out with our NATO allies than ever before.

4. The Soviet Union will continue to lessen tensions between herself and Communist China.

5. In spite of ragged and mutually suspicious relationships between the United States and the Soviet Union, the basis for an agreement will be reached under which each country will abandon plans for ABM systems throughout her territory, except for command headquarters in Washington and Moscow.

6. Relationships between the United States and the United Kingdom will be closer in 1971 than at any time in the past two decades as a result of the mutual respect and common ideology of President Nixon and Prime Minister Heath.

7. The new Secretary of the Treasury-designate, Democrat John Connally of Texas, will become one of the most visible and powerful members of the President's Cabinet.

8. The Senate will develop procedures and practices to speed up its handling of the nation's business. If it continues on its present course, it will require a 14-month calendar year.

9. The seniority system in both the Senate and the House will come under increasingly sharp attack.

10. An effort will be made, with my support, to change the fiscal year of the federal government from July 1–June 30 to a January 1–December 31 calendar year. This move would help insure that appropriations bills are approved before the new years opens. Under the disgraceful procedures followed now, final action often is delayed as much as six months into the new fiscal year.

11. Barring any precipitous change in policy, such as that represented by the Cambodian incursions, our campuses will be quieter in 1971 than they were this year. The malaise that has affected our youth has by no means disappeared, but students seem to be just as "fed up" with violence as the rest of the country.

12. The movement toward a shorter work week will continue, as more offices any factories adopt a larger number of three-day weekends.

13. The Senate will change its rule of 190 years standing and permit me to appoint the first girl Senate page ever selected from Illinois.

As we approach what promises to be a very active new year in the Senate, I will need your continued support and counsel. If I can be of service to you in any way, I hope you will contact my offices in Washington, Chicago and Springfield.

PRESCRIPTION FOR PROSPERITY

Mr. SPARKMAN. Mr. President, at a time when the problems of the economy are on everyone's mind in this country—indeed, at a time when the state of the economy is our No. 1 domestic problem—it is encouraging to see that some of our business leaders are speaking out and offering helpful suggestions on what might be done.

Two weeks ago, one such corporate executive used the forum of his company's annual shareholders meeting to propose a six-point program to get the United States moving forward on the economic front.

This executive was Charles G. Bluhdorn, chairman of the board of Gulf & Western Industries. And whether or not we all agree with Mr. Bluhdorn's "prescription for prosperity," we should welcome his concern and the suggestions generated by it.

I ask unanimous consent that the speech be printed in the RECORD.

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

Good morning, ladies and gentlemen.

On behalf of the management of Gulf & Western Industries, I welcome you to the thirteenth annual meeting of the company. All of us appreciate your interest in coming here this morning to get a first-hand report on the progress of your company during the past year.

Before I turn the meeting back over to Mr. Judelson, the president of Gulf & Western, I want to talk about some matters that are of vital importance to you, both as shareholders of this company and as citizens of this country.

As the sixty-fourth largest industrial corporation in this country, Gulf & Western is a key contributor to our economy and very much a part of the fabric of America.

None of us at Gulf & Western holds public office, but we are responsible just the same for the interests of a large group of people.

I am referring to you and your fellow shareholders—some one hundred thousand strong. And to the seventy-five thousand employees of this company and their families. And to the thousands of people, from one end of this nation to the other, with whom we do business.

As chairman of Gulf & Western, I have several responsibilities. The most immediate, of course, is to oversee the company's daily progress and profitability. In addition, all of us in the management of Gulf & Western feel responsible for the economic well-being of our employees and our shareholders beyond paychecks and dividends. And as chief executive officer of this company, I am necessarily concerned with broader issues, such as the state of the economy.

These responsibilities are all interwoven. The state of the economy, for example, directly affects the profit performance of this company. And the profit performance of this company directly affects the economic well-being of our employees and our shareholders.

So let me turn for a few minutes to the economy. Taking its measure in this month of December 1970, we find that:

Unemployment, in personal terms the cruelest of all the economic indicators, has

risen to an alarming 5.8 percent of the total labor force—the highest figure since 1963. This means that this morning more than four and one-half million men and women in this country have no jobs and no steady income.

Prices, for everything from maple syrup to machine tools, are up an average of 6 percent over a year ago—and still rising.

Wages have gone up this year by an average of nearly 7 percent. Just compare the American worker's average hourly wage, which is now pushing four dollars, with the pay of a Japanese or Italian worker who makes eighty cents an hour, or a Frenchman who makes one dollar an hour, and you get some indication of the competitive threat to the United States.

And while wages are rising, productivity—historically the pride and mainspring of American industry—has unfortunately not kept pace. And if we don't watch our step, this lagging productivity together with our uncompetitive wage posture, is going to price us right out of world markets.

Total corporate profits have slipped 18 percent below last year—from $100 billion to $82 billion.

Finally, the gross national product, the sum total of all the goods and services the nation produces, is stagnant. And in constant dollars our real output actually is down—one clear bit of evidence pointing up this country's economic difficulties.

Let's look at them.

Unemployment, up.

Prices and wages, up.

Productivity, lagging.

Profits, down.

GNP, flat.

That's not how this country was built. This country was built on action.

And Washington has begun to act. One result is that interest rates, which recently soared to historic highs, have descended to a lower altitude.

This will help ease some of the pressures. But the major problems stubbornly persist.

Washington's game plan was to trade higher unemployment for lower inflation.

It has been 50 percent successful: we have got higher unemployment; we also have higher inflation.

It is very distressing to pay the price we are paying—idle men, idle machines—and to get as little relief from inflation as we are getting.

In 1970 this country was short-changed by some $45 billion. That is, the economic output of the United States was $45 billion less than its potential. Forty-five billion dollars—just about equal to the assets of U.S. Steel, Mobile Oil, IBM, Ford and General Motors all put together.

There has to be a better way. And I am sure that the experts in Washington are burning the night oil looking for it.

I am very optimistic about the future. But I have to tell you that America is engaged in an economic struggle that is as serious a test as this nation has faced in the last twenty-five years.

Many solutions have been suggested, from mandatory wage and price controls to a new tax on the profits of companies that make inflationary wage settlements. Neither of these is really workable.

The fact of the matter is: there is no single answer, no cure-all. But perhaps a combination of things may help.

As citizens we are all concerned about the right course to take to get this country moving ahead. As a businessman I am doubly concerned. But merely being concerned is not enough. As a businessman I have a responsibility to make my voice heard. And that is what I am doing today.

In today's new climate of corporate consciousness, businessmen are looking up from their balance sheets and taking a broad view. And they're doing this for a very good reason. Because what affects the economy affects every company in this country. And what affects every company affects every share holder.

In my view our best economic course lies in a carefully-compounded, courageously applied prescription for prosperity made up of these six ingredients:

One, a moderately expansive monetary and fiscal policy to rouse the sluggish economy. But Washington should not push the monetary-fiscal accelerator through the floorboard.

Two, as a counterpart to this expansion—and this is vital—a system of voluntary wage-price disciplines, suggested by Washington and carried out by all segments of business and labor.

Three, to help stimulate capital spending—and this also is vital if we are to compete successfully in the world marketplace with modern plants and equipment—I suggest restoration of the investment tax credit. Eventually this can mean a 3-billion-dollar-a-year shot-in-the-arm for the economy. This can pay for itself many times over in extra investment by businesses in more modern—and more productive—facilities.

Four, an enlightened antitrust policy that is designed to be stimulating instead of stifling, progressive instead of penalizing. It is absolutely ridiculous that American business should have to compete with Germany and Japan and the United States Department of Justice all at the same time. At a time when the United States is pursuing a naive merger policy more becoming the 1870s than the 1970s, Europe is doing exactly the opposite. Recognizing the hugeness of the prize at stake, European governments are encouraging their firms to become larger through mergers, and thus more competitive and more efficient. While Europe is just beginning to recognize this most basic of all economic laws, we in America are flirting with danger by flouting it. And if we continue to pursue this disastrous course, we will find our markets both at home and abroad shrinking, our balance of payments in even greater disarray, and our economic vitality sapped.

Five, a program of extremely selective protectionism to help close the wage-productivity-performance gap in this country. Specifically, the President should be empowered to impose emergency import quotas on specific goods if a foreign country disregards the rules of competitive fair play and tries to flood our markets and destroy some segments of our industry. Furthermore, I call upon other nations who are competing industrial powers to open their doors without rectriction to American investment in the same manner and spirit that we open our doors to them.

Six, the President of the United States must go before the nation on television once, or twice, or as many times as is necessary, to alert the American people to the gravity of the economic problems of the seventies. It is not enough for him to talk to business and labor leaders. It is your pocketbook that is suffering and you are entitled to know directly from the man you elect every four years what the consequences of a continuing wage-price spiral mean to you.

If this six-point program is what it takes to get a full-employment, full-income, full-performance economy, then Washington should take these steps without delay.

There is one more area of concern to all of us that I want to touch on. That is the quality of life in America—from housing to health, from education to environment.

The need in each of these areas is vast and pressing. But I ask you, how can we expect to meet the tremendous costs that these needs entail if we don't have the money to pay the bills?

And believe me, we can't pay those bills unless and until we have a vital, growing, full-performance economy.

Surely we have learned by now that unless there is economic growth there is stagnation.

That unless there is economic growth there will be no increase in corporate profits. And remember, if there is no increase in corporate profits there is no increase in tax revenues for the government.

And if there is no economic growth there is no chance to meet fully our social responsibilities.

In a strong economy everyone gains. In a week economy no one gains.

Our first order of national business must be to put the American economy back on the right course. And to restore the confidence of the American people in our economic system, which has made this country the leader of the free world.

Thank you.

A CHRISTMAS STORY

Mr. McGOVERN. Mr. President, in the New York Times of December 22, 1970, Tom Wicker has written a sad Christmas story. It is the story of the attempt by the Senate and its Select Committee on Nutrition and Human Needs, of which I have the honor to be chairman, to help the Nixon administration to meet its commitment to end hunger in America.

At the time he wrote his column, Mr. Wicker felt compelled to conclude:

Thus ends, it appears, this tale of putting an end to hunger in America for all time.

But this story will not have such an ending. There are those who are pledged to write a happy ending. We will do our best this year to help the administration meet its own commitment. But this year will not be the end of the story.

Next year, I hope that Mr. Wicker will be able to write a new and more positive chapter.

Mr. President, I ask unanimous consent that the article "A Christmas Story" be printed at this point in the RECORD.

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

A CHRISTMAS STORY

(By Tom Wicker)

WASHINGTON, Dec. 21.—Once upon a time a wave of public indignation arose when persons as different as Robert Kennedy and Senator Ernest Hollings of South Carolina discovered that in prosperous America there were millions of hungry people, many of them helpless children.

So great appeared the public interest that the Senate established a Select Committee on Nutrition; at its hearings in 1969 a Public Health Service survey showed that malnutrition in America was as widespread and serious as in the underdeveloped countries, resulting in physical and mental damage to untold numbers of children, and thus imposing a tax on society far into the future.

These and other events produced a Presidential message to Congress in May 1969 in which Mr. Nixon said that "something very like the honor of American democracy" was at stake in the effort he demanded "to put an end to hunger in America itself for all time." The White House Conference on Food and Nutrition, later arranged by Mr. Nixon, specifically endorsed a measure called the McGovern-Javits bill to expand and reform the food stamp program.

Mr. Nixon had made his own food stamp proposals, but the bill went well beyond them, calling for a nationwide program (about a third of the nation's counties have no food stamp program), simplified procedures for receiving stamps, an increase from $106 to $134 a month in stamp allotments for a family of four (which still would pro-

vide only the so-called "low cost" food budget), and a funding level that would rise to $2.5 billion in fiscal 1972.

This measure passed the Senate by 56 to 39 in September of 1969. The Administration indicated that it could accept it, even though it had preferred a more modest effort to end hunger in America for all time. But when the scene shifted to the House, there was no carefully prepared study by a special committee; instead, the matter went to the dark, medieval chambers of the House Agriculture Committee, where it languished like an undernourished child.

The attitude of Chairman W. R. Poage of Texas has been well-expressed by Mr. Poage himself. "You know what happens in the beehive," he said. "They kill those drones. This is what happens in most primitive societies. Maybe we've just gotten too far away from the situation of primitive man."

Unmoved by ample evidence of widespread hunger in America, Mr. Poage ultimately produced a bill that wrote into the food stamp program a requirement that recipients had to work if they were able, and that cut off food stamps from an entire family if any one member refused to work. It also required states to pick up 10 per cent of the cost of the stamps, a proposal patently designed to keep hard-pressed states from expanding or even having a program since the cost-sharing could run into millions. Nor was there in the Poage bill any specific fund authorization, which left the program precariously dependent on the annual mercy of the Budget Bureau and the appropriations committees.

But last week in the House, Mr. Poage was able to produce a letter from Agriculture Secretary Hardin giving Nixon Administration endorsement of the Poage bill against a bipartisan substitute much nearer the Senate version. Even so, the Poage bill passed by only 119 to 116 in an unrecorded vote, which a number of members apparently missed because they were attending Christmas and farewell parties.

The Administration is reported to have hoped the Poage bill would force Senate conferees to scale down the McGovern-Javits bill. This reckoned without W. R. Poage and the House conferees, all of whom would have been right at home in Dickensian London. Instead of a reasonable compromise to put an end to hunger in America for all time, the House group is demanding that the Senate take the Poage bill or nothing.

Senator George McGovern and the other Senate conferees say they already have made fourteen specific concessions (eliminating free stamps for the very poor, for instance, as well as a provision that would have made it possible to buy soap and other hygiene articles with the stamps). They have further offered to accept a less drastic form of work requirement and split the difference between $106 and $134, if the House conferees would accept the simplified procedures for receiving food stamps and drop the state cost-sharing proposal. But Mr. Poage and the others have adamantly refused compromise, on the strength of their 119-to-116 mandate and their beehive mentality.

Rather than accept the regressive Poage bill, Mr. McGovern now plans to return to the Senate and ask that the present inadequate food stamp program be continued unchanged. Thus ends, it appears, this tale of putting an end to hunger in America for all time.

BVD WILL SKIP PARTY TO PLAY SANTA TO INDIANS

Mr. FANNIN. Mr. President, in Arizona we owe a special gratitude to many good companies which have invested in business on our Indian reservations.

These firms have put time, faith, and money into plants which are intended not only to make a profit but to help Indian families lift themselves out of poverty or dependence on the government.

Not many years ago BVD started a plant at Winslow, Ariz., to employ mainly Navaho and Hopi Indians. Despite the unfair competition from foreign imports, this plant remains in operation—and I hope it will not fall victim to the import deluge.

But what I want to do today is to insert in the RECORD a word of Christmas cheer concerning this plant and the employees of BVD.

The version of the story I offer came from the December 9, 1970, Tucson Daily Citizen. It demonstrates the generosity that BVD employees in New York have shown toward their fellow BVD employees some 3,000 miles away.

Mr. President, I ask unanimous consent to have this brief story printed in the RECORD.

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

BVD WILL SKIP PARTY TO PLAY SANTA TO INDIANS

WINSLOW.—The New York parent office of this city's BVD plant will skip a Christmas party to play Santa Claus to Navajo and Hopi children.

A spokesman said the funds usually spent for the party bought 368 gifts for the Arizona children, whose parents work in the Winslow undergarment factory.

Charles Clark, BVD plant manager in Winslow, said the gifts will be distributed Saturday morning at the Rialto Theater. All the gifts were shipped from New York.

Clark said the idea to give up the party came from Rita Johnson, a secretary in the New York office.

The Winslow BVD plant's work force is mainly Navajo and Hopi Indians.

STATE DEMOCRATS VOTE TO ELECT ALL DELEGATES TO CONVENTION

Mr. HUGHES. Mr. President, 2 years ago, a movement to reform Democratic Party procedures was born out of the shambles of the 1968 Democratic National Convention. Many concerned Democrats were fearful that this movement could not work, that it would divide Democrats and make it more difficult to bind up the old wounds, or that it would lead to the formation of a new party.

But alongside the discrimination and the bossism of the 1968 convention, our party had no choice. The Democratic Party has a proud heritage of popular participation in its decisionmaking process. A party built on popular control risks extinction if it does not respond to the demands of democracy.

Mr. President, I ask unanimous consent to insert into the CONGRESSIONAL RECORD a recent article from the New York Times which offers dramatic proof of our party's wisdom in seeing party reform through. The efforts of the New York State Democratic Party in opening up its delegate selection process to its rank and file members is all the more remarkable in light of the major divisions among Democrats in the State just 2 short years ago. In many other States, including North Carolina, Rhode Island, Maryland, and Alabama, among others, the Democratic Party has made closed procedures as recently as 1968 a subject which should be cosigned to the history books.

At this time of unprecedented challenge to the legitimacy of our major institutions, our reform effort is strong evidence that peaceful change is still possible. We are not finished yet, but we are on the right path. I believe that the work of the McGovern Commission on Party Structure and Delegate Selection and the O'Hara Commission on Rules will make the Democratic Party better prepared for the challenges of the 1970's.

For the sake of the future of our two-party political system, in which I deeply believe, I hope that the Republican Party will follow suit with a national effort to make their party more responsive to all members in terms of present-day realities.

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

STATE DEMOCRATS VOTE TO ELECT ALL DELEGATES TO CONVENTION

(By Thomas P. Ronan)

ALBANY, December 12.—The Democratic State Committee voted unanimously here today, to change its rules to provide that all delegates to the party's national conventions be elected by popular vote at a primary.

Under the system now in effect, the committee itself selects about one-third of the delegates, with the others elected in the primary.

The new system, which party reformers considered a long step toward democratization of committee procedures, will go into effect in time for the primary elections in 1972, the next Presidential election year.

County leaders have had a major voice in the choice of the at-large delegates named by the state committee in the past. This group of delegates has usually included these county leaders as well as the party's elder statesmen and contributors of substantial funds, familiarly known as "fat cats."

The power of the county leaders in the selection of the at-large delegates has, in the opinion of party reformers, given them undue influence in the choice of Presidential candidates and has led to repeated charges of "bossism."

The practice of state committee selection of delegates was criticized by a commission, headed by Senator George S. McGovern of South Dakota, that was set up by the National Committee after the turbulent 1968 Chicago convention to recommend changes to democratize the party's structure and selection of delegates.

Under the new rule, all of the delegates will be elected from Congressional or Senatorial Districts in a primary with the number of delegates from each district to be determined under a formula taking into account the size of the district's population and its Democratic vote in the previous Presidential election. Up to now, delegates have been alloted on the basis of population alone.

ACCORD WITH STATE LAW

The proposed rules changes put before the committee members provided for the selection of delegates through primaries in Congressional Districts, as the state election law now requires.

Under an amendment suggested by Joseph F. Crangle, Erie County leader, the state committee voted to ask the State Legislature to amend the election law to make the State

Senatorial districts the election units. If the Legislature does not make the change in time for the primaries in 1972, Congressional districts will be used by the Democrats in this state.

Mr. Crangle said that the use of the Senatorial Districts, which are smaller than the Congressional Districts, would help candidates representing minority views to win election as delegates.

While changing from Congressional to Senatorial Districts would require action by the Legislature, the change to direct election of all delegates does not.

HALF OF MEMBERS PRESENT

About half of the 345 state committee members attended the meeting at the DeWitt Clinton Hotel. The attendance was considered excellent in view of the bad weather in many areas upstate. Many of the missing members had given their proxy votes to those attending.

The members seemed delighted at the show of unity demonstrated by the unanimous vote. They grinned at each and applauded cheerfully.

The meeting, the first since the Democrats suffered their disastrous defeat in the Nov. 3 statewide election, was relatively quiet. But there were some heated arguments over procedural questions.

The commission headed by Senator McGovern called on the state parties to limit the choice of delegates by the committee process to no more than 10 per cent of the total, but said it preferred that none of the delegates be selected in that manner.

DISTRIBUTION IN 1968

At the 1968 national convention, the New York delegation had 190 votes. Of these, 123 were held by delegates elected as three-member slates in the state's 41 Congressional districts, 65 were held by at-large delegates chosen by the state committee and the remaining two were held by the national committeeman and committeewoman.

The meetings at which the at-large delegates were selected by the state committee in 1968 was one of the most raucous in the committee's history. Supporters of Senator Eugene J. McCarthy for the Presidential nomination stormed out in protest against what they called the small at-large vote allotted them. Negro and Puerto Rican Democratic leaders also charged the minorities had been treated unfairly.

John J. Burns, the state Democratic chairman, then had to call a second meeting at which the Negroes, Puerto Ricans and McCarthy supporters all received greater representation among the at-large delegates.

TRIBUTE TO SENATOR McCARTHY

Mr. WILLIAMS of New Jersey. Mr. President, when GENE MCCARTHY and I served in the House together, he called to my attention the plight of the migratory worker—a problem he was deeply concerned with and one which became a matter of dedication and highest priority to me in my career in the Senate.

It is because of this unique sensitivity that EUGENE MCCARTHY already belongs to history. No other person in our time has so altered the course of our destiny through his commitment to peace. It was the same sensitivity and vision that gave direction toward that goal. He gave hope to the young who so desperately needed the inspiration of his leadership.

From the quiet campus paths of St. John's and St. Thomas to L'Enfant's more direct routes to power, GENE MCCARTHY again chooses to follow the sound of a different drummer. My admiration for his convictions, my indebtedness for the stimulation of his intellect and the inspiration of his quiet wit will not diminish as he carries these attributes into the future.

SENATOR CASE—ADVISE AND CONSENT

Mr. COOPER. Mr. President, in the past few years the Senate has taken several steps to strengthen the ability of the Congress to make sound judgments in foreign affairs and security matters. The national commitments resolution defined when and how the United States is committed to defend a foreign nation by sending or promising to send its troops. Such a commitment requires the approval of the Congress.

Senator SYMINGTON has chaired a subcommittee of the Foreign Relations Committee looking into the nature and extent of U.S. commitment abroad. It has been an extremely helpful effort and Senator SYMINGTON is to be commended for his forceful, energetic, and intelligent leadership.

Senator CASE of New Jersey who has participated in all efforts to maintain congressional responsibility and who led our efforts to secure a mutual standstill on the nuclear arms race, has introduced a bill which would require the Executive to send to the Congress notification of all Executive agreements within 60 days of execution. Its purpose is to enable the Congress to take action if necessary before the United States becomes too deeply involved in a process in which U.S. forces might have to be used. I ask unanimous consent that an article from the New Republic of December 19, 1970, commenting upon Senator CASE's proposal be inserted in the RECORD at the conclusion of my remarks.

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

ADVISE AND CONSENT

"Foreign policy must take precedence in the White House. It must also take precedence in this Senate. The only safe way to grant the necessary priority in foreign policy is to restore bipartisanship, not on a political party basis alone but between the branches of Government before decisions are made. That, in turn means restoring the habit of consultation between the White House and the Congress, for only consultation gives substance to the idea of bipartisanship."—Senator George Aiken.

President Nixon has an opportunity to do what Senator Aiken wants by supporting, or at least not opposing, Sen. Clifford Case's proposal to formally require the executive branch to tell Congress about all international agreements within 60 days of making them. It's an old idea, originating with Republicans in the Eisenhower administration but never enacted. Treaties, of course, must be ratified by the Senate. And existing law requires the Secretary of State to make an annual accounting to Congress of agreements which the administration chooses not to call treaties.

But that law is honored in the breach, usually on the grounds that national security considerations preclude public disclosure. In practice this means the President can make secret promises of military and other support without any congressional oversight or public debate. If we ever learn of them at all it's often too late to do anything to affect policy. Senator Stuart Symington's Foreign Relations Subcommittee on US Security Agreements and Commitments Abroad has provided a number of examples of once-secret pacts that make the case for Case—a 1966 contingency plan under which US troops would help Thailand repel a North Vietnamese attack launched from Laos, a quid-pro-quo agreement with Korea involving military aid for the Koreans in exchange for Korean troops in Vietnam, military aid to Ethiopia in return for a base.

As Senator Aiken said in his Senate speech November 24, the Vietnam war is itself the prime example of failure of consultation between the President and Congress. In 1965, "'the aim of preventing defeat in Vietnam was replaced by the aim of military victory—and the great escalation started, without consultation with the Senate." Aiken, senior Republican on the Foreign Relations Committee, generally supports Nixon. He believes, naively in our judgment, that "if there is discontent in the Senate over the conduct of foreign policy, it is because President Nixon has not yet restored the habit of consultation that lapsed during earlier years." (Aiken says he might even have supported the invasion of Cambodia if only he'd known about it in advance.)

The legislation revived by Senator Case was originally introduced in 1954 by the conservative Republican Sen. William F. Knowland with the support of the State Department. It differed from Case's proposal in that it would have forced disclosure to senators, but not representatives. The Case bill would require the Secretary of State to send Congress transcripts of all agreements as soon as possible, but in no event later than 60 days after they've been completed. In those cases where public disclosure would be, in the President's opinion, "prejudicial to the national security," the texts of agreements would go to the Senate Foreign Relations and House Foreign Affairs Committee and be protected by "an appropriate injunction of secrecy to be removed only upon due notice from the President." The Members under such circumstances would know but couldn't tell. For a branch of government whose function is to advise and consent, that's preferable to not knowing at all.

It's too early to tell from where support for Case will come. Soundings are being made at the State Department and the White House. On the Foreign Relations Committee all but perhaps hawkish Sen. Gale McGee are likely to be receptive. Senator Aiken hasn't yet said he'll go along, though failing to do so would seem to contradict his views on consultation. Senator Fulbright, a private supporter, has been publicly silent, as has Senator Symington, whose only move so far was to insert in the CONGRESSIONAL RECORD a newspaper report explaining the Case bill.

VIETNAM

Mr. McGEE. Mr. President, within the past week I had an opportunity to read a lengthy report on a 15-day factfinding trip to South Vietnam and Cambodia by a delegation of 12 students and young people representing American Youth for a Just Peace. The document runs some 38 double-spaced pages, but it contains so much meat and commonsense that I would strongly urge all Senators to take the trouble to read it.

The delegation said that they were surprised and troubled by the gap between their image of Vietnam based on a reading of the American press, and the reality they saw when they got there.

They said:

Instead of a bleak, war-ravaged landscape, we found—with some exceptions—a green, fertile, incredibly beautiful country.

Instead of a closed, authoritarian, regimented society, we found a highly pluralistic one, studded with autonomous social groups—Hoa Hao, Cao Dai, Dai Viets, An Quang and moderate Buddhist, Chinese merchants, 12 major political parties, the Vietnamese Confederation of Labor (CTV), diverse student organizations, etc.—having an independence of action and freedom of expression unknown in dictatorships. This fact was first dramatized to us by the "welcome" we received from the Saigon Student Union: a hostile condemnation which appeared in the form of several articles in the opposition press. It was interesting for us to note that of the 35 or so Saigon dailies, 15 are in the opposition category.

Their report noted that the Vietnamese Army is now up to 1.1 million and that the Peoples Self-Defense Force which functions as an adjunct to the army now totals 4 million, of whom some 800,000 are already armed. These serve as volunteers, without pay. The report said:

They testified to the loyalty of their people to the government and the fact that the government has the confidence to arm its ordinary citizens.

Referring to the improved security situation, the delegation pointed out that they had traveled on many isolated roads without armed escort and that they had spent the night in Tien Nam hamlet outside Hue which was only recently under Vietcong control. They quoted a U.S. adviser to the constabulary forces in Phu Tam village as saying that he felt safer walking at night in Phu Tam than he would in most major U.S. cities.

The report includes a section on "politics and elections." According to the delegation, all of the members of the opposition parties to whom they spoke are opposed to a precipitous U.S. withdrawal, and, with the exception of certain militant Buddhists, opposed to a coalition government with the Vietcong. The report said:

It was called to our attention that coalitions with the Communists in 1945–46 and 1954–55 ended in total domination by the Communists, with all the other nationalists murdered or forced into exile.

There are many other interesting sections in the report dealing, among other things, with labor, students and youth organizations, and prisoners of war.

The report also contains a very frank discussion of some of the shortcomings and vulnerabilities of the South Vietnamese government, including its handling of the problem of inflation, the treatment of disabled veterans and restrictions on democracy.

In Cambodia, the delegation was hosted by the Association of Cambodian Students and members of the Congress of Cambodian Intellectuals.

The report said:

A fierce spirit of nationalism prevades Cambodia. It was manifest in everyone to whom we spoke. It is the key factor in explaining Cambodia's determined and growing resistance to the North Vietnamese, whom the Cambodians view as foreign invaders. It explains the strength of the Lon Nol government. It makes for a cohesion and unity which augurs well for Cambodian freedom and independence from communist domination.

We found that the most vocal support for the Cambodian government comes from the students and intellectuals. They have rallied behind their 'establishment' with a fervor that amazed us. Almost all students have enlisted in the militia and army. The army has grown—based on volunteers only—from 30,000 to 140,000. While it desperately needs equipment and supplies, it has an abundance of courage and will to fight and to sacrifice for what Cambodians call the "struggle for national salvation."

In their conclusion the delegation says that they are convinced that what is needed in our own country is more knowledge, more understanding, and great patience.

Mr. President, I ask unanimous consent to insert into the RECORD at this point relevant portions of the text of the report submitted by the group of 12 students and young people who visited South Vietnam and Cambodia representing American Youth for a Just Peace. I hope all Senators will find the time to read it.

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

REPORT ON A TRIP TO VIETNAM AND CAMBODIA

Relevant portions of a final report on trip to Vietnam and Cambodia by American youth for a just peace

We, the *American Youth for a Just Peace,* have recently concluded a 15-day fact-finding trip to South Viet Nam and Cambodia to learn as much as we could about the South Vietnamese and Cambodian peoples, and the war.

We went to Viet Nam and Cambodia as a private, non-partisan organization comprised of students and young people committed not only to peace, but to a *just* peace; to peace with freedom; to a peace which will not reward aggression and thereby foster future wars.

On the condition that maximum freedom of action be granted to us, and that no restrictions be imposed on our findings, we gratefully accepted the official invitation of the Government of Viet Nam and the Government of Cambodia, who defrayed our travel and in-country expenses.

Our trip has been informative and exhausting. We traveled extensively throughout South Viet Nam, from the DMZ to the Central Highlands, the Coast and the Delta. In Cambodia we not only stayed in Phnom Penh, but flew to the provincial capital of Kampong Chom, which was attacked by the Communists and occupied briefly in May. We spoke to a wide variety of people ranging from Catholic, Cao Dai, Buddhist, and Hoa Hao leaders, Hoi Chanh, POW's, R.D. cadres, journalists, and ranking Vietnamese and Cambodian military and government officials. We also had lengthy conversations with President Thieu and General Lon Nol.

We know that there is much more we can learn, but we also believe we have learned a great deal.

GENERAL IMPRESSIONS—VIETNAM

We were surprised and troubled by the gap between our image of Viet Nam from reading the press before we arrived, and the reality we have seen.

Instead of bleak—war-ravaged landscape, we found—with some exceptions a green, fertile, incredibly beautiful country.

Instead of grinding, all pervading poverty, we saw a surprisingly wide level of economic well-being which must place Viet Nam in the front ranks of developing nations.

Instead of a closed, authoritarian, regimented soviety, we found a highly pluralistic one, studded with autonomous social groups—Hoa Hao, Cao Di, Di Viets, An Quang and moderate Buddhist, Chinese merchants, 12 major political parties, the Vietnamese Confederation of Labor (CVT), diverse student organizations, etc.—having an independence of action and freedom of expression unknown in dictatorships. This fact was first dramatized to us by the "welcome" we received from the Saigon Student Union: a hostile condemnation which appeared in the form of several articles in the opposition press. It was interesting for us to note that of the 35 or so Saigon dailies 15 are in the opposition category.

Instead of a population indifferent to the struggle against communist aggression or partial to the Viet Cong, we met dedicated hard-working people whose level of courage and sacrifice has been an inspiration to us.

In this respect it is instructive to recall that during the Tet Offensive the communists failed to generate a "general uprising" against the government; failed to provoke mass defections in the armed forces; failed to create an administrative collapse. It seems to us that the comeback that was made since Tet—the fact that the communist attacks were beaten back; that the armed forces were expanded and improved; that thousands of destroyed buildings were rebuilt and refugees resettled; that the ARVN forces could display the aggressiveness and combativeness which they did during the Cambodian operation—reflects the strengths and determination of this society to persevere in the anti-communist struggle and build enduring institutions.

SECURITY—MILITARY PROGRESS

There is a limit to what any group can see in ten days. But we were able to broaden our understanding by talking to many Vietnamese and many Americans who have spent months and even years in Viet Nam. All of those to whom we spoke were agreed that there was an improved security situation throughout the country, ranging from very much improved to vastly improved.

Security is, of course, a product of many things. It is a product in the first instance of the improved military situation.

1. We noted that since the Tet Offensive of 1968 the enemy has held no ground, won no major battles, and has been unable to launch any major offensive this year or last.

2. Everyone to whom we spoke hailed the Cambodian intervention as a major victory for the Allies and a crippling blow to the enemy. It denied the enemy his rest and recreation haven, disrupted his best supply lines, and destroyed tons of stocks of food, weapons and ammunition. The general consensus in Viet Nam was that the intervention thwarted a major communist offensive against the vital Delta. In Cambodia, everyone to whom we spoke praised the intervention for having "saved Cambodia."

3. The enemy has lost over 700,000 men, suffered many more wounded, and continues to sustain a high rate of casualties. North Vietnamese prisoners with whom we spoke were mostly in their mid-teens. They told us that the training cycle in the North had been reduced from six to three months; that they were demoralized to find themselves increasingly fighting their own people instead of American forces. We found that the South Vietnamese are indeed assuming a larger burden of the fighting. Last August, Americans were suffering 40% of the casualties. Today Americans suffer less than 20% of the casualties and the South Vietnamese suffer almost 80%. Last August, the U.S. was inflicting 60% of the enemy casualties and the South Vietnamese 40%. By mid-1970 it was the other way around.

4. The defection rate of enemy soldiers to the Allies remains very high—approximately 3,000 per month for the past year.

There have been many articles in the press dealing with the high desertion rate from the South Vietnamese army. Although there has been a substantial improvement in the past year, it is still true that the South Vietnamese army does have a high desertion rate. However, there is a world of difference between desertion and defection—and this is a point that most articles fail to make.

The soldiers who desert the South Vietnamese army hardly ever go over to the enemy. With rare exceptions, they desert because the pay is low, and their families are having difficulty making ends meet, and they want to get back to their villages. There are many instances where soldiers who have deserted from ARVN have later turned up as volunteers in their local Popular Forces units or village militia.

Those who come over from the Viet Cong side, however, are not deserters. They are defectors who have turned completely against the communists, and are willing to risk their lives in escaping and risk the brutal penalties they know will be imposed on them if they are ever captured by the communists. Very frequently they come over to the government side with their weapons, and with increasing frequency when they come over they lead the government forces to communist weapon caches and installations.

The Viet Cong political infrastructure has proved somewhat more resistant than the Viet Cong armed forces. However, Viet Cong political cadres are also beginning to defect in increasing numbers—even cadres of long standing. A few days after leaving Viet Nam, we received the news that the number two man in Ba Xuyen province turned himself in to local authorities, ending 20 years as an active Viet Cong agent. He stated that his surrender was necessitated by the "practically universal realization that the communists will not come out of the present conflict victorious."

5. Since President Thieu's call for general mobilization in mid-1968, the South Vietnamese forces have expanded to 1.1 million, equivalent in the U.S. to 14 million. The most significant aspect of this growth has been the expansion and increased effectiveness of the Regional Forces, the Popular Forces, and the People's Self Defense Forces (PSDF's) who have taken on the burden of local village defense. This has released Vietnamese regulars and U.S. troops for forward defense actions against main force enemy units, and these units, we found, have been driven to the remote, unpopulated, western border areas of the country.

The People's Self-Defense Forces now total 4 million, with some 800,000 armed. They constitute an adjunct to the 1.1 million army. They serve without pay voluntarily. They testify to the loyalty of the people to their government and the fact that the government has the confidence to arm its ordinary citizens.

6. Our own experience pointed at the improved security situation. We spent the night in Tien Nan hamlet outside the city of Hue, which only two years before was occupied by the Viet Cong and North Vietnamese; traveled on many isolated roads without armed escort; observed U.S. advisors working unarmed in outlying isolated districts; traveled down a branch of the Mekong river in Ba Xuyen province, where two years ago the Viet Cong had regularly collected taxes from passing boats. A U.S. advisor to the constabulary forces in Phu Tam village in Ba Xuyen said he felt safer walking at night in Phu Tam than he would in most major U.S. cities.

SECURITY-PACIFICATION PROGRAMS

Security is also the product of a much improved relationship between the central government and the peasants. This development attests to the success of the government of Viet Nam pacification program—the "other war"—involving a wide spectrum of nation-building activities. We were impressed by the nationwide scope and well-planned integration of the pacification program; the magnitude of financial and human resources that the government has invested in this program; and its emphasis on decentralization, which in our view is helping to engender local control and self-reliance.

The official statistics put out by the government of Viet Nam on classification and security which we saw upon our arrival were impressive indeed. According to the latest hamlet evaluation system, only 1.1 percent of the population of South Viet Nam, or 200,000 persons out of a total estimated population of 17.9 million, is living outside government control. During the past month, the portion of the population under government control rose to 16.5 million, or 92.4% of the population. The number of South Vietnamese living in contested areas was quoted at just over 1 million, or 6% of the population. During our short stay, we sought to determine to what degree these statistics were valid. Obviously, we did not have the ability to swear for every percentage point, but our overwhelming impression was that pacification continues to make progress from one week to the next, and the curve is steadily upward.

Some of the most significant aspects of this program that we had the opportunity to study and observe are:

The work of the Revolutionary Development Cadre, with whom we spent two days at the Revolutionary Development Center near the city of Vung Tau. 150,000 of these cadres, mostly young boys and girls, have graduated from a four to six months' training program and are now operating in teams in villages throughout Viet Nam, helping to provide security and upgrade living standards. We believe that their effectiveness can be measured in part by the fact that the Viet Cong have made them a primary target and that of all armed units confronting the enemy their losses have been the highest in proportion to the total numbers. We were deeply moved by the kibbutz-like atmosphere at the camp and by the idealism and enthusiasm of the cadre whom we met.

The Refugee Resettlement Program, under which some 700,000 out of 1 million refugees have been resettled or returned to their local villages. We visited and spoke to the chief of one village, whose inhabitants had returned to rebuild their village after four years of refugee status.

The strengthening of the rural economy. We were amazed by the numerous signs of economic well-being in the countryside, such as Hondas in the villages, motor-powered boats in the Delta, Singer sewing machines and transistor radios in thatched huts, clusters of television antennas, large stockpiles of commodities and foodstuffs in the marketplaces, and the sight of new schoolhouses, new roads, and other construction projects.

We were especially impressed by the government of Viet Nam's program of allotting each village its own budget—one million piasters ($10,000) for villages with elected officials, and 400,000 piasters ($4,000) to villages with appointed officials. The village councils have been given the freedom to determine how and for what projects the money is to be used. This program is engendering village democracy and local responsibility, and demonstrating to the villagers that association with the government brings real benefits.

Village elections have been held in over 90% of the villages and hamlets, with some 40,000 officials being elected. This program restores a tradition of village democracy which was interrupted by President Diem, who appointed his own village officials. We believe that the village elections have promoted legitimacy, leadership, and village know-how.

Government Information Service. The government employs 200 to 350 persons per province to maintain and supervise an information program designed to create a greater sense of national cohesion. In many of the villages we visited, we saw bulletin boards and hamlet reading rooms with news of regional and national interest regarding the progress of the war. Also, we saw public TV sets in the marketplaces which broadcast news, "how to" information to the farmers, and programs like *Mission Impossible*.

The Land to the Tiller Act of 1970. This Land Reform Act, approved by the National Assembly in March, 1970, will distribute 2.5 million acres to more than 500,000 rural families and will completely end land tenancy in South Viet Nam—a truly revolutionary accomplishment. Under this program, the government pays the landlord for the land, gives it to the farmer free, and lets him keep his crop. The Viet Cong program, on the other hand, killed the landlord, gave the land to the farmer, and then confiscated most of his crops. And even the formality of peasant ownership under the Viet Cong is fraudulent, because if the Viet Cong should ever win, the South Vietnamese peasants would be forced into collectives at the point of a bayonet, in the manner pioneered by Ho Chi Minh when he achieved the monopoly of power in North Viet Nam.

This entire complex of mutually reinforcing programs could be rapidly undone by a precipitous American withdrawal. Barring that, however, and assuming that American withdrawal will continue on a graduated basis geared to the ability of the South Vietnamese to assume the burden of their own defense, we believe that Viet Nam can look with hope and confidence to the future.

POLITICS AND ELECTIONS

The common denominator on the Viet Nam political scene is the widespread opposition to the Viet Cong by nearly all political parties. Members of the opposition parties to whom we spoke uniformly expressed their support for the government's anti-Viet Cong policy. As a corollary to this, the parties oppose a precipitous U.S. withdrawal, and, with the exception of some individuals among the militant Buddhists, oppose a coalition government with the Viet Cong. It was called to our attention that coalitions with the communists in 1945/46 and 1954/55 ended in total domination by the communists, with all other nationalists murdered or forced into exile.

Apart from unity on this issue, however, we encountered a wide diversity of views and opinions regarding domestic and international affairs, and heard many critical comments of the Thieu-Ky administration.

Political interest was heightened during our visit by the senatorial elections, which we had the opportunity to observe. These elections represented the fifth major set of elections which have been held since the overthrow of Diem in 1963. The others are:

1. National elections for the Constitutional Assembly in 1967;

2. Presidential and National Assembly elections in 1967;

3. Village and hamlet elections in 1967, 1968, 1969 and 1970;

4. Municipal Council and Province Advisory Council elections in 1967 and 1970.

President Thieu told us that government via elections is so widespread in Viet Nam now that virtually every Sunday an election is held somewhere in the country.

It is true that in all these contests, the Viet Cong have not been represented. But the important point for us was that an impressively high number of eligible voters have been participating in all of these elections and ignoring the absence of the Viet Cong. President Thieu, many months ago, invited the Viet Cong to participate in the elections—an invitation which they totally ignored. It seems to us that if the Viet Cong

had the support of the people as they claim, they would have jumped at the chance for achieving power through the ballots when their fortunes on the battlefield have reached such a low point.

We were impressed by the amount of pre-electoral activity and the diversity of the 160 candidates for 30 senatorial seats. Everywhere we traveled, even to the most remote villages, we saw the campaign posters of the various contending slates. The finances to produce these posters were supplied by the government. At various polls we visited, election officials were present to guard against possible violations. Following the elections, there were no charges of electoral fraud, even from candidates who narrowly failed in their bid.

We were impressed by the fact that 65% of the voters went to the polls in a non-Presidential election year; that only one of the 16 slates was an all military one, and that it lost; that the militantly anti-government An-Quang Buddhist slate of candidates received the most votes; that of the three slates that President Thieu wanted to see elected, only one triumphed.

Doctor Tai, a member of the victorious An-Quang slate with whom we spoke, told us: "I have the freedom to work directly for my goals and aims within the framework of the constitution." Opposition congressman Ly Qui Chung, author of the *Neutralization of Indochina Peace Plan*, told us that "despite my opposition to the government, I am given every freedom to express my criticism."

We believe that a major weakness in South Viet Nam's political process is not the absence of opposition groups, but the presence of so many fragmented and competing political parties. There are 43 registered parties, twelve of which are considered major parties. Few of these have a mass following or a platform with a well articulated philosophy which distinguishes them from other parties.

Given this situation, we believe that the political process in Viet Nam will be strengthened by combinations and mergers of the various parties into blocs with mass membership and more decisive influence. The prospect of a political confrontation with the Viet Cong lends urgency to this development.

Without question, South Viet Nam is far from being a perfect democracy. However, considering its feudalistic and recent colonial past, considering the infancy of so many of its democratic institutions; considering that it has been in the midst of a major war for survival; we believe that it deserves high marks for the democratic strides it has made and for the level of freedom which exists.

LABOR

One of the most important indices of a pluralistic society is the existence of an independent trade union movement free of government control. From the standpoint of this criterion—whatever its other weaknesses—the South Vietnamese must be given a very high rating indeed. From lengthy conversations which we had with Mr. Tran Quoc Buu, President of the Vietnamese Confederation of Labor, and other labor leaders in the CVT, we began to understand what a potent force organized labor constitutes in the life of the South Vietnamese society.

Five-hundred and twenty-five separate unions are registered with the Ministry of Labor with over 600,000 dues-paying members. This is a truly remarkable figure in view of the fact that the United States, with its tremendous industrial and agricultural proleteriat, has a union movement with a total membership of approximately 15 million. The majority of Vietnamese union members—nearly half a million—are affiliated with the CVT, which is the largest non-governmental mass membership organization in the country.

The CVT is comprised of independent unions and five federations, the largest of which is the Tenant Farmers Federation with a membership of 180,000 peasant farmers. We learned that the Tenant Farmers Federation played a major role in the 1950's to limit landlord exploitation by lowering land rents, and that its lobbying campaign was instrumental in the passage of the Land to the Tiller Bill. The other federations in the CVT are:

Fishermen, 71,000; Transport Workers, 21,821; Plantation Workers, 16,441; Textile Workers, 1,625. Major affiliates include the Petroleum Workers, Hotel and Restaurant Employees, Technical and Clerical Employees, Union of US AID Employees, the Dock Workers, Airline Workers, and the Musicians and Artists Union.

Mr. Buu explained that the CVT has gone on strike many times, even in the midst of the war (between 1965 and 1968 there were 241 strikes), and won many of its demands, testifying to the independence of the CVT from government control. We specifically asked if the CVT was the object of repressive measures by the government and were told that on the whole CVT enjoyed virtually complete freedom to organize and to bargain collectively. In January of this year 15,000 workers in Saigon's unions staged a 24-hour sympathy strike for jobless bus drivers.

In addition to gains for the worker that have come through collective bargaining and strikes, the CVT is attracting more followers by providing cheap services, such as importing and distributing small diesel-powered tractors purchased through CVT organized cooperatives; setting up welfare funds and credit unions. Twenty-five social welfare centers have been established by the CVT throughout Viet Nam—centers that include primary and adult education classes, medical clinics, credit facilities. Throughout the country many refugees are housed in CVT-owned buildings.

The CVT leaders told us of their bitter hatred and strong opposition to the Viet Cong, the North Vietnamese, and communism in general. We learned that over 60 officials of the trade union movement have been assassinated by the Viet Cong, and that an assassination attempt on Mr. Buu's life had been made about six weeks ago. The CVT has published pamphlets on working conditions in North Vietnam condemning the deplorable conditions of the workers; the puppet unions set up by the communist state and their failure to protect their workers' interest.

It was the view of the labor leaders that the Viet Cong have adopted a deliberate policy of murdering and attacking CVT cadres because the VC do not seek to redress legitimate grievances, but rather maintain and exploit them in their own interests.

In October 1969 the CVT changed its policy of remaining politically neutral by forming the Farmer-Worker Party as a parallel organization to "assure continuous and strong representation for the workers in the legislature." The formation of this national political party affiliated with an organization as large as the CVT will undoubtedly have a significant political impact. Mr. Buu made clear to us, however, that the CVT and the Farmer-Worker Party supports the government's war effort. It struck us as ironic that the Communists should claim to be the "vanguard of the proletariat," when the only organized proletariat in South Viet Nam is solidly arrayed against them.

Considering that the CVT and the labor movement is such a significant social force, we are amazed that so little is known about it. Many of those war critics who feel strongly about the rights of labor and consider themselves friends of the trade union movement, would have a different appreciation of the situation in South Viet Nam and of the conflict between Hanoi and Saigon. For the blunt fact is that if Saigon wins there would be a further proliferation of free trade unions in South Viet Nam, whereas if Hanoi wins there will be no free trade unions in the whole of Southeast Asia.

STUDENT AND YOUTH ORGANIZATIONS

Our trip to Viet Nam took place during final examinations and the college recess, and so our contacts with students were not extensive as we would have liked. However, we did meet with students from Hue University, the National Military Academy in Dalat, the Federation of Catholic Youth, students working with the Vietnamese Confederation of Labor, the former President of the Saigon Student Union, and an activist, anti-communist student group. We found, that although the generation gap is not nearly as serious in Viet Nam as it is in the U.S., the Saigon government has a youth problem, just as every democratic country in the world has a youth problem.

Most of the youth organizations in Viet Nam, and there are several dozen of them, are involved in socio-economic type programs or activities such as athletics, singing, socializing, Boy Scouts, etc. Political clubs at the universities are few, and attract a small percentage of the student population. It was our impression that the most active of these clubs tend to be anti-government and neutralist, and there appears to be little doubt that the communists are doing their utmost to exploit the situation. Although the degree of their influence is hard to determine, there is no doubt that they are there. One young man to whom we spoke, a former member of the militant Saigon Student Union, openly told us he looked forward to a Viet Cong victory. In his conversation with us, we were surprised to hear him using the cliched arguments of the New Left in the United States to justify his adulation of Hanoi. The contact between members of the Saigon Student Union and leading New Left campus spokesmen in the U.S. is close. Indeed, Charles Palmer, ex-president of the National Student Association, wrote the Saigon Student Union that we were coming, and Palmer/SSU attacks against us appeared simultaneously in the U.S. press and the opposition press in Saigon.

Several members of our group spent several hours in talks with 16 university students who work part-time for the Vietnamese Confederation of Labor. The conversation covered many aspects of student attitudes regarding the war. The most significant attitude which emerged was their fierce anti-communism—an anti-communism which came precisely from their devotion to the working class and to the future of organized labor in Viet Nam.

At the University of Hue, we found that partiality, or sympathy for the communists harbored by many students before the Tet Offensive of 1968, was shattered when the North Vietnamese occupied the city of Hue and massacred 6,000 civilians, including student leaders well-known for their opposition to the South Vietnamese government.

This is a grim price to pay for political realism. It demonstrated to us that in the relatively immunized environment of the cities, propaganda can still have a telling impact, and that a more effective information and education program on communism may be needed on Viet Nam's campuses.

PRISONERS OF WAR

Our group spent several hours at a prisoner of war camp for North Vietnamese POW's. The camp was run by the South Vietnamese government and unlike the camps in North Viet Nam, is open to regular and unannounced inspection by international bodies, such as the International Committee of the Red Cross. The camp we visited had both Catholic and Buddhist places of worship, a large clinic with full-time personnel and

facilities for minor surgery, classrooms for elementary instruction and vocational skills, special facilities and personnel for training POW invalids to use artificial limbs, and recreational areas. We noticed that the facilities were clean and sanitary, that the prisoners appeared healthy and in good spirits, and that they were given a daily allotment of money for their work.

These humane practices stand in stark contrast with the treatment afforded U.S. and other Allied prisoners by the Viet Cong and the North Vietnamese, who have never allowed regular international inspection of their camps, and who in violation of the Geneva Convention relative to the treatment of prisoners of war, treat their prisoners as "war criminals." We know from the testimony of American POW's who either escaped or were released from North Viet Nam that torture, starvation, and other inhumane acts are commonplace.

CAMBODIA

We spent five days in Cambodia, all of them in Phnom Penh, except for a day's visit to the northeastern city of Kampong Cham and the town of Ton Le Bet, which was occupied and left in ruins by the NVA forces in May. We spoke to a wide variety of people, including government officials, army officers, Buddhist monks, students intellectuals, etc. We were honored by being accorded an hour's audience with General Lon Nol. He summarized Cambodia's position as follows:

1. President Nixon's decision to eliminate the Viet Cong's border sanctuaries saved Cambodia from certain conquest by the communists.

2. In March, Red Chinese Premier Chou En Lai boasted that the communists would conquer Cambodia within two weeks' time. It has now been almost six months, during which time Cambodia has been able to expand her army from 30,000 soldiers to 140,000 and to begin to organize her defenses.

3. The critical factor will be whether Cambodia can obtain the necessary ammunition and military equipment which is in short supply. The General expressed the hope that military assistance beyond the 40 million which the United States has promised him would be forthcoming.

4. Given the necessary tools to do the job—to expand and modernize Cambodia's armed forces—Lon Nol was confident that Cambodia would survive and that the enemy would be driven out.

One of our first acts upon arrival was to visit the Ministry of Education and there observe a moment of silence for students and teachers who have been killed by North Vietnamese troops, including students and teachers at the high school and university at Kampong Chan, which we later visited (63 killed, 2,098 missing, hundreds wounded). Because we were hosted by the Association of Cambodian Students and members of the Congress of Cambodian Intellectuals—an organization composed mainly of the heads of faculty departments—we were able to spend many hours with them in formal and informal discussions. They vehemently rejected the claim that the war in Cambodia is a civil war, pointing out that this was an open invasion of Cambodia by 70,000 North Vietnamese troops. They added that the number of Cambodians who had been imprisoned to fight alongside the North Vietnamese, or were doing so voluntarily, was no more than nominal and there would have been no uprising of any kind if it had not been for the massive North Vietnamese invasion.

It is difficult to imagine large numbers of Cambodian peasants voluntarily joining an invading army of foreigners who neither look like Cambodians nor speak the same language, especially in view of the long history of animosity between Vietnamese and Cambodians. We learned that the ouster of Prince Sihanouk was sparked by worker-peasant demonstrations in those provinces where the communists had established sanctuaries and in effect governed an angry and resentful population.

While there is no way of obtaining precise figures on Cambodians in the ranks of the North Vietnamese—2,000 Khmer Rouge guerrillas and perhaps several thousand more recruits since March—we do know that more than 700,000 Cambodians (10% of the total population) have fled from the communist occupied areas and now live as refugees. We visited a small refugee camp in Phnom Penh and found that the refugees were simple peasant and mountain people.

None of our student friends had a kind word to say about Sihanouk, who seemed to be held in universal contempt as a traitor to his country, and a puppet of the enemy. One student with whom we spoke stated: "The communists claim they are for the common people. So why do they support a 2,000 year-old monarchy whose prince has been selling out his people?"

We were told that under Sihanouk no one was allowed to join any political party except his; that membership in the party was obligatory for all civil servants; that a free press was non-existent and that with Sihanouk's ouster, scores of political prisoners were released. General Lon Nol said that the present "Government of National Salvation" sees itself as representing a transition from royal rule to a republic and that a republican government would be formed within a few months.

A measure of the suffering which the communists have inflicted on Cambodians was brought visibly home to us when we visited the ruined town of Ton Le Bet. The destruction was incredible.

Obviously, we had no way of knowing how much of the destruction was caused by the communists and how much was caused by the Cambodian forces and by their Allies. Presumably, both sides were responsible for a certain amount of destruction. But the essential point that has to be made is that Ton Le Bet would still be a happy, thriving Cambodian town instead of a charred and devestated hull if North Viet Nam had not invaded Cambodia. In this basic moral sense, it is the communists who are completely responsible for the tragedy of Ton Le Bet and for the similar tragedies that have befallen scores of Cambodian towns and villages.

We cannot understand why there has been no television coverage of the disaster of Ton Le Bet. The demolished buildings, and the empty streets, reminded us of bombed cities in World War II. We consider it most unfortunate that so little has been done by the American media to convey the destruction and the heroism of the people in this ravaged little country, by honestly portraying the facts.

If this had been done, Americans would have a clearer understanding of what is happening in Cambodia and Southeast Asia.

A fierce spirit of nationalism pervades Cambodia. It was manifest in everyone to whom we spoke. It is the key factor in explaining Cambodia's determined and growing resistance to the North Vietnamese, whom the Cambodians view as foreign invaders. It explains the strength of the Lon Nol government. It makes for a cohesion and unity which augurs well for Cambodian freedom and independence from communist domination.

We found that the most vocal support for the Cambodian government comes from the students and intellectuals. They have rallied behind their "establishment" with a fervor that amazed us. Almost all students have enlisted in the militia and army. The army has grown—based on volunteers only—from 30,000 to 140,000. While it desperately needs equipment and supplies, it has an abundance of courage and will to fight and to sacrifice for what Cambodians call the "struggle for national salvation."

The Cambodians are dismayed to think that the world can believe the claims of the communists that this is a civil war. They spoke with outrage and exasperation when we asked them if there was any truth to the charge. They talked of Prince Sihanouk as a "puppet playboy prince"; a traitor to a truly neutral Cambodia, and a servant of Cambodia's enemies.

In an open letter entitled "From the Intellectuals of Cambodia to our Intellectual Friends throughout the World," a letter which to our knowledge is unknown to the American people, the Cambodians Intellectuals said:

"Cambodia's political, social, and economic problems today stem directly from years of mismanagement under the Sihanouk regime. Few realize how close he brought Cambodia to the brink of disaster. Sihanouk's hollow "peace" policy allowed the Vietnamese communists free access to Cambodia's border provinces and allowed them to use our territory to carry on and to prolong the war.

"The annals of history will lay the full blame for the current crisis in Southeast Asia at the feet of the communist leaders in Peking and Hanoi . . . these leaders have the gall to cry out, "American aggression." This is a joke in Cambodia. The Americans came with some aid for us, for the Cambodians themselves to ward off the North Vietnamese and Viet Cong attacks. Had our enemy succeeded, we would have been swallowed up. Cambodia would be no more. We, the Cambodian people, are grateful to the United States.

As you read these lines, we ask you to put aside your political doctrines, your "domino theory," or other theories, your bitterness against the Americans or others involved in the problems of Southeast Asia. Stripped of these trappings, you will understand that Cambodia wants to survive. And we ask you to remember that this is not and never has been a civil war. Cambodia has been invaded by foreign enemies, the Viet Cong and the North Vietnamese. We know that our cause is just. Our country must be free, free of the tyranny of the infamous prince and free from the domination of the North Vietnamese and the Viet Cong.

"We need your support. Long live Cambodia!"

We are proud that the United States has come to the aid of Cambodia. But we believe that the Nixon administration weakened its case by seeking to justify its intervention in Cambodia almost exclusively on the grounds of protecting American lives in Viet Nam. Needless to say, the U.S. intervention did accomplish this objective. But it accomplished much more than that; it saved a little country from certain conquest. In so doing, it has served America's highest ideals: that every nation has the right to self-determination; that every nation is entitled to peacefully pursue and fulfill its own nationhood; and that little nations must be protected from aggression.

Had the matter been put in this way, had the full facts about the North Vietnamese been given to the public, had Cambodian intellectuals and students been brought over at an early date to tell their story to their American counter-parts, had all these things been done, we might not have witnessed a national outpouring of student protest directed not against the open North Vietnamese aggression, but against the American action in seeking to defend Cambodia.

We hope that this administration will continue to give Cambodia whatever support it needs in order to maintain its freedom. And that it will do so openly and affirmatively, without being defensive or apologetic about it.

SHORTCOMINGS AND VULNERABILITIES

In many important areas the South Vietnamese government, as we have indicated in the preceding sections of our report, has

performed well or even outstandingly. There are certain areas, however, where its performance has been inadequate, and inevitably this has created certain vulnerabilities.

Our own criticisms of the shortcomings of the South Vietnamese government are motivated by a desire to encourage the government to do those things that must be done to improve the quality of their society and to shore up their defenses against the communists.

In general, we found that the South Vietnamese government is strongest in the countryside, where, according to communist theory on guerrilla warfare, it is supposed to be weakest, and that it is weakest in the cities, where it is supposed to be the strongest.

Whereas communist guerilla warfare theory teaches that the cities will fall when they have been surrounded and isolated from the countryside, in Viet Nam there appears to be the possibility that the communists may reverse the procedure and seek to crumble the regime in the cities first, because they have been making no headway in the countryside.

Inflation: Perhaps one of the most serious threats faced by the South Vietnamese government is the continuing inflation of the South Vietnamese currency. It is not yet a runaway inflation. But it has been moving so rapidly that income, especially in the cities, always lags behind the increase in prices. This has imposed tremendous hardships on members of the armed forces, on government servants, and on veterans and others who must live on meager pensions. Inevitably, this has made for social and political instability, and it is helping to create a situation which the communists will be able to exploit in many ways.

The government, according to our information, is seeking to devise measures to deal with this situation. But unless they move rapidly and avoid the temptation of halfhearted measures, the vast progress that has been made since Tet may all come undone.

Corruption: A certain degree of corruption exists in every society, and history teaches that corruption flourishes particularly in time of war. The total elimination of corruption is an abstract ideal which no government in history has yet been able to achieve. But effective governments constantly seek to limit the scale of corruption by exposing it and punishing it whenever it is discovered.

Vietnamese and Americans to whom we spoke told us that the government has not been as zealous as it might have been in the prosecution of corruption, and that corruption therefore had grown to dangerous proportions. This, we were told, was undermining the entire war effort because it undercut the credibility of the government and the respect it enjoys among the people.

It is our earnest hope that the South Vietnamese government will take measures to intensify the anti-corruption campaign it launched some time ago. Nothing would do more to restore the credibility of the government and gain it increased popular support than the exposure and imprisonment of a few of the high ranking officers and government officials who have been taking advantage of a war to enrich themselves.

Treatment of Disabled Veterans: In recent months, there have been a number of demonstrations by disabled veterans demanding more generous pensions and allowances from the government, because they found it quite impossible to subsist on what the government paid them. In response to these demonstrations, the government has now agreed to increase the pensions and allowances. But we have the strong impression from conversations with veterans and with the minister in charge of Veterans Affairs that what the government has done comes very late, and that it is still too little. The Minister conceded to us that the veterans have legitimate grievances. Indeed, we had the impression that he was very sympathetic to them. He said, however, that he was unable to get the kind of budget he would like to have to deal with the problem in an adequate way.

We realize that the funds available from the South Vietnamese government are limited and that there are many high priority claims on these funds. However, from a moral standpoint and from a strictly selfish standpoint, we hope that the South Vietnamese government will decide that proper treatment for disabled war veterans deserves the very highest priority in planning the allocation of government funds.

Restrictions on Democracy: The South Vietnamese government has been the target of much criticism because it has imposed certain restrictions on democracy. From the fact that there is press censorship and that some of the opponents of the regime have been in prison, these critics appear to conclude that the South Vietnamese government is a totalitarian regime, morally on the same plane as the regime in Hanoi.

In previous paragraphs, we have set forth the evidence that South Vietnamese society is basically pluralistic and that it accords a remarkable degree of freedom to its critics. We do not join those self-righteous critics who demand nothing less than absolute democracy from the South Vietnamese government. Every government in time of war finds itself constrained to impose certain restrictions; and these restrictions are as a rule much greater where internal conflicts are involved. In this connection, it might help some of our critics to overcome the arrogant self-righteousness which characterizes their remarks if we remind them that President Lincoln during the Civil War had some 20 to 30,000 citizens imprisoned without habeas corpus, that his prisoners included congressmen, diplomats, and city mayors, and that he did not hesitate to suspend or close down offending newspapers when he felt that they were undermining the war effort.

The South Vietnamese government, however, cannot afford to invoke the example of Abraham Lincoln to justify every arrest and every act of censorship. It is caught up in a situation where a contrast must be made, as sharply as possible, between the partially limited freedom that exists on our side and the total absence of freedom on the other side. It must therefore walk the very delicate line which separates those restrictions which are essential to the national security from those that are arbitrary and unessential.

We hope that the South Vietnamese government will, therefore, weigh every act of restriction or repression with the utmost care before taking action.

NOMINATION OF GEORGE BUSH TO BE U.S. AMBASSADOR TO THE UNITED NATIONS

Mr. MATHIAS. Mr. President, it was a matter of personal gratification for me to learn that the President had nominated the Honorable GEORGE BUSH to be U.S. Ambassador at the United Nations. I have known GEORGE BUSH for many years. I served with him in the other body and I consider him a warm and close personal friend. But because he is my friend I am not incapacitated from making an objective judgment with respect to this nomination. I take not only a personal pleasure in this choice but I also think it is an appointment that offers great promise for the Nation's representation at the United Nations.

GEORGE BUSH is no stranger to the world of great affairs. As the Members of the Senate know, he is the son of our former colleague. Prescott Bush, the Senator from Connecticut. All of GEORGE BUSH's life has been spent in an atmosphere of awareness and interest in the events of national and international significance. His own service in the Congress has been positive and constructive and has contemplated a broad range of activity and interest. He has, in addition, carved out for himself an enviable reputation as a businessman and community leader in the State of Texas. Not only his heritage of political concern, but his own record of independent inquiry and individual initiative all lead to the conclusion that he will bring great talent and energy to the post of Ambassador at the United Nations.

Over and above that, he will also bring the unique quality of being fully in the President's confidence. It is contemplated that GEORGE BUSH will revive the previous practice of United Nations Ambassadors in sitting with the President and the Cabinet as a fully coequal member of the Cabinet. He will have the complete freedom of access to the President that the responsibility of the job demands and that is guaranteed by the trust the President accords him. It is this quality of the relationship between the President and the Ambassador-designate which lends a special significance to the nomination.

In addition to all these pertinent considerations, there is also GEORGE BUSH's youthful personality and outlook, and his persuasive manner. These are not inconsiderable qualities for an ambassador. To these are added the great charm and graciousness of Mrs. Bush, who will help the Ambassador to complete a diplomatic team of unusual potential. I think the interests of the American people and their Government at the United Nations will be well served by Ambassador GEORGE BUSH.

ADJOURNMENT TO MONDAY, DECEMBER 28, 1970

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with Senate Concurrent Resolution 87, that the Senate stand in adjournment until 12 o'clock noon on Monday, December 28, 1970.

The motion was agreed to; and (at 8 o'clock and 20 minutes p.m.) the Senate adjourned until Monday, December 28, 1970, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 22 (legislative day of December 15), 1970:

IN THE NAVY

Vice Adm. Ralph L. Shifley, U.S. Navy, for appointment to the grade of vice admiral,

when retired, pursuant to the provisions of title 10, United States Code, Section 5233.

Rear Adm. Charles S. Minter, Jr., U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

HOUSE OF REPRESENTATIVES—*Tuesday, December 22, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Glory to God in the highest and on earth peace, good will toward men.—Luke 2: 14.

O God, to whom glory is sung in the highest, while on earth peace is proclaimed to men of good will, we bow before Thee with hearts overflowing with gratitude for the coming of Christ into our world. May He—

"Cast out our sin and enter in.
Be born in us today."

Like the shepherds may we in spirit kneel before the manger child in wonder, love, and praise. Like the wise men may we follow the star that shines forever in our sky and like them offer Him the gifts of our love. In truth may we make room for Him in all our hearts through all our days.

In His holy name we pray. Amen.

CALL OF THE HOUSE

Mr. ASHBROOK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 444]

Abbitt	Conyers	Hungate
Adair	Corbett	Jarman
Alexander	Cowger	Johnson, Calif.
Andrews, Ala.	Daddario	Johnson, Pa.
Andrews, N. Dak.	Delaney	Karth
Ashley	Denney	Landrum
Aspinall	Cramer	Langen
Ayres	Dent	Latta
Baring	Diggs	Leggett
Barrett	Dingell	Lennon
Bell, Calif.	Dowdy	Long, La.
Berry	Dulski	Lowenstein
Biaggi	Dwyer	Lujan
Blanton	Edwards, Calif.	Lukens
Blatnik	Edwards, La.	McCarthy
Brasco	Esch	McClory
Brock	Evins, Tenn.	McCulloch
Brooks	Fallon	McDade
Broomfield	Farbstein	McDonald, Mich.
Broyhill, N.C.	Fascell	McKneally
Burke, Fla.	Ford, William D.	Martin
Burlison, Mo.	Fountain	Mathias
Burton, Utah	Friedel	May
Button	Fulton, Tenn.	Meskill
Caffery	Gettys	Michel
Camp	Giaimo	Mikva
Carey	Gibbons	Miller, Calif.
Cederberg	Gilbert	Mills
Celler	Gray	Minshall
Chappell	Griffiths	Mize
Chisholm	Gubser	Monagan
Clancy	Haley	Montgomery
Clark	Hall	Moorhead
Clausen, Don H.	Halpern	Morton
Clawson, Del	Hanley	Moss
Clay	Hébert	Murphy, Ill.
Collins, Ill.	Henderson	O'Konski
	Hull	Olsen
O'Neal, Ga.	Roudebush	Steiger, Ariz.
Ottinger	Rousselot	Stephens
Passman	Ruppe	Stratton
Patman	Ruth	Sullivan
Pelly	St Germain	Symington
Pepper	Saylor	Tunney
Pettis	Schadeberg	Waggonner
Pike	Scherle	Whalley
Powell	Scheuer	Winn
Pryor, Ark.	Shipley	Wold
Quie	Sikes	Wolff
Rarick	Smith, N.Y.	Wyatt
Reifel	Snyder	Wydler
Rivers	Steele	Zwach

The SPEAKER. On this rollcall 278 Members have answered to their names, a quorum.

Without objection, further proceedings under the call will be dispensed with.

Mr. GROSS. Mr. Speaker, I object to dispensing with further proceedings under the call.

MOTION OFFERED BY MR. ALBERT

Mr. ALBERT. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The SPEAKER. The question is on the motion offered by the gentleman from Oklahoma (Mr. ALBERT).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will state that the rollcall has just disclosed a quorum is present.

So the motion was agreed to.

THE JOURNAL

The SPEAKER. The Clerk will read the Journal of the proceedings of yesterday.

Mr. GROSS. Mr. Speaker, I demand that the Journal be read in full.

The Clerk proceeded to read the Journal of the proceedings of yesterday.

CALL OF THE HOUSE

Mr. GROSS (during the reading). Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 445]

Abbitt	Aspinall	Blatnik
Adair	Ayres	Brademas
Addabbo	Baring	Brasco
Alexander	Barrett	Brock
Andrews, Ala.	Beall, Md.	Brooks
Andrews, N. Dak.	Belcher	Broyhill, N.C.
Ashley	Bell, Calif.	Burke, Fla.
	Berry	Burlison, Mo.
Burton, Utah	Griffiths	Murphy, N.Y.
Button	Haley	O'Hara
Caffery	Hall	O'Konski
Camp	Halpern	Olsen
Casey	Hanley	Ottinger
Cederberg	Hansen, Wash.	Patman
Chappell	Harsha	Pelly
Chisholm	Hébert	Pepper
Clancy	Henderson	Pettis
Clark	Hull	Pike
Clausen, Don H.	Hungate	Powell
Clawson, Del	Jarman	Pryor, Ark.
Clay	Johnson, Calif.	Railsback
Cleveland	Johnson, Pa.	Rarick
Collins, Ill.	Karth	Reifel
Conyers	Kleppe	Rivers
Corbett	Landrum	Roudebush
Cowger	Langen	Rousselot
Cramer	Latta	Ruppe
Culver	Lennon	Ruth
Daddario	Long, La.	St Germain
Delaney	Lowenstein	Saylor
Denney	Lujan	Schadeberg
Dennis	Lukens	Scherle
Dent	McCarthy	Scheuer
Diggs	McClory	Shipley
Dowdy	McCulloch	Sikes
Dulski	McDonald, Mich.	Snyder
Dwyer	McEwen	Steele
Edwards, Calif.	McKneally	Steiger, Ariz.
Evins, Tenn.	Mailliard	Steiger, Wis.
Fallon	Martin	Stephens
Farbstein	Mathias	Stratton
Fascell	May	Sullivan
Fisher	Meskill	Symington
Flowers	Michel	Teague, Calif.
Ford, William D.	Mikva	Thompson, N.J.
Fountain	Miller, Calif.	Tiernan
Friedel	Mills	Tunney
Fulton, Tenn.	Minshall	Waggonner
Giaimo	Mize	Weicker
Gibbons	Monagan	Whalen
Gilbert	Montgomery	Whalley
Gray	Moorhead	Winn
Green, Oreg.	Morton	Wold
Green, Pa.	Moss	Wolff
	Murphy, Ill.	Wyatt
		Zwach

The SPEAKER. On this rollcall 269 Members have answered to their names, a quorum.

Without objection, further proceedings under the call will be dispensed with.

Mr. GROSS. Mr. Speaker, I object to dispensing with further proceedings under the call.

MOTION OFFERED BY MR. ALBERT

Mr. ALBERT. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The SPEAKER. The question is on the motion offered by the gentleman from Oklahoma (Mr. ALBERT).

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 67, noes 9.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 278, nays 9, not voting 146, as follows: