SENATE—*Monday, April 20, 1970*

The Senate met at 12 o'clock meridian and was called to order by Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina.

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

Almighty God, we commend to Thee all who are engaged to the Government of this Nation. Grant to them unfailing devotion to the cause of righteousness. In their personal lives make and keep them good men and women. In their public life grant them integrity of purpose. May all their legislation promote the general welfare and insure the blessings of liberty to all people. May they be bound in firm determination to succor the poor, relieve the distressed, and redress all social wrongs. Make the weak stronger and the strong better, to the glory of Thy holy name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 20, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

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

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 bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, April 16, 1970, be dispensed with.

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

WAIVER OF THE CALL OF THE CALENDAR

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

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

LIMITATION OF STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent to limit statements to 3 minutes in relation to routine morning business.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

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

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated, beginning with the U.S. Air Force.

U.S. AIR FORCE

The bill clerk proceeded to read sundry nominations in the U.S. Air Force.

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

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

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE AIR FORCE, IN THE ARMY, AND IN THE MARINE CORPS

The bill clerk proceeded to read sundry nominations in the Air Force, in the Army, and in the Marine Corps which had been placed on the Secretary's desk.

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

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

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ADDRESS BY SENATOR KENNEDY OF MASSACHUSETTS AT THE ANNUAL MANSFIELD LECTURE, UNIVERSITY OF MONTANA

Mr. MANSFIELD. Mr. President, last Friday evening, the senior Senator from Massachusetts (Mr. KENNEDY), the able and distinguished assistant majority leader, delivered the annual lecture at the University of Montana that happens—I say in all modesty—to bear my name. I was deeply honored that Senator KENNEDY agreed to deliver this address. But even more, his statement on international affairs was most outstanding.

I commend it to the Senate's attention and ask unanimous consent that it be printed in the RECORD.

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

ADDRESS BY SENATOR EDWARD M. KENNEDY DELIVERED AT THE ANNUAL MANSFIELD LECTURE, UNIVERSITY OF MONTANA

Thank you for inviting me to deliver the annual Mansfield Lecture in honor of the distinguished Majority Leader, and Senior Senator from the State of Montana, Mike Mansfield. The range and depth of interest of Senator Mansfield bestows a unique opportunity on a lecturer, for he can comment on any number of areas in which the Senator from Montana already has broken ground.

Whether in foreign affairs or domestic issues, Senator Mansfield has exhibited imaginative and responsible leadership for the Congress and the nation.

But it is in the field of international relations where the Majority Leader has concentrated his genius, forcing his colleagues often reluctantly, to face critical questions: The legality of the Vietnam War; the need for an expensive and ill-conceived anti-ballistic missile system; or the duty of Congress to reassert its responsibilities in setting parameters for the use of U.S. armed forces abroad.

In keeping with his spirit, tonight, I would like to offer a new perspective on our relations with Latin America. As we enter the coming decade, I see the need for a moment of reflection, a moment of looking back and deciding how far we have come and how far we have to go.

We began the decade of the Sixties by joining with the Latin American nations in a call to hemispheric action, a call to promote a better life for millions of Latin Americans who are forced to endure both poverty and oppression. They had been deprived of hope, of faith in political institutions, of a share in the economic and social progress of most of the Western Hemisphere, and of the most basic right that the Western Hemisphere promised the world—the dignity of the individual. In recognition of these deprivations, in March of 1961, the sound of a revolutionary trumpet echoed to the governments and to the people of Latin America, calling on them to join with us in a new Alliance for Progress.

Yet, barely a month later on April 17, 1961—nine years ago tonight—we launched the Bay of Pigs invasion. The invasion was an embarrassing reminder of our history of gunboat diplomacy toward the hemisphere. It showed we had not yet learned the lesson that we have no divine right to intervene, forcibly or otherwise, in the internal affairs of Latin American nations.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Rarely in our history have two events, coming so close together, so clearly symbolized the best and worst in American foreign policy. Time and again over the past decade, we have seen the noble goals of the Alliance for Progress perverted by the cold war philosophy symbolized by the Bay of Pigs.

For decades, the Pentagon, the State Department and our intelligence agencies have urged the United States to intervene on the side of stability in Latin America out of fear that an end to the hegemony of the oligarchs would throw open the door to communist revolution. Our policy was not just a policy for Latin America. It was the same policy that led us to support Chiang Kai Shek against every force for change in China in the '40s. It was the same policy that led us to support Diem in Vietnam in the early '60s.

It is the same policy that leads us to support the Thieu regime in Vietnam today. And in 1965, this rigid cold war philosophy prompted the landing of Marines in the Dominican Republic. The U.S. intervention, clothed once again in anti-communist rhetoric, was intended to bring order and democratic rule. It produced neither and we have not yet seen an end to its legacy; we have not yet realized the final cost of that action.

The Alliance for Progress was our first great effort to alter anachronistic policy. President Kennedy and many others tried to bring our policies into line with the winds of social revolution sweeping across the continent. The Alliance was not meant merely to repeat the narrowly conceived economic assistance programs of the 1950's. It was a basic attack on the exploitation of man which for too long has characterized the institutions of the hemisphere. The Alliance embraced the goals of social justice, political freedom and democratic government, as well as economic progress. It embodied a spirit of change that dared to challenge the traditions of the hemisphere.

Today the Alliance—that bold attempt, that new initiative—is slowly dying. With each year that has passed, its spirit has grown weaker. Our own commitment now has vanished. For the vast majority of Latin Americans, the better life has remained a fragment of a bitter dream.

There has been no outcry from the American public at our abandonment of the ideals of the Alliance for Progress. There is a fundamental lack of concern here at home for what happens in Latin America. Few know that this is Pan American Week or that there is a new Charter of the Organization of American States that restates allegiance to the goals of the Alliance. All too often, news of Latin America attracts our attention only when a government is overthrown, a plane is hijacked or an ambassador is kidnapped and murdered. The American public still does not realize that 25 republics share our hemisphere. Nor do they realize that more than 10 million of our own citizens trace their heritage to the blend of Spanish, Portuguese and Indian cultures that is Latin America, or that millions of our black citizens have historical ties to the citizens of Jamaica, Trinidad and Barbados.

And so today, it is a personal tragedy that I can repeat nearly the same somber facts about Latin America that President Kennedy cited in 1960 and that Robert Kennedy cited in 1966. The Alliance has been a human failure. More than 30 percent of the population still die before their 40th birthday. Poverty, malnutrition, and disease continue to deny strength and incentive to the majority of the people in Latin America. Family processions bearing miniature coffins offer testimony to one of the world's highest infant mortality rates. There is a 70 percent dropout rate in primary schools and a 75 percent dropout rate in secondary schools.

The Alliance has been an economic failure. Even our hopes for economic development are far from realization. The rate of economic growth per capita has averaged 1.8 percent for the decade, lower than it was in Latin America in the years when there was no Alliance.

American economic assistance has averaged half of what we promised for the Alliance in actual development funds. We cheapened our aid by demanding that our dollars be used to buy U.S. products, goods that in many instances could be bought more cheaply on the world market. We still demand that 50 percent of the goods be transported in U.S. ships. These shackles on our foreign aid have reduced its value by 40 percent. In too many countries, the only difference between the Alliance and the previous U.S. foreign assistance outpost has been the nameplate on the door.

The Alliance has been a social failure. Land remains in the hands of a minute percentage of the population. In some countries, less than 10 percent of the people own 90 percent of the land. One third of the rural labor force is unemployed. The increase in the total population means that rural unemployment will grow larger, creating disorder and increasing the flow of unskilled persons in cities. And we know that the cities have not yet demonstrated the capacity to absorb their present labor force.

The Alliance has been a political failure. It was intended to write a new page of political history in Latin America, to end the depressing chapter of family dictatorships and military coups. Instead, 13 constitutional governments have been overthrown in nine years. Today, in 11 Latin American republics military governments rule, supported by hundreds of millions of dollars in American military assistance. In many of those nations, basic human rights are violated and the democratic ideals of the Alliance have vanished.

And the spirit of the Alliance has failed here at home. Despite our strong traditions of democracy, the United States continues to support regimes in Latin America that deny basic human rights. We stand silent while political prisoners are tortured in Brazil. Cruel and brutal punishment is suffered by students, priests, and nuns whose only crime has been that they know someone suspected of being a revolutionary. In some instances, their only crime was advocating change.

Lawyers have been arrested, beaten and burned with cigarettes. Students have been stripped and beaten. Others have been shocked with electric current, or had needles thrust under their fingernails by a government we support.

According to one authority, since 1964 in Brazil, there have been 30,000 political arrests. There are at least 10,000 political prisoners today and 1800 political exiles. Thousands of prisoners have been beaten. Hundreds of prisoners have been tortured. More than 25 have died from torture. More than 4,000 persons have been deprived of their political rights, including three former presidents, 20 former governors, hundreds of legislators and thousands of civil servants.

Worst of all, the government has admitted that the official Indian Protection Service had been systematically murdering Indians in an attempt to clear the country's Amazonian frontier for settlement.

I relate these facts, shocking as they are, not because Brazil is alone among governments in the world and hemisphere that engage in such repression. I relate these facts because Brazil has a government that we fully support with money, arms, technical assistance and the comfort of close diplomatic relations.

There is a shocking contrast between the political reality of the present government of Brazil and the political ideals of the Alliance. We must condemn such repression. It is a flagrant denial of our own ideals to be identified with such activities.

While the United States did not initiate the change of government in Brazil, it was we who helped the military junta come to power. The junta overturned a constitutional government at a time when inflation was crippling the country's economy and observers were fearful of the mounting influence of communists. Thirty days before the coup, it was we who said the United States would not automatically oppose every military takeover. Within hours, it was we who recognized the junta. Three months later, it was we who extended a $50 million loan to the new regime. Last year, despite continuing reports of terror and oppression, it was we who gave $19 million in military aid to the regime of the generals.

The Council of Europe has condemned the Greek military dictatorship for political oppression and the torture of political prisoners. The Organization of American States can do no less. It is the responsibility of the nation's of the hemisphere to focus the spotlight of international opinion on the outrages being committed in Brazil. The OAS should call on Brazil to end those policies that are an affront to civilized conduct.

It is not only in Brazil where we see the contradiction between our support of authoritarian regimes and the ideals of the Alliance. In Argentina, an authoritarian military regime governs and university autonomy is destroyed. In Peru military regime rules, and the freedom of the press is ended. In Paraguay, a dictator rules and political expression is silenced.

Authoritarian rule forces those who have dared to advocate and work for fundamental change into long periods of exile and suffering. It deprives the nations of Latin America of leadership talent that they cannot easily replace. Where the oppressive measures of authoritarian governments have been most intolerable, indigenous revolutionaries have sought to use terror to counter the violence of their governments. We cannot condone either violence, for both deny basic human rights and both are affronts to civilized conduct.

When the United States is identified with those authoritarian military regimes through our economic and military assistance, we defeat our own political purposes and we are false to the ideals of the Alliance. Much of the $673 million in military aid granted in the past nine years has gone to those governments who displayed their contempt for democratic principles.

The premise behind our military assistance has been that anti-Americanism, subversion and communist insurgency will end if the military forces are better trained and equipped. In fact, we have seen an even more virulent form of anti-Americanism expressed by the leaders of recent military coups. And the experience of the past decade has shown that the people of Latin America are not vulnerable to foreign ideologies. It was not the efficiency or power of the U.S. equipped Bolivian Army that brought defeat and death to Che Guevara, but the sea of Bolivian peasants who resented foreign intrusion.

The answer to the threat of unrest produced by hunger, poverty, disease and injustice is not to import arms against the insurgents who exploit them, but to eradicate these ancient evils.

It is time to recognize that fundamental social change is inevitable in the world. Stability for its own sake is a sterile policy destined to produce confrontation with the revolution of rising expectations in Latin America. We cannot prevent that change. The only rational policy for American assistance to Latin America is to direct our efforts to responsive, representative governments, reflective of the needs of their people.

We certainly cannot give support to those military regimes whose policies include repression and terror. Yet, last year, one of

the implications of the study produced by Governor Rockefeller after his trip to Latin America was that the United States should support military regimes regardless how they acquired power.

I oppose the report's willing acceptance of military regimes. A regime which usurps a constitutional government and engage in political oppression forfeits its right to all direct United States aid except humanitarian relief. We cannot tell the descendants of Bolivar and San Martin that their struggles for freedom are now in vain while a cadre of self-appointed military officers decides the fate of their nations.

Three hundred years after the discovery of America, Colombia's Camilio Torres said, "The bedrock of any human community, whatever its political organization, is the preservation of natural rights above all the preservation of his personal freedom . . . Can man, perchance renounce his reason? Well, his personal freedom is no less his birthright."

Latin American men and women have died to protect that birthright and we must respect their heritage and reject the casual embrace of authoritarian military rule.

The destiny of Latin America is for Latin Americans to decide, not the United States. But we can make it clear that although we will not intervene, neither will we be party to any form of repression of the people and their aspiration.

The Alliance for Progress was never intended to be managed, reviewed and judged solely by the United States. To the extent that has been the case, the Alliance has been perverted. At Vina del Mar a year ago, representatives of Latin America made clear that "Latin American countries should endeavor to reach solutions born out of their own criteria, which reflect their own national identity."

Ultimately, if solutions to the complexities of reform and development are to be successful, the Latin American nations must define the solutions.

What is now clear is that the Alliance for Progress of the 1970's must return to the spirit that launched a wave of enthusiasm in Latin America nine years ago. That spirit called for political freedom and social justice, not just economic development. The basic failure of the Alliance for Progress is that it was never tried. For a decade, we have emphasized the need for alliance and we have forgotten the need for progress.

If we are to end poverty and injustice for the vast majority of the continent's 270 million people, the second decade of development must produce fundamental changes in the distribution of power and wealth in Latin America. The real question is not whether the change will come. The question is whether with intelligence and compassion we can accelerate peaceful change, and avoid a more violent and destructive transformation. The vital decision for the United States in the 1970's must be how to reform our own efforts so that they complement the Latin Americans' struggle to modernize.

But if we are to reaffirm the ideals of the Alliance, strong steps must be taken.

First, the United States should reassert the political goals of the Alliance. We must match our actions to our rhetoric. Contrary to the Rockefeller Report, the United States should not consent to the overthrow of democratic governments on the belief that a "new type of military man has come to the fore."

Second, I urge the immediate withdrawal of all of our military missions. I believe that we must begin now to demonstrate our opposition to military intrusion in the political arena by our attitude, our speech and our action. Our military missions remain in 17 Latin American countries including Costa Rica, where they have no Army, and Peru where they asked us to phase it out a year and a half ago. Our largest military mission is in Brazil despite that country's use of severe political repression.

In addition to being a far too visible evidence of the U.S. presence in Latin America, the missions have covertly influenced military cliques in the host countries. At times, our missions have preached polices at odds with the official statements of our ambassador. In the minds of Latin Americans, they symbolize an alliance, not for progress, but for tyranny.

We also should lose no time in phasing out our military assistance programs and we should halt sales of arms on credit to Latin America. The futility of our military policy was demonstrated in the war last year between El Salvador and Honduras. Both armies were U.S. equipped and their officers, U.S. trained.

Third, the United States should reserve its economic assistance for those development programs designed to produce social justice and not solely those projects whose only goal is economic growth. The agenda for reform of the Alliance in the 1970s must be based on acceptance of fundamental change. We must reject as inadequate, regressive and counter-productive the claims of those who would cling blindly to the stability of the status quo. The agenda should be used to encourage the economic and social transformation of the society. The Alliance must reassert the priorities of assuring the people of Latin America an adequate education, health care and the opportunity to participate in the process of development.

Perhaps the most critical single area where a new approach is needed is the area of land reform. Agricultural production per capita declined in ten countries during the past nine years. Since 1961, the number of landless families added to rural poverty actually has outstripped the number resettled. We are falling further and further behind. There are now nine to eleven million Latin American rural families without land.

The present land tenure system reflects the archaic and unjust social structure that began with the Spanish conquest. The ancient lands of the Aztecs, Incas and Mayas were usurped, and the Indians were enslaved. In many areas today, there has been little change for 300 years. The large estates, which spread for thousands of acres, must be divided into economically sustaining farms with individual or cooperative ownership, in order to free the campesino and to permit the more productive utilization of the land.

Nothing less than a thorough reformation of rural society is required. For only by undertaking a comprehensive land reform program can the sharecroper's isolation from the development process be ended. Only through comprehensive land reform can the stultifying hand of a dead past be removed from Latin America.

I would urge that the United States concentrate its agricultural assistance in those countries that are carrying out progressive programs of land reform. If, in Vietnam, a land of seventeen million, we talk of spending $400 million for land reform over the next four years, we should be able to do at least as much in Latin America, a continent of 270 million people. We must insure that agricultural credit, improved seeds, chemical fertilizers and modern farming techniques are available to the small farmer. For too long, the benefits of the "Green Revolution" have accrued solely to the hacienda owner, while the small farmer and the sharecropper have been condemned to farm in the same tradition as their forefathers.

Fourth, the United States must insure that American private investment in Latin America plays a much more positive role in the development process.

In the past eight years, American business has repatriated $8.3 billion in private profits from past investments, more than three times the total of new investments.

Equally serious, the reparation of U.S. profits has been matched by a slowdown in U.S. private investment. Part of the explanation for the decline of U.S. investment is found in more attractive investment opportunities in the U.S. However, the impact of rising nationalism has been more important. Expropriation of foreign businesses has become the accepted road for regimes anxious for popular approval.

A realistic appraisal of the Latin American political scene underlines the likelihood of continued expropriation. It is in the interest of the United States and Latin America to find a means to avoid the political trauma that accompanies such actions. Already, expropriation has followed military coups in Peru and Bolivia and led to estrangement in our relations with those countries.

The fall of the Belaunde government in Peru was particularly unfortunate because of the promise it held for progressive democratic change. Like the governments of Mexico, Chile, Costa Rica, Colombia and Venezuela it was pledged to carry out social and economic change.

For nearly his entire term in office, President Belaunde sought a negotiated settlement with the International Petroleum Company, despite strong pressure to nationalize the oil fields. Yet, our State Department decided to put pressure on Peru, and withheld funds for social and economic programs. That action weakened Belaunde and was a crucial element that led to his overthrow. The effect of our policy was to undermine a government that had been responsive to the democratic ideals of the Alliance.

To avoid such tragic consequences, we must encourage private investment that accords with the development goals of Latin America. The investment insurance and guarantee programs we now offer are only one element in the equation. They protect the U.S. investor. But they do nothing to avoid the chaotic experience of expropriation; and they do nothing to encourage Latin American private investment. They do nothing to encourage the transfer of management skills and techniques to the Latin American nation. Therefore, I would urge that we establish a series of alternative divestment procedures in which joint ventures, partial nationalization or long-term nationalization are agreed to by the prospective U.S. investor at the outset.

Similar divestment procedures could be established for existing investments now in danger of expropriation. New ways could be found to promote the transfer of American enterprise to local, cooperative or public ownership. There is much we can do today. We need not wait for the heat of an expropriation crisis to establish the value of American assets in Latin America or to propose new methods of compensation.

Fifth, we must look more closely at another crucial element of our Latin American policy—our relationship with Cuba.

In 1962, Cuba was ousted from active membership in the Organization of American States. That action was based on two indictments against the regime of Fidel Castro. First, it stemmed from Castro's call for subversion and revolution against legitimate governments of Latin America.

Second, it was rooted in the introduction of Soviet military influence in the Western Hemisphere.

Castro's past attempts to export his revolution have been defeated. Since the failure of the guerrilla movement in Bolivia, there has been no direct Cuban intervention reported by any Latin American nation. And the decisive actions of President Kennedy in the Cuban missile crisis ended the Soviet threat from that island.

In 1964, Venezuela brought charges of aggression against Cuba. Formal diplomatic re-

lations were broken by all OAS members except Mexico. In addition, at our urging, an attempt was made to isolate the Cuban regime economically. The effectiveness of that policy is open to serious doubt. Mexico and Canada never respected it. Along with our West European allies, they maintained strong economic ties with Cuba. Last year, Cuba's trade with West Europe increased by some $20 million. Non-communist nations, including Japan, also have extended more than $200 million in commercial credit to Castro.

Venezuela, Uruguay, Colombia, Peru, Ecuador and several Caribbean nations have expressed their doubts and reservations about continuing the sterile policy of economic boycott. Ten days ago, Chile began an $11 million, two-year trade agreement with Havana. Even Venezuela, which originally branded Cuba an aggressor in 1964, has now called for a normalization of trade relations with Cuba.

If the nations of Latin America are taking the initiative in a re-examination of the current policy toward Cuba, surely the United States can do the same.

There are additional reasons why a new look at Cuba is in our national interest. The boycott unquestionably has pushed the Cuban government into greater dependence on the Soviet Union.

Moreover, readjustment in our relations with Cuba would deprive Castro of a psychological defense that he has used since the beginning of the decade. By depicting the United States as an uncompromising foe of his regime, he has been able to justify repressive internal policies and to make our containment policy the scapegoat for his island's economic difficulties.

Therefore, I believe it is time to recognize that our trade and travel restrictions have not proved effective. To the extent that the Communist regime is isolated at all, it is by its own choosing and not as a result of any effective American policy. In addition, by restricting the flow of men and ideas, we help the Cuban government's effort to permit only a single point of view to reach the Cuban people.

I share the opinion expressed a month ago at the Caracas meeting of Latin American representatives that economic boycott is neither the most realistic nor the most productive attitude toward a country whose economic and social system we do not share.

That does not mean we are about to whitewash the Castro regime or overlook the authoritarian structure that now denies liberty to the people. Political oppression and political prisoners still exist in Cuba today. There is no free press; there is no right of dissent. I condemn the existence of such political repression in Cuba, just as I condemn it in non-communist states.

But our policies have been inconsistent toward Cuba and other equally authoritarian regimes. Toward Cuba, our policy is one of artificial and total isolation. Toward authoritarian military governments, we encourage private trade and we maintain formal diplomatic relations. We offer extensive economic and military assistance, and thereby support and identify ourselves with those regimes.

Tonight, I have called on us to limit ourselves to the barest formal relationships with those nations that show a total disdain for democratic principles. I do not seek a rupture of diplomatic relations with them, since such relations entail no approval or moral judgment of the government. If we are completely isolated from these regimes, there will be no opportunity to work for change, no opportunity for diplomats, businessmen, labor leaders and journalists to exert the pressure of intelligent, informed opinion.

And so now with Cuba, I ask only that we explore taking the first step, a re-examination of our trade and travel restrictions. The process may be long and the response from Cuba may be unenthusiastic, but we must begin. By geography, history and culture, Cuba is a part of the Western Hemisphere. As long as the Cuban government respects the OAS charter's prohibition against interference in the internal affairs of other nations, we should join our Latin American allies in exploring the quiet steps leading to Cuba's re-integration to the Inter-American system.

We are starting a new decade, so let us discard the rhetoric and concepts of the cold war and look to the future. It is time to seek a recommitment to the spirit of the Alliance for Progress—to political freedom, social justice and economic progress.

If that spirit does not infuse our programs, then no matter how much money and assistance flows across the border, or how intelligently our programs are conceived, we will fail. We have the capacity, the talent and the technology to help bring about the transformation of Latin America without violent and bloody disorder. But to do that, we must return to the spirit that began the decade. Nine years ago, John Kennedy challenged us to "transform the American continent into a vast crucible of revolutionary ideas and efforts—a tribute to the power of the creative energies of free men and women—an example to all the world that liberty and progress walk hand in hand". Difficult as it may be, it is time to start anew, it is time again to meet that challenge.

SAD PLIGHT OF AMERICAN PRISONERS OF WAR IN NORTH VIETNAM AND LAOS

Mr. MANSFIELD. Mr. President, the plight of American prisoners of war in North Vietnam and Laos is one which we cannot close as a missing chapter in the Southeast Asian war. It is my understanding that there are approximately 800 men who are missing or presumed captured in North Vietnam, 500 in South Vietnam, and 200 in Laos. What happens to them is of concern to everyone of us and our feelings about U.S. intervention in Vietnam comes secondary to their eventual release.

North Vietnam signed the Geneva Convention on the protection of prisoners of war in 1957 but since that time it has refused to even give the names of the captured Americans or to even let their loved ones know if they are alive or not. They have, in short, indicated a complete unconcern for the American prisoners they hold and for their own prisoners held in South Vietnam and Laos.

The parents, wives, children, and relatives of these American prisoners have been treated shabbily in their attempts to find if their loved ones were alive. They have been given lectures. They have been told to demonstrate against the war. They have been promised information and then the information was not forthcoming.

As one who looks upon the war in Vietnam as a mistake and a continuing tragedy, I feel concerned about these prisoners because they were only carrying out their obligations under a policy which was formulated here in Washington.

I would hope it would be possible for North Vietnam to disclose the names of all the prisoners of war it holds and that the National Liberation Front and the Pathet Lao would do the same. We would like to have assurances that they are being given proper food, medical care, and would be allowed to correspond with their families. For those who are sick or wounded, we ask that they be repatriated and that North Vietnam honor its legal obligations under the Geneva Convention. I urge the International Red Cross and the International Control Commission to step up its efforts to inspect the prison camps and I urge also that all Americans, in line with the suggestion made by Look magazine, express their concern for our men missing and captive in letters to North Vietnam's Premier, Pham Van Dong. They could be sent to: What About the POW's? care of Look, P.O. Box 1, Des Moines, Iowa, and from there they would be forwarded to Hanoi.

The prisoners' plight is not a matter of politics. It is one of common feeling for our fellow countrymen who have become prisoners of war in carrying out their obligations to their country.

I urge all Americans, regardless of their feelings on the war, to contact Look magazine at the above address and to redouble their efforts in behalf of their fellow citizens through correspondence and otherwise to bring about information about these fellow countrymen of ours and also their ultimate release.

PROXMIRE CALLS ON PRESIDENT NIXON TO DISCLOSE FISCAL YEAR 1971 VIETNAM WAR COSTS

Mr. PROXMIRE. Mr. President, I am today releasing a letter I wrote to President Nixon on April 17 urging that "the fiscal year 1971 budget estimates for the cost of the Vietnam war be made public. Last year's budget disclosed the estimated costs in detail. But the budget for fiscal year 1971 does not." I hope the President may do this tonight during his speech on Vietnam policies.

At the present time, we must rely on our own best judgments, estimates leaked to the New York Times by nameless Pentagon officials, by the informal calculations of former Budget officers, or the publications of nonprofit institutions as to the cost of the war. To date, none of these unofficial estimates have been officially confirmed.

There is one very important reason why we must have the facts. While the unofficial estimates indicate that the costs have dropped by about $15 billion, and that numerous other defense expenditures have been cut, the defense budget itself is only $5 billion less than last year.

Even when generous estimates are made for increased pay and other costs, it appears that the Pentagon has usurped at least $10 billion of the so-called peace dividend in outlays for new weapons systems. Among these are phase II of the ABM, increased Navy shipbuilding, the AWACS air warning system, the supersonic B–1 plane, new tanks, and duplicate antitank weapons.

There are many who believe that the military is hiding the fact that the costs of the Vietnam war have dropped by over $15 billion in order to conceal from the American people that most of these

billions are being spent for new military weapons instead of needed domestic programs or in long overdue tax cuts.

The continuing failure to disclose the costs make it difficult if not impossible for Congress to make intelligent judgments about both military and civilian spending and their relative priorities.

I do not believe that we can act intelligently on either the military authorization bill or the military appropriation bill until we know what the Vietnam war will cost in fiscal year 1971.

We are being asked to spend billions in the dark.

To those who might claim there is some security matter connected with revealing the costs of the war, I would reply in two ways. First, the amount was revealed last year without any adverse security consequences. Second, we have made public the detailed estimates of troop strength in Vietnam. Surely if the latter is done, there can be no security questions involved in revealing the budget costs.

I ask unanimous consent that the letter to the President be printed in the RECORD.

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

APRIL 17, 1970.

HON. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am writing to urge that the fiscal year 1971 budget estimates for the cost of the Vietnam War be made public. Last year's budget disclosed the estimated costs in detail. But the budget for fiscal year 1971 does not. Yet it is obvious that the estimates were made when the budget was formulated.

Soon the military authorization bill will be before the Senate. Shortly after that we will be called on to pass the military appropriation bill. I do not believe that we can act intelligently on either of these measures until we know what the Vietnam War will cost in fiscal year 1971.

Without such official estimates we must rely on our own best judgments, estimates leaked to the *New York Times* by nameless Pentagon officials, by the informal calculations of former Budget officers or the publications of non-profit institutions.

None of these are satisfactory. They are no substitute whatsoever for the hard, detailed, official figures which remain hidden from the Congress and to the public.

The continuing failure to disclose the costs makes it difficult if not impossible for Congress to make intelligent judgments about both military and civilian spending and their relative priorities. We are being asked to spend billions in the dark.

Before we can make wise choices between and among conflicting defense strategies, domestic programs and policies, and fiscal and monetary affairs, the fiscal year 1971 costs of the Vietnam War should be revealed.

The unofficial estimates which I referred to above indicate that the costs have dropped from a peak of about $30 billion to an average level of about $13 billion for fiscal year 1971. But unlike previous years, we still have no proper estimates of these costs.

There is one very important reason why we must have the facts. While the unofficial estimates indicate that the costs have dropped by about $15 billion, and that numerous other defense expenditures have been cut, the defense budget itself is only $5 billion less than last year. Even when generous estimates are made for increased pay and other costs, it appears that the Pentagon has usurped at least $10 billion of the so-called "peace dividend" in outlays for new weapons systems. Among these are Phase II of the ABM, increased Navy shipbuilding, the AWACS air warning system, the supersonic B–1 plan, new tanks, and duplicate anti-tank weapons, as well as huge cost overruns on the C–5A, the SRAM missile, and in the Minuteman and Poseidon programs.

There are many who believe—and the unofficial figures appear to sustain that belief—that the military is hiding the fact that the costs of the Vietnam War have dropped by over $15 billion in order to conceal from the American people that most of these billions are being spent for new military weapons instead of needed domestic programs or in long overdue tax cuts.

As you yourself rightly said during your campaign for the Presidency,

"I have great confidence in what the American people are able to assimilate, and I think if you tell the American people the hard truth, they will make the hard decisions."

Mr. President, I believe that you and your Administration should tell the American people the hard truth about the costs of the Vietnam War. If you do, I am convinced that they will make the hard decisions.

With best wishes.

WILLIAM PROXMIRE,
U.S. Senator.

NOTICE OF HEARINGS ON OMNIBUS RIVERS AND HARBORS LEGISLATION

Mr. YOUNG of Ohio. Mr. President, the Subcommittee on Flood Control-Rivers and Harbors of the Committee on Public Works, of which I am chairman, initiated hearings on an omnibus rivers and harbors bill on April 15 and 16, 1970. At this time I wish to announce that we will continue these hearings in May and June and hopefully report a bill to the Senate early in July. For the benefit of the membership the following additional dates have been scheduled for these hearings:

Tuesday, May 12, 1970: Local interests on those projects on which the Corps of Engineers testified in April.

Wednesday, May 13, 1970: Corps of Engineers on additional projects submitted to Congress since the April hearings.

Tuesday, June 16, 1970: Local interests on those projects on which the Corps of Engineers testified in May.

Wednesday, June 17, 1970: Corps of Engineers on additional projects submitted to Congress since the May hearings.

Thursday, June 18, 1970: Federal agencies that desire to testify on any projects recommended by the Corps of Engineers, plus miscellaneous bills and other related matters.

Tuesday, June 23, 1970: Local interests on those projects on which the Corps of Engineers testified on June 17, 1970.

Tuesday, June 30, 1970: Corps recall on projects, bills, and other miscellaneous river and harbor matters.

The projects on which testimony has been received so far, are as follows:

PROJECT AND CONGRESSIONAL DOCUMENT NUMBER
Waukegan Harbor, Ill.: House Document No. 90–368.
South Shore of Lake Ontario, Fort Niagara State Park, N.Y.: In process to Congress.
Wild Rice, Minn.: House Document 90–366.
Souris River, N. Dak.: In process to Congress.
Marion, Kans.: House Document 91–256.
Arcadia Reservoir, Okla.: House Document 91–299.
Running Water Draw, Plainview, Tex.: House Document No. 91–192.
Posten Bayou, Ark.: In process to Congress.
Coos Bay, Oreg.: House Document No. 91–151.
Stream in the vicinity of Fairfield, Calif.: House Document No. 91–159.
Frenchboro Harbor, Maine: Senate Document No. 91–32.
Revere and Nantucket Beaches, Mass.: House Document No. 91–211.
East River, N.Y.: Senate Document No. 91–60.
New Jersey coastal inlets and beaches, New Jersey: House Document No. 91–160.
Manteo, Shallowbag Bay, N.C.: House Document No. 91–303.
Port Sutton, Fla.: House Document No. 91–150.
Lido Key, Fla.: In process to Congress.

The hearings will be held at 10 a.m. in room 4200, New Senate Office Building, unless otherwise announced. Senators or other interested persons desiring to testify or to submit written statements in connection with these hearings should notify Mr. Joseph F. Van Vladricken, professional staff member, Committee on Public Works, room 4206, New Senate Office Building, Washington, D.C. 202–225–6176.

NOTICE OF HEARINGS ON WATERSHED WORK PLANS SUBMITTED BY THE SECRETARY OF AGRICULTURE UNDER PROVISIONS OF PUBLIC LAW 83–566

Mr. YOUNG of Ohio. Mr. President, I wish to announce that the Subcommittee on Flood Control-Rivers and Harbors of the Committee on Public Works will hold hearings on a number of proposed small watershed projects submitted by the Secretary of Agriculture. The projects to be considered are as follows:

WATERSHED AND STATE
Spadra Creek, Ark.
Upper Petit Jean, Ark.
Headwaters of the Chattooga River, Ga.
North Oconee River, Ga.
Lost River, Ind.
St. Marys River, Md.
Upper Turtle River, N. Dak.
Pine Valley, Oreg.
Rocky Creek, S.C.
Wilson Creek, S.C.
Hog Creek, Tex.
Upper Cibolo Creek, Tex.

The hearing will be held on Wednesday, April 22, 1970, and will begin at 10 a.m. in room 4200, New Senate Office Building. Senators and other persons de-

siring to testify or to submit written statements for the record should notify Mr. Joseph F. Van Vladricken, professional staff member, Committee on Public Works, room 4206, New Senate Office Building, Washington, D.C., 202–225–6176.

AMENDMENTS TO WELFARE REFORM PROPOSAL

AMENDMENTS NOS. 584 THROUGH 598

Mr. RIBICOFF. Mr. President, in 1976 this country will celebrate its 200th birthday. We will honor this anniversary throughout the land.

Cities will host celebrations attracting tourists from both here and abroad. Carnivals and other forms of entertainment are planned. The signing of the Declaration of Independence will be reenacted many times.

All of this will entertain us. And all of this will pass.

I urge Congress to provide a more lasting memorial: This Nation should commit itself here and now to end poverty in our country by 1976.

The Declaration of Independence declared the "unalienable" right of all men to "life, liberty, and the pursuit of happiness."

Yet what manner of life—what degree of liberty—what quality of happiness—are available to those Americans still shackled by poverty and privation?

Nearly 200 years have passed since the Declaration of Independence was signed. Two hundred years should be sufficient time to insure these "unalienable" rights.

But today, one in every eight Americans remains poor. More than a third of these are children. Many of the rest are ill, disabled or elderly.

There are, in fact, more poor people in the United States than the entire population of Canada.

Public assistance is the last hope of these impoverished Americans.

But America offers them a system of welfare that is a national tragedy. Our public assistance programs have written a sorry record of inadequacy, inefficiency, and inhumanity.

Every major study of welfare in the last 5 years has testified to the shortcomings of the system. The President's Commission on Income Maintenance Programs, the Arden House Conference on Public Welfare, the National Advisory Council on Public Welfare, and the Committee on Economic Development have been unanimous in their indictment.

For most welfare recipients, deprivation is an enduring fact of life. Rather than opening doors to new opportunities, our system of welfare perpetuates poverty and dependency.

The children of impoverished families are on a treadmill that leads them inexorably to become the next generation of the poor. This tragic cycle is not voluntary. It results from years of neglect and ignorance on the part of all Americans.

We have chosen to ignore the needs of the poor. Instead, we offer pity or contempt. We study, define, and classify them. We promise and advise them.

We do everything but help them.

Our failure is not one of resources or skill. Our failure is one of commitment.

We know how to wipe out poverty. This Nation has the resources and skill to do it.

What is lacking is a national commitment. It is up to the Congress to set a goal—to end poverty by 1976—and then to legislate the programs and the money to reach that goal.

A GOAL FOR AMERICA

I submit today as part of a welfare reform proposal, an amendment to establish as a minimum national goal, the assurance that by no later than 1976, all Americans will have enough income to sustain a decent standard of life.

I realize that we cannot achieve a goal of this magnitude this year. But, that fact should not cause us to delay establishing the goal now—and making it real by providing a date to achieve it.

My amendment will also instruct the Secretary of Health, Education, and Welfare to study the various approaches toward realizing our legislative goal and to report to Congress within eighteen months with specific recommendations designed to meet our goal of ending poverty by 1976.

The basic text of this amendment will read as follows:

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress finds and declares that—

(1) A nation of wealth and responsibility deplores the continuing incidence of poverty within its borders; and (2) In view of the harm to individual and family development and well-being caused by lack of income adequate to sustain a decent level of life, and the consequent damage to the human resources of the entire Nation, the Federal Government has a positive responsibility to assure an end to poverty.

(b) Therefore, the Congress establishes a national goal of assuring all citizens, by 1976, an income adequate to sustain a decent level of life and to eliminate poverty among our people.

If we are not successful in the effort to end poverty, we will do more than consign millions of Americans to additional years of destitution. We will also further the development in this country of a dangerous division between the haves and the have-nots.

The recent report of the President's Commission on Income Maintenance Programs—the Heineman Commission—has warned us that the increasing affluence of our society, by itself, offers no hope for the poor. Those who have assumed that, as the average income moved higher, the poor were getting a bigger share, are wrong.

The result is that today, completely alien life styles are developing among the poor in the ghettos of our cities and the poorest rural counties of our Nation. In a future which promises greater riches for many but continued poverty for some, these differences threaten to become unbridgeable chasms.

As the Heineman Commission points out, in these chilling words:

In these trends is the potential for social division unparalleled in our country.

ANALYSIS OF H.R. 16311

Last summer, the President proposed a major first step toward solving the problems of the poor. His family assistance plan, guaranteeing a basic minimum payment to all families with children is sound and responsible legislation.

H.R. 16311, which passed the House of Representatives last week, contains the essence of the President's proposals. Much of this bill deserves praise and support.

But, we cannot call this a real bill of reform. Too many major flaws in the existing system remain in the new legislation.

The four basic flaws of H.R. 16311 are:

First. Assistance levels remain entirely inadequate. The bill takes no steps to increase the level of payments now being made by the States.

Second. Many poor people will continue to be completely ineligible for any kind of federally assisted welfare payments.

Third. Families with working adults, the "working poor," continue to be discriminated against and will receive far less under the bill than other families—though their need is equally as great.

Fourth. The bill contains no means to develop meaningful job opportunities for welfare recipients.

Therefore, I am submitting 15 amendments to remedy these weaknesses. If adopted, they will significantly strengthen the bill and other national efforts to alleviate poverty.

PROPOSED AMENDMENTS

First. I propose increasing assistance payment levels substantially over the first 3 years of the program. Specifically, my amendments would raise the minimum level of assistance for a family of four from $1,600 in 1971 to $1,800 in 1972 and $2,000 in 1973.

Additionally, State supplementary payments to families would have to increase to meet the State's own minimum standard of need by 1973.

Moreover, I shall strongly support the McGovern simplified food stamp system which would supplement the income of a family of four by $1,100. Thus, a family of four would receive total assistance of $2,700 in 1971, $2,900 in 1972, and $3,100 in 1973.

Second. My amendments will broaden eligibility for welfare assistance far beyond the narrow categories now in use.

Our goal cannot be simply a family assistance plan. Our goal must be a truly national assistance plan for all poor Americans.

Too many assume H.R. 16311 covers all Americans living in poverty. It does no such thing. Millions of the poor will receive no assistance from this program. They are surely the forgotten Americans. Others will be discriminated against by the formulas provided.

We have the opportunity now to rationalize our welfare system and to set this Nation on a course to end poverty for all its citizens. We will miss this opportunity if we continue to assist only those who happen to fit our categories.

Third. These amendments will permit the Federal Government to share in

State supplementary payments to the "working poor." The House-passed bill continues to make an unwarranted and undesirable discrimination against families with working parents. This discrimination has been universally recognized as an incentive for laziness and dissolution of families. Yet, regrettably, H.R. 16311 perpetuates this weakness.

Fourth. I propose to strengthen the work training provision by increasing the scope of the "special work projects" introduced in the 1967 welfare legislation. This amendment will enable the welfare program to offer meaningful and productive job opportunities at the end of the training cycle. In addition, such projects will increase employment in vital public interest areas such as health care, education, public safety, and environmental protection.

In addition, Mr. President, I shall be proposing other amendments to strengthen the bill. Among these will be amendments to increase the Federal share in all State supplement programs; to provide better day care facilities, and assure their availability for working mothers; and to simplify the Federal-State administration of the welfare program.

These recommendations and amendments have been prepared after consultation with a special advisory group of welfare experts from around the country. These men and women, many of whom have spent years struggling to administer our present patchwork system, gave generously of their time. I thank them for the counsel they have given.

Included in these consultations were:

Wilbur Cohen—former Secretary of Health, Education, and Welfare, and presently dean of the school of education at the University of Michigan.

Mitchell Ginsberg—human resource administrator for New York City.

Miss Natalie Jaffe—of the New York City Human Resources Administration.

Bill Burson—director of welfare for the State of Georgia.

Lloyd Rader—director of welfare for the State of Oklahoma.

David Chambers—professor of law at the University of Michigan and former special assistant to the Executive Director of the Kerner Commission.

Others who have volunteered assistance include Fedele Fauri, dean of the school of social work at the University of Michigan, Prof. Lisle Carter, of Cornell University, Bishop Raymond J. Gallagher, Bishop of Lafayette-in-Indiana, and Cernoria Johnson of the National Urban League.

FEDERAL COSTS OF WELFARE

Mr. President, the welfare legislation passed by the House of Representatives is estimated to cost $4.4 billion in new Federal moneys.

The plan which I have proposed today will add an additional $1 billion—less than 20 percent more—of new Federal assistance in the first year of the program.

In the second year of operation, this plan would cost approximately $6.5 billion, or $2 billion more than H.R. 16311, and in the third year, Federal cost would be an additional $3.6 billion.

I ask unanimous consent that a table showing the costs of my proposals be printed at this point in the RECORD.

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

ADDITIONAL COSTS OF PROPOSALS ABOVE THE COST OF H.R. 16311

[In millions]

Fiscal year	1972	1973	1974
1. Increase in FAP payments		$450	$900
2. Coverage of childless couples and unmarried persons	$900	1,000	1,100
3. Meeting State standards of need	100	250	400
4. Increasing Federal share of State supplementary programs	0	130	260
5. Federal share in payments to the working poor	20	20	20
6. Adult categories	0	300	900
Total	1,020	2,100	3,580

INCREASE IN ASSISTANCE LEVELS

Mr. RIBICOFF. Mr. President, the most glaring weakness in the President's welfare program and in H.R. 16311 is the meager level of public assistance payments.

The bill promises $1,600 to a family of four without other income. In addition, the first $720 of earnings and 50 cents of every dollar thereafter are disregarded in computing benefits.

The concept of a Federal minimum assistance payment is a progressive step. But the proposed benefit falls far below what is actually needed. For a family of four, the minimum payment amounts to $33.33 per recipient per month. For larger families it is even less.

My amendment would increase the proposed assistance level in the second year of operation to the equivalent of $1,800 for a family of four, and to $2,000 in the third year.

These amendments would include a cost-of-living adjustment to permit the basic assistance grant to keep pace with any increase in the Consumer Price Index.

Additionally, I strongly support the simplified food stamp distribution plan introduced by Senator MCGOVERN. Based on a food stamp bonus schedule adopted by the Senate in 1969, this plan would automatically provide a family of four on welfare, without other income, an additional $1,100 in stamps. Thus, in 1971, a family of four would receive a total of $2,700, in 1972 such a family would receive $2,900, and in 1973, $3,100.

Moreover, the stamp bonus would be distributed through the welfare system, substantially broadening its impact among the poor. Today, only 40 percent of those on welfare receive the food stamps to which they are entitled by law. Simplifying the administration of this program will assure greater availability of these income supplements.

Eventually, Mr. President, I believe that we must increase the minimum assistance payment far above what is now established. My amendments and the simplified food stamp distribution plan would be meaningful steps toward that goal.

THE FORGOTTEN AMERICANS

Our welfare programs have historically been based on narrow categories. The aged, blind, the disabled, and, more recently, families with dependent children are all eligible to receive Federal assistance. But, present law simply denies Federal assistance to persons—no matter how destitute—who do not fall into one of the above categories.

The result is substantial inequity and continued hardship among some of America's poorest persons. All of this is based on fine distinctions and complex regulations which ignore the real needs of the applicants.

Practically every major proposal for welfare reform has contained recommendations to provide assistance to all in need whatever their age or family relationship.

Therefore, I am recommending development of a national assistance plan to include unrelated individuals over the age of 25 and childless couples. These people are often the greatest in need. The incidence of poverty reaches the highest levels among persons unconnected with any family unit. Fully one-third of all such persons in the United States are poor.

America has forgotten these people. We must remedy that error immediately.

THE WORKING POOR

In his welfare message last year, the President made much of the concept of providing assistance to the so-called working poor.

Yet, a closer look at his proposal and H.R. 16311 reveals the vast discrepancy between the President's promise and his actual proposal.

Under H.R. 16311, the working poor will be entitled to the family assistance minimum. But they will not be entitled to State supplementary payments in which the Federal Government shares.

This is a major step in the wrong direction.

The President and H.R. 16311 would continue to provide a great incentive to welfare recipients to remain unemployed or absent from home. Only by such action will the family be entitled to State supplementary payments.

The amendments I propose would authorize the Federal Government to share in State supplementary payments to the working poor. Families with working parents would receive equal treatment with families which do not work.

All States which presently supplement the incomes of the working poor would receive Federal assistance. At the same time, they would agree not to reduce the present level of assistance.

Other States that in the future wish to supplement these families would also be eligible for matching payments from the Federal Government.

MEETING STATE MINIMUM STANDARDS OF NEEDS

Under existing law, States are required to establish a standard of need. These standards, developed under Federal guidelines, describe what the State itself believes absolutely necessary to maintain the basic minimum requirements of life.

Congress has never seen fit to require all States to provide that level of public assistance which they themselves have described as an absolute minimum.

I propose an amendment providing

that all States must meet, with Federal assistance, these need standards by 1974.

The most important argument against such a requirement has been the budgetary limitations of the States. Yet, in H.R. 16311, the total savings to States amounts to over $600 million. Amendments I am proposing will increase that savings by another quarter of a billion dollars.

Therefore, I believe we should require States, with the help of Federal money, to use some of these savings to meet these very basic standards of need.

INCREASING THE FEDERAL SHARE OF STATE SUPPLEMENTARY PAYMENTS

H.R. 16311 provides for 30-percent Federal sharing in State supplementary payments above the family assistance minimum.

This is a major improvement over the President's proposal which required no Federal payments above the minimum. The President's proposal, indeed, penalized those States which were making greater efforts to help the poor.

However, I do not believe the 30-percent rate is an adequate level of Federal participation. Many States today are finding it necessary to cut back already meager public assistance programs. If we are to make a meaningful effort to raise assistance levels, we must provide greater Federal financial help.

Therefore, my amendment proposes to increase the Federal share of State supplementary payments to 40 percent the second year of operation and 50 percent in the third year.

This amendment will provide an additional $260 million of relief to the States. Most of this saving will go to those States already making the greatest efforts for the poor.

WORK OPPORTUNITIES

The President's welfare speech coined a new word: "workfare." His proposed reform stressed getting people off the welfare roles and on to payrolls.

Yet, the President failed to provide any jobs with which to accomplish this goal.

In 1967, the Senate authorized, as part of the work-incentive program, certain public service jobs called "special work projects." Regrettably, these projects have not been implemented by the administration. Only one State—West Virginia—has participated.

My amendments would greatly strengthen the special work projects sections of the pending legislation.

Today, the national unemployment rate in private industry stands at 4.5 percent of the work force. All indications point to an increase in this rate in the near future.

We cannot continue to be deceived by the delusion that numerous jobs exist in the private sector for welfare recipients with a little training. For years, we have provided training only to find that no job opportunities were available at the end of the line.

We have more training for fewer jobs than any nation in the world. Yet, no one can deny there is much work to be done in America. Today, this Nation has begun to realize the great need for more conservation and ecological preservation projects.

Every hospital in America is understaffed. Our central cities are decaying physically before our eyes. Every city is desperate for funds with which to hire police and teacher aides.

The National Commission on Technology, Automation, and Economic Progress estimated that there are 5.3 million potential jobs in the public sector. These jobs would meet unmet or unsatisfied needs in education, health care, social services, urban development, and environmental protection.

The tasks could be undertaken by Government agencies or private organizations. Needed public service jobs would be filled, and more importantly, welfare recipients would be involved in productive and remunerative activity.

My amendment would give priority to work projects that assured the welfare recipient of assimilation into normal work patterns. Payments checks would come directly from the employer rather than the welfare department. Other prerequisites of regular employment such as health insurance and seniority rights would also be stressed.

In addition, this amendment would earmark 20 percent of the manpower training appropriations for these projects to assure their successful development.

ADULT WELFARE CATEGORIES

Aid to the aged, blind, and disabled has long been the major foundation of our welfare programs. These men and women, unable to help themselves, have been the recipients of Federal and State assistance longer than anyone else. For most, this aid has been their primary source of income.

Today, over 2 million aged persons over 65 receive old age assistance. Three-quarters of a million receive payments under the program of aid to the partially and totally disabled. Another 80,000 are covered under aid to the blind. These numbers have remained relatively constant throughout the years. Together these adults receive about 40 cents of every welfare dollar.

H.R. 16311 has taken a major step forward by increasing the minimum support levels for these categories to $110 per month. The Federal share of these payments has been increased to 90 percent of the first $65 and a 25-percent share of remaining payments.

Regrettably, great variations remain between payments to similar recipients in different States.

New Hampshire pays an aged person in need $116.25 per month. But five States pay less than $50. Two States—Massachusetts and California—pay over $140 to the blind, but 10 States pay less than $70 per month. State payments to the disabled range from $58.75 to $133.75.

I propose that this situation be ended by the full Federal assumption of the costs and administration of these programs within 3 years. Similar federalization of all welfare programs has recently been supported by the National Conference of Governors and the Advisory Commission on Intergovernmental Relations.

CHILD CARE

This Nation cannot expect to reduce welfare roles unless adequate and comprehensive care is given the children of the poor.

These children of poverty represent potentially the next generation of welfare recipients.

Adequate care means one of two things: either the presence of a mother during the formative years, or the existence of progressive child-care programs in the neighborhood.

I am submitting two amendments to insure these requirements are met.

The first would authorize the Secretary of Health, Education, and Welfare to make grants for the construction of day-care centers where remodeling or renovation of existing facilities is unfeasible.

The second amendment would eliminate the requirements to register for work training for mothers of children under 14 when adequate day care facilities are not available to her.

H.R. 16311 would require a mother to leave a 7-year-old child in order to register for work or training. This is both inhumane and unwise. I hope the Senate will remedy this defect.

ADMINISTRATIVE AMENDMENTS

I am also offering today five amendments to correct errors in the administrative sections of H.R. 16311. The first would eliminate an inequity in the overpayments section—section 446(b)—which unnecessarily and unfairly burdens the recipient who was not in error.

The second would merely authorize use of a simplified system of declaration for applicants to the family assistance program.

This simplified form, under H.R. 16311, will be in use in the adult categories and the Secretary of Health, Education, and Welfare has indicated an intention to use a similar method under FAP. Unfortunately, the bill, as presently written, does not make that intent clear.

Third, an amendment would retain under the control of the Secretary, certain functions involving eligibility and hearings connected with the Federal family assistance plan.

This plan will be fully funded by the Federal Government. Moreover, judicial review of findings in hearings will be held in Federal courts. It makes good sense to have a modicum of Federal control over this plan even though the States may choose to administer parts of it.

Therefore, my amendment would prohibit the Secretary from delegating functions involving hearings and eligibility proceedings to the States.

Fourth, I propose an amendment to facilitate administration of the State supplementary plans in connection with the family assistance plan. The report of the Committee on Ways and Means states a strong intent not to shuttle needy people from "window to window" while applying for and receiving assistance from both State and Federal programs. My amendment would enact that intent by directing the Secretary to devise procedures so that a potential recipient may establish his eligibility at a single point of contact with the bureaucracy.

Last, I am amending H.R. 16311 to include in the definition of "earned income," which is partially excluded when determining benefit levels, those amounts which a welfare recipient may receive from support payments and servicemen's allotments.

This is a necessary amendment to give proper incentive for persons connected with a family, but absent from home for one reason or another, including military obligations, to continue support of his or her family. If the person were at home this money would be earned income. This should not change on account of a temporary absence.

Mr. President, I ask unanimous consent that a brief description of each of my amendments be printed in the RECORD at this point.

The ACTING PRESIDENT pro tempore (Mr. HOLLINGS). The amendments will be received, printed, and appropriately referred; and, without objection, the description of the amendments will be printed in the RECORD.

The amendments (Nos. 584 through 598) were referred to the Committee on Finance and ordered to be printed.

The description of the amendments, ordered to be printed in the RECORD, is as follows:

AMENDMENTS INTRODUCED BY SENATOR RIBICOFF

1. Provides as a minimum national goal that, by 1976, all citizens are assured of an income adequate to sustain a decent standard of life.

Instructs the Secretary of Health, Education and Welfare to report to Congress within 18 months of the final enactment of this legislation with specific recommendations as to means to meet this goal. (Amendment No. 584).

2. Increases, in 1972, the basic federal payments under the Family Assistance Plan to $550 for the first two members of a family, and $350 for others ($1,800 for family of four).

In 1973, the allotments become $600 and $400 ($2,000 for family of four).

Adds a cost-of-living adjustment. (Amendment No. 585).

3. Expands Family Assistance Plan to include childless couples and other unrelated individuals over the age of 25. (Amendment No. 586).

4. Increases the federal financial share of State supplementary payments to 40% in 1972 and 50% in 1973. (Amendment No. 587).

5. Provide for a Federal share of payments by States which supplement the "working poor". Such share shall be equal to the Federal share in other State supplementary payments. (Amendment No. 588).

6. Directs States to meet their own standards of need by 1973.

Under present law, states are required to calculate the amounts of money required for basic subsistence. This amendment requires states to supplement the Federal minimum payment up to these need standards in three steps. (Amendment No. 589).

7. Raises Federal share of payments to the Aged, Blind, and Disabled to 100 percent of the first $65 and 50% of amounts above that in 1972; to 100% of the first $65 and 75% of amounts above that in 1973; and to 100% of the first $110 in 1974.

Provides for full federal administration of the adult programs by 1974.

Redefines Aged to include those over the age of 60 and widows over the age of 50. (Amendment No. 590).

8. Strengthens the existing provisions authorizing "special work projects" to provide for work in the public interest such as conservation, health, public safety. Earmarks at least 20% of the funds authorized under Part C for such special work projects. (Amendment No. 591).

9. Authorizes the Secretary to expend funds for capital construction of child care facilities where he has found renovation, remodeling unfeasible. (Amendment No. 592).

10. Redefines work requirements to exclude mothers of children under 14 years of age if there are no adequate child care facilities available. (Amendment No. 593).

11. Permits use of simplified declaration form of application for Family Assistance applicants as well as for applicants in the Adult programs. (Amendment No. 594).

12. Requires federal control of eligibility procedures and the hearing process under the Family Assistance Program. (Amendment No. 595).

13. Amends Section 446 to prohibit recovery of overpayments to a recipient where the recipient was not at fault and recovery would defeat the purposes of this Act. (Amendment No. 596).

14. Directs Secretary to devise regulations permitting recipient or applicant to establish his eligibility for both Federal and State assistance at a single point of contact. (Amendment No. 597).

15. Redefines "earned income" in Section 443 to include support payments and servicemen's allotments. (Amendment No. 598).

REDUCTION OF U.S. FORCES IN EUROPE

Mr. MANSFIELD. Mr. President, last week His Excellency Willy Brandt, Chancellor of the Federal Republic of Germany, made a brief visit to Washington. I regret that I was unable to be present when he met with the Committee on Foreign Relations, but I know that the other Members found it most helpful to talk with the Chancellor. He is one of the outstanding government leaders in the world.

In the course of his visit, the Chancellor referred to the question of U.S. forces in Europe. At the White House on April 10, for example, he alluded to the "continued and adequate military presence of the United States in Europe without which there can be no security for all of us."

On April 12, the Chancellor was a guest on "Meet the Press." In response to a question as to why the American commitment to the defense of Europe must be expressed in the present number of troops, he said:

> There are two strong arguments which I want to present. . . . One is that this is not only a military problem. It is a political and psychological problem as well. In at least parts of Europe, a major withdrawal of American troops, unilaterally from Europe, would be regarded as a step towards, well, more or less, Soviet hegemony, as far as Europe is concerned.
>
> My other argument is this: There may be a chance during the next few years to come, to enter into serious negotiations on mutual balanced force reductions. At least we should be prepared for it. But I think an effective alliance with an important American presence in Europe is one of the preconditions of reasonable talks on mutual reduction of forces in Europe, especially in Central Europe."

It has been said before, Mr. President, but it bears repeating. The resolution which I have introduced and which is supported by more than half the Members of the Senate does not say that U.S. forces should quit Europe. Rather, it states that a "substantial reduction of United States forces permanently stationed in Europe can be made without adversely affecting either our resolve or ability to meet our commitment under the North Atlantic Treaty."

The resolution, I repeat, does not call for the withdrawal of all American forces from Europe. It holds that present conditions in Europe make possible a substantial reduction in the American military presence in Europe. I should add that, in my judgment, a substantial reduction is essential in the light of present conditions in the United States.

In previous statements, I have described the size of the American forces in Europe. To recapitulate, there are 310,000 American troops in Europe, some 230,000 dependents and about 14,000 civilian employees. Thus, there are, in total, over 550,000 Americans in Europe today either serving in the military or connected with the military. In 1969, our direct outlays in Europe reached a new high of over $1.6 billion and, in Germany alone, a new high of almost $950 million. Moreover, the able Senator from Illinois (Mr. PERCY) has estimated that the full cost of NATO is $14 billion in the annual Defense Budget. These expenditures for the contingent in Europe represent a drain on the dollar and act to weaken its international position. Salaries and other indirect costs eat heavily into U.S. tax resources leaving less for essential purposes at home and adding severe inflationary pressures to the economy.

A principal argument against any reduction in the U.S. contingent in Europe, as the excerpts I have quoted indicate, is that if a unilateral cut is made, the Soviet Union will not agree to negotiate mutual balanced force reductions. If this argument is read carefully, however, it will be seen that references to negotiations with the Soviet Union on mutual troop reductions are invariably stated in the conditional. They are described as negotiations that "might" take place or that "may" take place or as a possibility that cannot be excluded.

The fact, is, however, that there has been no indication whatsoever—no indication whatsoever—that the Soviet Union has been interested in negotiation of a mutual reduction since the hint of this argument was drawn across the path of the proposed Senate resolution a year or two ago. So far as I am aware, there has been no effort even to explore seriously the feasibility of mutual reductions since the course of mutual reductions was first suggested as a possibility almost a decade ago. In this connection, I ask unanimous consent to have appended to my remarks a statement which I issued proposing that the executive branch take a diplomatic initiative looking toward mutual force reductions by the Soviet Union and the United States. It is dated January 2, 1961.

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

(See exhibit 1.)

Mr. MANSFIELD. Mr. President, it seems rather late to be setting out now on this old proposal in the new circumstances of 1970. The prospects for its realization are extremely remote and for all practical purposes irrelevant. While there may be no harm in trying, a delay in reduction in order to pursue this will-o'-the-wisp seems to me merely to be filtering our policies through the viewpoints of others at great cost to this Nation. That is an indulgence which we can ill afford in the light of our current domestic needs. Are we supposed to maintain the present number of U.S. forces in Europe indefinitely at U.S. expense because the German Government feels that that is useful for the purposes of its central European policies? Are we to keep over 550,000 U.S. personnel in western Europe at U.S. expense even if the Soviet Government shows no disposition to negotiate a mutual reduction because it may be in its interests—as it sees those interests—to remain in eastern Europe no matter what we do? Are we supposed to do so even though it may be in our interests to reduce our forces in western Europe no matter what the Soviet Union does?

Mr. President, there is a growing feeling in the Senate which I believe reflects growing sentiment in the Nation that it is long past time for a substantial reduction of our forces in Europe. In my judgment, that feeling will grow stronger as time passes. If there is no response to it, the opportunity for a phased, deliberate, and reasonable reduction of American forces may well be overtaken by growing demands for a precipitate withdrawal from Europe. If that occurs, there might well be realized the fears which were expressed by the German Chancellor of adverse "political and psychological" consequences. I must reiterate my view, therefore, that the longer a substantial reduction is delayed by the executive branch, the more likely a precipitate and, perhaps, complete withdrawal of U.S. forces from Europe.

Mr. President, I ask unanimous consent that my comments and an article by the German Defense Minister, Helmut Schmidt, be printed at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. MANSFIELD. Mr. President, I also ask unanimous consent that there be printed in the RECORD the interview given by the late President Eisenhower in the Saturday Evening Post of October 26, 1963; and an editorial printed in the Washington Post on April 2, 1970.

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

(See exhibits 3 and 4.)

Mr. MANSFIELD. Mr. President, I would have made these statements earlier, but I felt out of courtesy I should wait until the German Defense Minister had made his statement, and the German Chancellor had completed his visit to this country.

EXHIBIT 1

STATEMENT OF SENATOR MIKE MANSFIELD, JANUARY 2, 1961

At the present time we have five divisions in Western Europe. Arrayed against these limited forces are over 25 Russian divisions, deployed largely in East Germany, but also in Poland and Hungary. While it is true that the Western European nations, particularly West Germany, have available additional men under arms in Western Europe, their numbers are probably offset by the forces in the Eastern European satellites. The numerical imbalance as between the Russian forces and our own committed in Europe is overwhelmingly weighted on the side of the Soviet Union. From this it is clear that the U.S. divisions in Europe, as such, have lost real meaning in terms of the shield concept of NATO.

Protestations to the contrary, their significant meaning is a symbol of our commitment to join in the defense of Western Europe with all our strength and all our weapons if that area is invaded. A symbol of this kind would be no less a symbol if the U.S. commitment were to consist of two or three divisions rather than five. One would hope, therefore, that it would be possible to offer to reduce our total commitments of forces in Europe by two or three divisions in turn for a Russian willingness to cut their forces in Hungary, Poland and Germany by a roughly proportionate number—say somewhere in excess of ten.

That would be an important step towards easing tensions in Europe. It also would permit the Russians to reduce their armaments expenditures—which they are apparently anxious to do. It would permit us to save a substantial amount of dollars in gold, which we are now draining out of the country, in no small part because of the numbers of troops with dependents and supporting structure which we maintain in Europe. At the same time the removal of two or three divisions with all of its dependents might make it possible to ease up on the financial pressure and, hence, to permit the dependents of those men who would remain in Europe to stay with them.

Finally, if the Europeans felt their security weakened by a withdrawal of the American forces, they are in a financial position now to strengthen their own military forces, and could do so.

In short, an initiative in this situation seeking to bring about a concurrent reduction of both Russian and U.S. forces in Europe would be a rational step towards normalcy in Europe and peace. It would be a step benefiting all the nations involved and reflecting the improved stability, financially and otherwise of Western Europe. These possibilities should be explored diplomatically on their own merit as a part of—but a distinct part of the over-all major questions of security in all Europe and disarmament.

EXHIBIT 2

Mr. MANSFIELD. Mr. President, a statement by the Defense Minister of the Federal Republic of Germany, Helmut Schmidt, was published in the April 2 issue of the Washington Post. Entitled "Bonn and the U.S. Presence," the statement sets forth most articulately the German Defense Minister's views on U.S. force levels in Germany. Like his predecessors, Mr. Schmidt is apparently opposed to any reduction in the level of our forces in Germany unless certain conditions, including some reduction of Soviet forces in Eastern Europe, are met.

Mr. President, I have spoken on the subject of our forces in Europe many times on the floor of the Senate in connection with resolutions I have proposed calling for a substantial reduction of those forces. I will not impose on the time of my colleagues to recapitulate today the remarks I have made previously. I would like, however, to make a few brief comments on Mr. Schmidt's statement, principally to set the record straight on this matter that is of such importance to the United States.

I would refer, first of all, to Mr. Schmidt's observation that there seems to be a great debate regarding the relationship between Europe and the United States every 10 years and that another great debate is in the offing which will "revolve around the questions of America's future political position in Europe and of the number of American troops that would have to be kept in Europe to maintain the credibility of the American commitment to the defense of the old world." I most respectfully beg to differ with the implication that the number of American troops that should be kept in Europe is a new subject of discussion in this country. On the contrary, the question has been debated for many years. It was more than 3 years ago that I first introduced a resolution, Senate Resolution 49, calling for a substantial reduction of U.S. forces permanently stationed in Europe. And the debate had begun far earlier than that. In an interview published in the Saturday Evening Post of October 26, 1963, President Eisenhower stated:

> Though for eight years in the White House I believed and announced to my associates that a reduction of American strength in Europe should be initiated as soon as European economies were restored, the matter was then considered too delicate a political question to raise. I believe the time has now come when we should start withdrawing some of those troops . . . One American division in Europe can 'show the flag' as definitely as can several.

Mr. President, Mr. Schmidt makes a number of factual assertions in his statement, facts that he says speak for themselves, which I think deserve some mention. He states that the 12 West German divisions "are, in fact, 12 divisions." It is my understanding that three of these divisions are short one brigade each and that there are certain other deficiencies in the West German Army that need to be made up, in such areas as reserve training and the supply of noncommissioned officers. I should add that I have full confidence in the West German Government's determination to overcome these deficiencies.

Mr. Schmidt also states that the West German defense budget for 1970 represents an increase of 6.8 percent over the previous year. To set that figure in context, I would like to point to a number of other percentages. According to the latest figures available, 8.7 percent of the men of military age in the United States are in the Armed Forces compared to 4 percent in Germany. In 1968, the last year for which such figures are available, defense expenses per capita totaled $396 in the United States and $87 in West Germany, and I should note that

the defense expenditure per capita in Germany was lower than that in Britain or France among the NATO countries. Again taking the figures for 1968, defense expenditures as a percentage of the gross national product were 9.2 percent in the United States compared to 3.9 percent in West Germany, a percentage lower than that of Britain, France, Greece, and Portugal, among the members of NATO. These facts, too, speak for themselves.

Mr. Schmidt, concludes his statement with a frank admission that further offset agreements to balance some portion of the foreign exchange costs we incur by maintaining the present level of our forces in Europe are going to be difficult because there is no longer a need to place large arms orders in the United States, and he notes that budgetary contributions would have to come out of the German defense budget and thus apparently are not being contemplated. An editorial in the Washington Post, which also appeared in the April 2 issue, commented on Mr. Schmidt's statement by saying that this part of the Defense Minister's article "ought not to satisfy an American administration already hard pressed by urgent defense and domestic needs." I agree Mr. President, it was not my intention to take the floor of the Senate today. I had intended to remain quiet until after the visit of Chancellor Willy Brandt next week. I felt that it was only the proper thing to do. However, in view of the fact that this statement was made by the Defense Minister of the Republic of West Germany, I felt it only fair that a reply should be made.

BONN AND THE U.S. PRESENCE

(By Helmut Schmidt)

It seems to be almost a law of postwar history: every 10 years a great debate about the relationship between Europe and the United States is being conducted across the Atlantic.

In the early fifties this transatlantic debate led to the great European divide. In the early sixties the debate—frequently reminiscent of a theological dispute—turned upon, the life-and-death issue of nuclear strategy; nuclear sharing and nuclear co-determination were the catchwords.

Now another great debate between Europe and America is in the offing. Clearly, it is going to revolve around the questions of America's future political position in Europe and of the number of American troops that will have to be kept in Europe to maintain the credibility of the American commitment to the defense of the Old World.

The administration has pledged time and again that the present level of U.S. forces in Europe will be maintained until mid-1971. I have no reason to doubt the validity of this pledge. Yet I also realize that the pressure is building up in various quarters to scale down the American presence in Europe; and I cannot but worry about some aspects of the public discussion getting under way in the United States.

First of all, there is frequently fundamental misunderstanding of what the American commitment is all about. The presence of U.S. troops is a significant contribution to European defense. But it is much more than that; an earnest of the American commitment, and as such the key element of Western deterrence. Basically, it is a contribution to America's own security; the front line of defense against the rival super-power, the fulcrum of the global balance, and the chief stake in the competition between the United States and the Soviet Union.

The second feature of the internal U.S. debate that gives cause for concern is the misrepresentation of several crucial facts by some of the leading protagonists. They conjure up the picture of a Europe sitting idly on its haunches, satisfied to leave its defense to the Americans. This is a false picture.

I hold no brief for my colleagues in Europe, but I can set the record straight with regard to the Federal Republic of Germany. These are the facts:

Contrary to recent allegations, the 12 West German divisions are by no means "only the equivalent of eight or nine divisions." They are, in fact, 12 divisions, and fully meet the requirements of the Atlantic Alliance. We have NATO's word for this.

The defense budget for 1970 shows an increase of 6.8 per cent over the previous year.

Since the invasion of Czechoslovakia we have put an additional 23,000 men into uniform. The total strength of the Bundeswehr now stands at 472,000. And we have taken a number of remedial measures to make up for the reduction of Canadian forces, such as putting an extra armored regiment and a new airborne brigade into service, and facilitating the return to Germany of the British Sixth Brigade.

West Germany's regular armed forces are being restructured to match the concept of flexible response. At the same time, a large-scale effort has been launched to make better use of our reserve potential.

Costly modernization programs have been initiated to increase mobility, firepower and staying power.

These facts, I think, speak for themselves.

The most important feature of the debate is its detrimental impact on East-West relations. Curiously, some of the most vociferous advocates of U.S. withdrawals from Europe happen to be men who simultaneously favor a policy of rapprochement toward the Warsaw Pact countries, as it is at present pursued by the Bonn government. But dismantling the psychological foundations of NATO is certainly a wrong way toward detente. If there is hope at all of lowering the level of confrontation in Europe, it is the hope of reaching an East-West agreement on mutual and balanced force reductions. Unilateral withdrawals, however, will deprive the Soviet Union of their main incentive for mutuality. Some advocates of U.S. troop reductions would sound a lot more consistent and convincing if at the same time they also advocated Soviet withdrawals and, toward that end, pressed for East-West negotiations about mutual and balanced force reductions parallel to SALT.

Finally, I am worried by some of the facile assumptions about feasible alternatives in the event of U.S. troop withdrawals from Europe. Let's take them one by one.

A combined European effort to make up for the disputed drain may be highly desirable but I see little chance for it in the short run. Who would imagine for a moment that any European force could be a substitute for the political weight and the deterrent value of the Seventh Army? And who would seriously argue that a European armada could have the same psychological and political effects as the Sixth Fleet in the Mediterranean?

Nor could the gap be filled by a German national effort. Lack of money, manpower and popular support would preclude such a solution—quite apart from the grave political effects it would have in the East as well as in the West.

By the same token, continued German payments for continued American presence offer no feasible way out. We have reached the end of the buildup phase of our armed forces. There are no longer any large arms orders that we might place in the United States, so further offset agreements are going to be difficult. Budgetary contributions, on the other hand, would have to come out of the German defense budget; we would mend one hole by opening up another. We will take a serious look at this problem later on if it arises, but I doubt strongly that we can come up with any solutions. Likewise one will probably find it very hard to realize multilateral burden-sharing projects.

So what should we be doing? First, I think we should beware of raising our voices in a new transatlantic debate. Second, we should realize that we are faced with the same problems: shortage of funds and men, a host of pressing domestic needs, and skeptical public opinions vis-a-vis the military. Thirdly, we should make a studied and concerted effort to counteract the forces that tend to pull us in different directions at the moment.

American withdrawals from Europe, of course, need not be ruled out forever. And they would not necessarily be damaging to the alliance, provided a number of "ifs" were observed: if there was a joint concept from which to proceed; if there was a combined effort to remove inconsistencies of our defense policies and to streamline our defense structures; if reduction of troops did not imply reduction of commitment. And if, finally, a successful effort was made to instigate a similar thinning-out operation in Eastern Europe. On any other basis, a U.S. pull-out would be dangerous.

All this amounts to tall order—and calls for a concerted effort. President Nixon's report on American foreign policy for the seventies constitutes an encouraging first step. We welcome the invitation President Nixon extended to Europe for "a full and candid exchange of views with our allies."

EXHIBIT 3

LET'S BE HONEST WITH OURSELVES

(Eisenhower interview with Saturday Evening Post, Oct. 26, 1963)

Our country's responsibility for helping to maintain world peace, for meeting and turning back the enslaving forces of Communism, for aiding the family of free nations to build for a more secure future—these are not distant and apart from our daily life. Rather they are an extension of it. The character and strength the United States brings to world councils can only reflect the inner courage, strength and wisdom we have developed as a nation. This is national morale, and it is my unshakable conviction that morale, even more than sheer power, is the deciding factor in the fate of a nation. I recall vividly the inspiring example of Great Britain in the early years of World War II, when that nation seemed on the verge of defeat and ruin. Yet despite her bitter losses and reverses, her people had the morale—and little else—to keep on fighting until the tide turned.

This is the kind of morale that inspired Washington at Valley Forge, Lincoln after Chancellorsville, our nation after Pearl Harbor. In peace such inner strength enables us to be purposeful and firm, without being truculent; and if ever again we should have to face the test of war, that kind of morale will be absolutely essential to our survival.

In this nuclear age any prospect of war may seem unthinkable, but *think* about it we must, as long as any threat exists. As a practical matter, I do not believe that war between the United States and Russia is inevitable, as some people insist, because these

two nations now have too much knowledge of and respect for the nuclear strength of each other. Each has too much to lose. But if we face the facts of life, we know that the threat itself cannot be wished out of existence as long as the two great powers of the world, motivated by mutually antagonistic philosophies, have vast arsenals of nuclear warheads and the missiles to deliver these weapons to any point of the globe. We cannot abate our efforts to achieve a world of law. Yet until that achievement we must continue to live indefinitely in an uneasy armed truce, constantly alert to see that a potential enemy does not gain any decisive advantage over us.

Frankly, without in the least minimizing the perils of nuclear war, I am more immediately concerned over the schemes of a militant Communism to achieve world domination by other means. These will severely test the *staying power* of self-government—the self-discipline of democratic peoples. We all know, in a general way, of the Communists' plans to communize and dominate the people of the earth by whatever means promise success in a given situation—subversion, infiltration, disruption, terrorism *coup d'état*. The one thing of which we can be absolutely sure is that the Communists will continue—with a zeal for an unworthy purpose that we can scarcely understand—to probe for weak spots in democracy, seeking to break down cooperation between free nations. They will not hesitate to use military or quasi-military force, as they have in Korea, Cuba, Vietnam and Laos, whenever they see an opportunity to catch us off balance. We must have the will to continue this tedious and costly struggle.

In our dealings with the Communists—and we must deal with them one way or another in this world—I believe we should keep reminding ourselves that *the basic conflict between their system and ours is a moral one.* Our form of government is based on deep-rooted spiritual values which go beyond man himself. These are spelled out in the familiar phrases of the Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights. . . ." The generating force of our democratic government is a belief in these God-given rights and in man's inner obligation to deal fairly and honestly with his fellows.

The Communists see our moral precepts as a direct threat to their ideology, which starts by denying these priceless principles. They deny that the individual has either a soul or unalienable rights, viewing him as little more than an educated animal, subservient to an all-powerful state. Their atheistic, materialistic doctrine therefore justifies ruthless domination over others, including summary executions of innocent people—practices that to us are morally and legally abominable.

On the evidence it seems clear that the Communist leaders realize that our free system is far more appealing to most human beings than anything they have to offer. If they did not so believe, why do they prevent free elections in their satellite nations? They fear, and rightly so, that Communism never can exist permanently side by side with prosperous, self-governing nations. To save the system to which they are dedicated, they zealously believe they *must* destroy competing forms of government by any means. They are deterred only by risks that appear to them to be unacceptable.

From a practical, day-to-day standpoint, this means that we must judge all negotiations with Communist nations with our eyes wide open to their long-range goals. For example, we dare not interpret the new treaty for suspension of nuclear tests in terms of a "breakthrough" toward peace in the Cold War. We would be abandoning our common sense if we considered it as evidence that the organic nature of Russian Communism had changed. At the same time, we should do everything within reason, and consistent with our own security, to lessen the areas of tension and reduce humanity's nuclear risks.

If the Russians observe the agreement, the world will, of course, gain a greater margin of safety from radioactive fallout. We all could breathe a bit easier, literally and figuratively, but we should know by now that Soviet Russia cares little for the pledged word, or for the opinion of mankind. I remember only too well when, in 1958, I authorized a moratorium on nuclear testing in the atmosphere for a fixed period. The Soviets, far from feeling any obligation to relieve the fears of humanity, rapidly prepared a vast series of explosions which greatly increased the radioactivity in the atmosphere. Although we had then been well ahead of the Russians in nuclear techniques, these tests indicated that in certain sectors the situation may have changed. We know that they have exploded more-powerful nuclear bombs than we then had in our arsenal—one of them being of at least 58-megaton force.

Many of our scientists believe that such massive bombs represent mainly a propaganda gain, a means of spreading fear among unthinking people, and not a military advance. They point out that, first, both sides have more than enough nuclear power to destroy each other and, second, that several well-placed 10-megaton bombs would do more actual damage than one 100-megaton weapon. In any case, our past experience with Soviet Russia clearly demonstrates that we must go on guard against any cheating on the treaty.

Despite these doubts, I expressed my belief that the treaty must be tried. Most nations are desperately anxious to see a halt to radioactive pollution of the air they breathe; and more than 90, I was told had signed the treaty even before the U.S. Senate had an opportunity to act on it. All these peoples have fervent hopes that this limited agreement may lead to other steps for lessening of tensions—and ultimately to genuine disarmament. We should pray that those hopes are realized in full—but at the same time we cannot afford to let unsubstantiated optimism blind us to the fact that the treaty itself is scarcely more than an experiment.

We should keep in mind, too, that the sudden decision of Soviet Russia to sign this partial test ban did not spring from any newfound spirit of friendship and cooperation. While Russian motives are always hidden, we can speculate that the men in the Kremlin may have wanted to ease tensions and perhaps set the stage for possible aid on Russia's western flank while engaged in an apparently bitter ideological dispute with Red China. We have no way of knowing whether or not this schism between the two Communist powers is genuine or is a massive hoax designed to weaken the unity of the free world. If it is genuine, we may find practicable means of deepening and widening that breach, thus seriously diminishing the total thrust of Communism. But again we must remember that the two Communist powers are not quarreling about their goal of world domination, but merely about the methods by which they seek to achieve it.

In any case, the security of the free nations must depend on their continued close cooperation to meet the challenges of totalitarianism, whatever form these may take. We should put our lesser quarrels into this perspective, work out friendly settlements, and get on with the overriding job of making democracy work. Just as among members of a family, there will always be differences of opinion, but we should be able to thresh these out without breaking up the furniture.

In the newspapers these days I read much about the supposed shortcomings of many of the nations with whom we are associated in mutual-security efforts. It is true that few countries could say in all candor that they are fully meeting all of their own responsibilities. Many obviously are not carrying their fair share of the military and economic load. Others are not facing up to these reforms which are essential to their own sound development. Some are seeking a temporary advantage, at grave risk to their long-range future, by playing both sides against the middle in the Cold War.

However, before pointing fingers in other directions, I strongly feel that the United States must look to certain of its own glaring deficiencies—especially in lack of a sound federal financial policy. Others might place different problems, such as lack of a consistent long-range policy in foreign aid, in higher priority; but I put our fiscal situation as No. 1 because, unless we act on a sound track financially, we may undermine our whole structure.

I have written before in these pages on the dangers of overspending and government-inspired inflation, but I want to reemphasize that this is not an isolated domestic problem. It projects an image of weakness, not strength, to the world. It threatens the world's confidence in the integrity of our money. There is much concern because our international-payments deficit now is running at the rate of $5.2 billion a year, and the Administration has proposed various regulations and taxes to discourage the investment of American capital abroad. However, such temporary and restrictive expedients merely deal more with symptoms than with the basic disease itself. We know that the sound, long-range answer is to get our federal spending under control and work toward balanced budgets and dollars of assured buying power, as well as to minimize unnecessary and undesirable expenditures abroad. This is not an easy solution, but it is the only way to give ourselves and the world solid proof that we have the self-discipline to protect the integrity of our monetary system.

As one part of such a program I believe, the United States has the right and the duty of insisting that her NATO partners assume more of the burden of defending Western Europe. When I went back to Europe in 1951 to command the forces of NATO, the United States agreed to supply the equivalent of six infantry divisions which were to be regarded as an emergency reinforcement of Europe while our hard-hit allies were rebuilding their economies and capabilities for supporting defense. Now, 12 years later, those forces, somewhat reinforced are still there.

Though for eight years in the White House I believed and announced to my associates that a reduction of American strength in Europe should be initiated as soon as European economies were restored, the matter was then considered too delicate a political question to raise. I believe the time has now come when we should start withdrawing some of those troops. I know that such a move would have many repercussions.

Although we have invested billions of dollars in air and naval bases and have built up a supply system all over Europe, to say nothing of the billions we have spent in developing the deterrent power for the entire Free World, all this does not seem to have the same effect of "showing the flag" as far as Europeans are concerned, as the presence there of U.S. ground troops. But the fact is that we have carried and would continue to carry our fair share of the NATO responsi-

bility. [One American division in Europe can "show the flag" as definitely as can several.]

It would be helpful, at this time, to put all of our troops abroad on a "hardship basis"—that is, send them on shortened tours of foreign duty and without their families, as we do in Korea. Unless we take definite action, the maintaining of permanent troop establishments abroad will continue to overburden our balance-of-payments problem and, most important, will discourage the development of the necessary military strength Western European countries should provide for themselves.

The time has come, also, when we must take into account the effect of the population explosion on our mutual-assistance system. I don't propose to go into the much discussed causes and effects of this phenomenon; I simply want to stress the responsibility we have for finding some realistic means of containing this human explosion. Unless we do, it may smother the economic progress of many nations which, with our technical and economic assistance, are striving to build a decent standard of living. The world population, now above the three billion mark, will have reached 3.5 billion by 1970 and will have doubled to six billion by the year 2000. A large proportion of this increase is occurring in countries which are having difficulty in feeding and clothing their present populations and desperately need a little elbow room while they improve their resources.

Countries such as these need, more than anything else, some means of holding their population growth in check for some period, say 10 years or more, to provide a building spell during which they could construct sound technical foundations for a steady, balanced progress. Otherwise, I just don't see how we can effectively help them for the long pull. There is no real progress or security to a nation which, with outside help, raises its productive capacity by two percent a year while the population rises three percent.

Population control is a highly sensitive problem, of course. When I was President I opposed the use of federal funds to provide birth-control information to countries we were aiding because I felt this would violate the deepest religious convictions of large groups of taxpayers. As I now look back, it may be that I was carrying that conviction too far. I still believe that as a national policy we should not make birth-control programs a condition to our foreign aid, but we should tell receiving nations how population growth threatens them and what can be done about it. Also, it seems quite possible that scientific research, if mobilized for the purpose, could develop new biological knowledge which would enable nations to hold their human fertility to nonexplosive levels without violating any moral or religious precepts.

Of all the questions which worry the world, the one I wish I could answer positively is, "Can we ever have *real* peace?" The paramount goal of our times should be an era in which peoples and nations, free of the fear of war, could drop the sterile burden of vast armaments and devote their God-given resources and energies to building a better civilization.

Yet we know that is no golden road to peace. Peace is not, for example, a matter of a few world leaders getting together to parcel the nations of the globe into various spheres of power. It is not to be gained by imposing the will of the United States on other nations, any more than we can gain it by appeasing those who would dominate *us*. We want no Pax Romana or a modern substitute therefor.

Peace is a blessing and, like most blessings, it must be earned. As a nation, we can best work toward it by determined effort in advancing and supporting sound cooperation within the family of nations for mutual security and economic progress. We should work toward the liberation of the United Nations from subservience to pressures of arrogant dictators and excessive nationalism. We should assist in building it into a genuinely world-representative organization where nations can and will settle their disputes objectively and without resort to arms.

And above all, I repeat, we must face with honesty the test our democracy continually puts to its citizens: to build within ourselves and our children an abiding sense of those moral principles which must continue to be our inspiration. Only our individual faith in freedom can keep us free.

EXHIBIT 4

THE UNITED STATES AND EUROPE: ANOTHER GREAT DEBATE?

(Washington Post, April 2, 1970)

We are publishing on this page today an article by Mr. Helmut Schmidt, the Defense Minister of West Germany, who is coming to town to talk to our Defense Secretary, Melvin Laird, in preparation for next week's visit to Washington of West German Chancellor Willy Brandt. We print it not because we necessarily agree with it but because we take it to be the opening position of the Federal Republic in what promises to be the joining of a critical issue over our future military role in Europe. Mr. Schmidt predicts "another great debate between Europe and America" and apparently does not relish the idea. "We should beware of raising our voices in a new transatlantic debate," he warns and right there we specifically disagree. A debate of some sort is inevitable and it probably wouldn't hurt if it got a little rowdy because the issue raised by Mr. Schmidt is not one that can easily be brushed aside. What it comes down to is the question of our military presence in Europe in the future—how big a force we will maintain, how much our allies will do on their own behalf, and specifically what the West German contribution will be, for the Germans are clearly the key to Europe's defense.

A good part of what Mr. Schmidt has to say seems inarguable to us. The allies should work this out in concert; a precipitate, unilateral U.S. withdrawal could be calamitous any one-sided drawing down of force levels on the Western side might well be mis-read by the Russians; and there is much to be said for this argument that it might also throw away an opportunity to negotiate reciprocal thinning out of troops on both sides of the line as part of a broader European security arrangement.

Thus we would agree with him that nothing abrupt be done by us to upset the status quo. The Nixon administration has wisely agreed to this, at least until the middle of 1971, and General Westmoreland, the Army Chief of Staff reaffirmed this just yesterday in a speech in which he advocated no change in our 310,000-man European force for at least two years.

So far, so good, except that it doesn't end there, if you take seriously, as we do, the sentiment of the Senate, where a majority seems to favor a resolution framed by Senator Mansfield which would in fact call for heavy cuts in our force levels in Europe right away. If some heed is not taken of this sentiment, it will probably harden into a determination, not just to express the sense of the Senate in a resolution, but into something more forceful, such as an amendment to the defense appropriation denying the necessary funds.

Mr. Schmidt offers no realistic way out of this confrontation. The Germans cannot provide more troops, he argues, not only because of domestic political reasons, but because neither their friends nor their enemies want a bigger West German army. But he goes a lot further than that in saying that the West Germans cannot even continue to offset the balance of payments losses we suffer from keeping troops in Europe—let alone ease our burden by paying some share of the budgetary cost of our troop presence. This is not going to be enough for Senator Mansfield and those who have signed onto his resolution. And it ought not to satisfy an American administration already hard pressed by urgent defense and domestic needs. Something will have to give, and it is not too much to say that some evidence of West German give may have to emerge from the Chancellor's talks with President Nixon if the transatlantic debate which Mr. Schmidt fears so much is not to turn into a donnybrook.

FIRING OF NEWSMAN BY WETA FOR POLITICAL REASONS

Mr. HATFIELD. Mr. President, I was shocked and distressed at the news that WETA, Washington's educational television station, has fired a newsman for purely political reasons.

I have long been interested and actively involved in educational television and I believe strongly that we must have a viable and healthy public television network. But surely, the quickest way to destroy public support for educational television or public television is to intimidate and even hire and fire newsmen and executives for political reasons or reasons involving the employment of a man's wife.

The case I refer to today is particularly blatant. If it becomes typical it threatens the credibility and the very existence of publicly supported television.

Most of us now have read the open admission by WETA's management that William Woestendiek, editor of WETA's "Newsroom" show, was fired because his wife has gone to work for Mrs. Martha Mitchell, the wife of the U.S. Attorney General.

At this point I ask unanimous consent to have printed in the RECORD the news reports written by Mrs. Tom Wilkinson in the Washington Post, Mr. John Mathews in the Washington Star, and Mr. Richard Lyons in the New York Times, relating to this incident.

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

[From the Washington Post, Apr. 19, 1970]

"PRESSURE" DENIED IN TV FIRING

(By Tom Wilkinson)

Officials of WETA insisted yesterday the firing of William Woestendiek, editor of the public broadcasting station's new "Newsroom" show, was a local decision devoid of any "outside pressures."

Station general manager William J. McCarter reiterated that the 46-year-old Woestendiek was dismissed because of the "sharp conflict of interest" resulting from the employment of Woestendiek's wife, Kay, as press secretary to Attorney General John N. Mitchell's wife, Martha.

A story of the Friday night firing in yesterday's editions of The Washington Post mentioned Fred W. Friendly, head of the Ford Foundation, which funds "Newsroom," and Max Kampelman, Washington attorney and chairman of the WETA board, as sources

of possible outside pressure. Kampelman has been active in Democratic national politics.

McCarter and Friendly denied any such pressures. Kampelman has been at St. Thomas in the Virgin Islands since Tuesday and could not be reached yesterday.

PRESSURE DENIED

In a statement from New York, Friendly said: "I can assure you that no pressure came from me. The Ford Foundation has never, and will never, get into who works where. We have nothing to do with personnel and the content of a program. That's the way they want it and the way we want it."

McCarter said he had held a "short, informational" discussion with Friendly during the week. "He said it was the station's concern," declared McCarter. "He expressed no opinion one way or the other. That's all there was to it."

"Newsroom" staff members also rejected the "outside pressure" theory and said there was "vigorous and vocal opposition" by staff members to Woestendiek's wife taking the press secretary position.

Some staff members also spoke of disenchantment with Woestendiek's performance in the editor's job and characteristics of the press secretary development as "the final straw."

The controversy also attracted the attention of Sen. Mark O. Hatfield (R-Ore.), who said the firing "puts WETA in a position of setting out to punish the attorney general's wife and this is outrageous."

"It casts aspersions on the integrity of every newsman in this nation to say that they cannot do a professional and unbiased job because a member of his family may work for a government figure," Hatfield said.

Public support for educational or public television will be destroyed, said the Senator, if there are attempts "to intimidate and fire newsmen and executives for political reasons or reasons involving the employment of a man's wife."

Television sources said the future of public television depends to a large degree on a friendly national administration. They expressed the fear that firing Woestendiek because his wife worked for a powerful administration official might jeopardize that future.

FEAR ADMITTED

Questioned about that aspect, McCarter said it is "one of a lot of things that run through your mind."

"But we must be meticulous in avoiding situations affecting the show's credibility, and every time there would be a story from that part of the administration people would make the connection over and over. It would eat away at us," said the general manager.

McCarter said he consulted with members of the five-man "Newsroom" liaison committee of WETA's board of trustees, headed by Austin Kiplinger of "Kiplinger's Letter." Kiplinger said he approved McCarter's action and noted that "public television has a rigid obligation to remain impartial."

The station general manager recounted numerous discussions with Woestendiek, who said Friday he saw no conflict and refused to ask his wife to resign. Mrs. Woestendiek said yesterday she would have quit had her husband asked her.

Asked if Woestendiek's performance as an editor was a factor, McCarter said that was "a completely foreign dimension" and would not comment.

Ben W. Gilbert, who resigned recently as an associate editor of The Washington Post, will replace Woestendiek Monday as "guest editor."

[From the Washington Star, Apr. 19, 1970]

"PRESSURE" IS DENIED IN WETA FIRING

(By John Mathews)

The general manager of WETA, Channel 26, yesterday labeled as "untrue" reports that "political or other pressures" led to the dismissal of the editor of the educational television station's experimental "Newsroom" program.

The editor, William Woestendiek, was "relieved" of his duties because his wife, Kay, was hired April 10 as the press aide for Atty. Gen. John Mitchell's outspoken wife Martha.

Four other participants on the program, upset at Woestendiek's firing, turned in their resignations yesterday, United Press International reported. They are Tom Wicker, associate editor of The New York Times; Hugh Sidey, White House correspondent for Life magazine; Bonny Angelo, Time magazine; and Charles McDowell Jr., Richmond (Va.) Times-Dispatch.

Walter J. McCarter, WETA's general manager and vice president, said in a statement yesterday that the same action would have been taken if a member of Woestendiek's family had "accepted employment of this nature with any national public official, but especially anyone involved in national public policy."

The general manager said the decision to fire Woestendiek was made after he, McCarter, met with the station's general management and a board of trustees committee headed by publisher Austin Kiplinger.

McCarter acknowledged, however, that before making his decision he had consulted with Fred W. Friendly, former CBS producer and an official of the Ford Foundation, which supports the Newsroom program, and with Max M. Kampelman, Washington lawyer and lobbyist who is chairman of the WETA board and a close associate of former Vice President Hubert H. Humphrey.

The general manager said Friendly had called him and made no recommendation on the possible conflict of interest situation.

AWARE OF SITUATION

McCarter said Kampelman, vacationing in the Virgin Islands, was aware that the situation was developing and "might have leaned the other way" regarding the firing of Woestendiek.

There has been speculation among staff reporters of the Newsroom program that Kampelman, closely identified with the Democratic Party, had a part in acting against Woestendiek because of his wife's connection with the Republican administration.

Sen. Mark Hatfield, R-Ore., yesterday accused the station of undermining freedom of the press and applying a "double standard since other members of its staff and the station's board have ties with the Democratic leadership."

The station's 67-member board has a number of former Johnson administration appointees including Stephen Ailes, a board vice chairman who formerly was Secretary of the Army. Several board members, however, are Republicans.

Hatfield went on to charge that the firing of Woestendiek also "puts WETA in the position of setting out to punish the attorney general's wife, and that this is outrageous."

He concluded that the "quickest way to destroy public support for educational television is to intimidate or fire newsmen and executives for political reasons."

Yesterday, Woestendiek said he would not accept another assignment from the station.

"It's not easy to give up a $50,000-a-year, because you think there are certain basic individual human rights human beings must have," Woestendiek said.

The station yesterday was bombarded with telephone calls from viewers, who according to one source, overwhelmingly criticized the firing.

In a telephone interview, Friendly acknowledged that he had talked with "both parties" to the issue, but had made "no decision or recommendation."

BIG FORD GRANT

Ford has given nearly $1 million in grants to support the experimental program on which reporters and an editor discuss news stories. Friendly said that once a grant is made the local station has full control.

Mrs. Woestendiek, formerly women's editor of the Houston Post, was hired by Mrs. Mitchell as a press aide following a controversial call by the attorney general's wife to the Arkansas Gazette.

McCarter said he felt it would be appropriate for the Newsroom program, now headed by "guest editor" Ben W. Gilbert, who resigned Tuesday as associate editor of the Washington Post, to have a full report on its Monday night show for the Woestendiek firing." I think Bill should be invited to appear," he added.

The program is seen week-nights at 7 p.m. and is rebroadcast at 11 p.m.

[From the New York Times, Apr. 19, 1970]

TV EDITOR IN CAPITAL IS OUSTED; WIFE AN AIDE TO MRS. MITCHELL

(By Richard D. Lyons)

WASHINGTON, April 18.—The ousting of a local television editor from his job because his wife works for Mrs. John N. Mitchell was evolving into a cause celebre here today.

William Woestendiek, editor of the program "Newsroom" which originates at the local educational television station WETA-TV, was dismissed from his job yesterday by station officials who said the dismissal was to avoid charges of conflict of interest.

Mr. Woestendiek's wife, Kay, was hired by Mrs. Martha Mitchell, whose husband is the Attorney General, as her press secretary last week.

Mrs. Woestendiek was hired two days after Mrs. Mitchell conducted her conversation with reporters of the Arkansas Gazette concerning Senator J. W. Fulbright, Democrat of Arkansas, and his role in helping to defeat Judge G. Harrold Carswell's nomination for a seat on the Supreme Court.

Mrs. Mitchell urged the newspaper to "crucify" Mr. Fulbright because he had voted against Judge Carswell.

TWO EDITORS RESIGN

The ousting of Mr. Woestendiek resulted today in the resignation of three contributing editors to the program: Hugh Sidey, Washington bureau chief of Time magazine; Tom Wicker, an associate editor and columnist for The New York Times, and Miss Bonnie Angelo, a correspondent for Time.

Miss Angelo said that she considered the dismissal an attack on Mr. Woestendiek's professional integrity.

"I find the situation ridiculous," Mr. Sidey said. "We discussed the Carswell case freely and openly on the program the very day that Mrs. Woestendiek was appointed. There certainly was no attempt to change or distort opinions. I think a man's wife ought to be able to practice the politics she wants to."

Mr. Wicker said that he felt that the ouster was "preposterous."

Another contributing editor, David Kraslow, the Washington bureau chief of The Los Angeles Times, said, "I have made a tentative decision to remain with the show, but the situation is disturbing. Yet if the wife of an editor of The New York Times became the secretary to a Cabinet officer's wife, there might be questions raised."

Today's edition of the Washington Post reported that William J. McCarter, the general manager of WETA-TV, told "newsroom" reporters after last night's show that he had been subjected to "pressures from outside" to get Mr. Woestendiek to resign.

The newspaper account said that Mr. McCarter would not elaborate, but it quoted television industry sources as saying that the pressure could only have come from Fred W. Friendly and Max Kampelman.

Mr. Friendly, former Columbia Broadcasting System producer for Edward R. Murrow, is now with the Ford Foundation, which

gives financial support to the "Newsroom" show and many other enterprises in educational television.

In a telephone interview, Mr. Friendly described as "absolutely untrue" the charge that he had exerted pressure on the station. "We stay out of the control room," he said.

Mr. Kampelman, an attorney here, is chairman of the board of WETA-TV. He is a close associate of Hubert H. Humphrey and was active in his campaign for the Presidency. Mr. Kampelman is vacationing in the Virgin Islands and could not be reached for comment.

Lincoln Furber, the director of news and public affairs for WETA-TV said that Mr. Woestendiek had been dismissed "because of the principle of the thing."

"We did what we thought was right, and there were no political overtones to it," he said.

Mr. HATFIELD. Frankly, Mr. President, this is outrageous. It casts aspersions at the integrity of every newsman in this Nation to say that he cannot do a professional and unbiased job because a member of his family may work for a Government figure.

Carried to extremes, this would mean President Nixon should fire Defense Secretary Melvin Laird because his son participated in an anti-Vietnam demonstration.

The WETA ruling represents the application of a double standard since other members of its staff and the station's board have ties with Democratic leaders.

I would hope that the entire news media would rise up in protest not only against the firing of Mr. Woestendiek but also against the whole idea that a person can be fired for the legal and legitimate activities of his wife or other members of his family.

I believe the committees of the Congress which deal with educational television, those which deal with foundations—the Ford Foundation has financed the "Newsroom" show—and those that deal with freedom of information, should look closely at this situation.

If one highly professional reporter can be fired on these flimsy grounds, then no reporter can ever feel completely free to present the facts as he sees them.

Our whole tradition of freedom of information, of right to know, of freedom of the press is under attack here.

With this clearly intimidating action by educational TV management, the rest of the WETA staff is now placed in an untenable position. And viewers of "Newsroom" can have no confidence that the news they receive is complete and without bias.

At this point I ask unanimous consent to have printed in the RECORD the editorial entitled "WETA: Leaning Too Far Over Backward," which appeared in the Washington Post for Monday, April 20, 1970.

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

WETA: LEANING TOO FAR OVER BACKWARD

Martha Mitchell, the wife of Attorney General Mitchell, is given to moments of exuberance in which she has expressed herself vigorously, some would say excessively, on a variety of public issues, and in ways which we presume do not reflect considered administration policy. The Attorney General has been very good about this, in our view—not that it is necessarily any of our business. He has been loyal and relaxed, taking the view that there is no automatic connection between what his wife says or does as a private citizen and his role as a public official. Recently he hired a former newspaperwoman, Kay Woestendiek, as press secretary for his wife, presumably in an effort to help keep this distinction clear. Whereupon, Mrs. Woestendiek's husband William was summarily fired from his job as editor of WETA's "Newsroom" show, on the grounds that his wife's job with Mrs. Mitchell somehow endangered the show's "credibility." There is fine irony in this: Mr. Mitchell hires a press secretary for the presumed purpose of helping maintain the line between his public life and his wife's private life, and WETA sacks the press secretary's husband for fear that his professional life would be compromised by his wife's job.

"Every time there would be a story from that part of the administration," said William J. McCarter, general manager of the local public broadcasting station, "people would make the connection over and over. It would eat away at us."

Nonsense. WETA has every good reason to maintain its independence of mind. But if that is what it takes, its independence of mind must be in a pretty soggy state. It has been flatly denied that the decision was made under the influence of outside pressure, notably from Fred W. Friendly, television adviser to the Ford Foundation, which supports the "Newsroom" show. The finger points, instead, to pressure from the WETA staff. But this only makes it worse; assuming that it was an inside job, the decision was still Mr. McCarter's and what he is saying, in effect, is that WETA cannot keep its balance unless it controls the wives of its employees. In our view, President Nixon made a lot more sense on this same issue when he declined, after one of Mrs. Mitchell's more outspoken contributions to the public dialogue, to take responsibility for the wives of members of his cabinet. In these matters there are sometimes hard choices—between what people will think and what is right. James Thurber had it about right in the moral he wrote to one of his famous fables. You might just as well fall flat on your face, he said, as lean too far over backward.

Mr. HATFIELD. Mr. President, this has not been a matter or a question of Republican or Democrat. Other newsmen's wives in the past have been active in causes for the Democratic Party, and I do not think at that time any question was raised as to the integrity of those newsmen and their ability to report the news factually and objectively.

I would like to report that on October 29, 1968, the following newsmen's wives participated in a fund raising dinner for the Humphrey-Muskie ticket—a very legitimate program.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Oregon may have 5 additional minutes.

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

Mr. HATFIELD. The following wives of newsmen participated in that function: Mrs. Joseph Alsop, Mrs. David Brinkley, Mrs. Drew Pearson, Mrs. Eric Severeid.

I think anyone would recognize those as names of men who are highly regarded and who were very involved in the dissemination of news, particularly political events.

As I said, we have an example here of how they continued to discuss the items of the day, the political news of the day, even though their wives were very actively involved at that time.

I think it is worth mentioning that Miss Marianne Means was married to Mr. Ernest Riordan, who was on the White House staff, and also afterward was an officer in the Emergency Planning Office, which is a part of White House planning. No one suggested that she should resign from King Features, to which she has been a contributor, one of the outstanding people in that field.

I want to emphasize again that I deeply feel that this is not a question of either Democrat or Republican. It is one in which members of both parties should be equally concerned, because a basic principle is involved, and that is how far one can go in discriminating against a person who may be upholding the responsibility of his job, doing the duties assigned to him in a professional manner, and being able to continue to do so if his wife or other members of his family happen to be involved in political or public affairs in which there may be differences of opinion to those of management or to those of people for whom he may be working, or if there is brought in the question of compromise or the question of inability to be objective.

So it is not just a matter of whether one agrees or disagrees with Martha Mitchell. I do not think she should be the issue. I do not think it should be an issue of Democrat or Republican. The issue clearly drawn here is whether educational television can be put under the political gun by an irate public, or others, because of its public involvement and its support from the public.

I think even foundations which accede and acquiesce to this kind of action place themselves in an untenable position.

So I think it is an important issue that we should be concerned about, both Democrats and Republicans, and that it should not go unchallenged.

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

Mr. HATFIELD. I yield.

Mr. MANSFIELD. Mr. President, I want to express my full accord with what the distinguished Senator from Oregon has said. As he indicated, what is sauce for the goose is sauce for the gander. It applies on both sides. I am delighted that the Senator made this statement this morning. It is not a matter of Mrs. Mitchell; it is a matter of the freedom of the press which is brought into serious question. It is a matter of intimidation and I rise only to express my agreement with what the Senator has said.

Mr. HATFIELD. I appreciate the kind comments of the distinguished majority leader.

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

Mr. HATFIELD. I yield.

Mr. FULBRIGHT. Mr. President, I wish to associate myself with the remarks of the distinguished Senator from Oregon. I thought this was an ill-considered and thoughtless action. I think they should find a way to reconsider, because I do not think the action is appropriate.

Mr. HATFIELD. I thank the Senator from Arkansas.

Mr. DOLE. Mr. President, I commend the Senator from Oregon. As he has well stated, the issue is not Mrs. John Mitchell. The issue is a much broader one. I would hope that those networks which were practically in a state of collapse and shock after the Agnew speech in Des Moines, Iowa, earlier this year might review this action. I am directing a letter expressing that hope today to the presidents of the three major networks, CBS, NBC, and ABC.

I do not see how we can rationalize this action, when the presidents of the networks were almost in a state of shock because of a statement by Vice President AGNEW advocating the balanced reporting of the news.

This is direct action. This is direct intimidation. I certainly commend the Senator from Oregon for speaking out so quickly and forcefully on this problem.

Mr. HATFIELD. I thank the Senator.

Mr. GRIFFIN. Mr. President, I join in commending the Senator from Oregon for focusing attention upon the unfortunate development to which he referred, and for leading the discussion here upon the Senate floor today.

As a member of the Committee on Commerce and the Communications Subcommittee, I strongly believe it to be very important that educational television programs in particular, and television broadcasting in general, be balanced and objective; that news and the discussion of news be free of political slant and other bias.

As the Senator from Oregon has pointed out, the use of guilt by association in the instance mentioned is strange and perverted way of trying to demonstrate a balance. I am much more interested in getting information so it could be determined with respect to specific issues, whether the educational television stations actually do present both sides, in a fair and objective manner.

I tried, for example, not too long ago, to check back and find out exactly what kind of programing the National Educational Television Network had with respect to the ABM issue during the period before it came to a vote in Congress. I was aware of the fact that the education network had presented effectively the arguments against the President's ABM proposal; and I was trying to find out whether the network had also provided adequate, balanced exposure of the arguments in favor of the proposal.

I could not get the information that would enable me to make such a judgment. I got some vague replies to my inquiries—but I did not get the solid information that I wanted. I wanted to know exactly who had been given time and how many minutes had been allotted on either side of this issue. Mr. President, that is the kind of information I would like to have; I am not interested in whether an employee may have a wife or a son with strong political views.

The Senator from Oregon has made an excellent point. The unfortunate action to which he refers only detracts, in my opinion, from the real objective of achieving a balanced, objective presentation of views and news on educational television stations.

Mr. HATFIELD. I would agree with the Senator; and I would like to point out, too, that it is not just a matter of Senators protesting here today, but that some of the most distinguished names in the news media indicated their protests by resigning from the news program of WETA.

This, again, was carried in the press and, as I say, the list included some of the most reputable and highly respected names in the news media.

So I am sure the news media themselves are deeply concerned about this type of action, as well as the Senators who are present on the floor this morning.

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

Mr. HATFIELD. I yield.

Mr. GRAVEL. I should like, also, to associate myself with the Senator's remarks, and to commend him for his leadership in this area. I hope there will be reconsideration, and possibly rehiring of the individual in question.

I think the record of objectivity of the media is now besmirched. This is important, because I think we all desire the educational part of our television media to grow to an importance equal to that of NBC and CBS.

Mr. HATFIELD. I thank the Senator.

I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, I point out that in fiscal year 1970, more than $2 million of Federal funds were spent for educational television. There is a request, for fiscal year 1971, for $6 million. So we do have a direct interest in what may happen. If we are funding programs for educational television, and they in turn intimidate those whose husbands or wives work for someone whose philosophy they do not share, we are in a dangerous area.

We might well follow this further, and determine if station WETA receives or has applied for, Federal funds.

Mr. HATFIELD. I thank the Senator.

To close with one last word, the very name "educational television" conveys the impression, and rightfully should, that its programs are educational in character, and certainly that includes the expectation of objectivity of news presentation. I think that objectivity is deeply called into question by actions such as this by Station WETA.

SOVIET UNION FAVORS THE OVERTHROW OF ISRAEL

Mr. MURPHY. Mr. President, I have noted with great interest a Reuters Wire Service dispatch from Amman, Jordan, dated April 20, indicating that Soviet Russia has dropped the veil of deception concerning her true aims and objectives with respect to the State of Israel. As Senators know, Mr. President, I have for years now implored our Government to offer all needed assistance to Israel in her fight for survival and to recognize that the Soviet Union's true aim is domination of the Middle East and of the vast resources in oil and other strategic materials in that area.

I should like to read a statement from this dispatch which puts the Kremlin solidly behind the Palestinian commando movement. After 2 years of cautious reservations, the Soviet agent said:

> The Soviet Union supports the creation of a democratic state in Palestine.
>
> Soviet policy supports any struggle aimed at overthrowing any racist state based on religious fanaticism, such as the state of (Israeli Prime Minister) Golda Meir.

Mr. President, I have long felt that support of Israel is necessary to preserve that nation as a bulwark against Communist expansion in the Middle East. Furthermore, I believe, this course is morally right, historically right, and in the best self-interest of the United States, considerations which I feel leave us no alternative.

The Reuters dispatch to which I refer states that George Suhothov, a Soviet press attaché, announced at a press conference in Amman, Jordan, called to mark the anniversary of Lenin's birthday, that the Soviets favored the overthrow of the State of Israel—confirmation in unmistakable terms of what I have been saying for some time.

I might point out, Mr. President, that the use of the term "democratic" in the Soviet dialectic means "Communist."

I think it is high time that we all understood that. Their meaning of "democratic" and ours is not the same.

Suhothov further declared that "the Soviet Union supports the creation of a democratic state of Palestine." Anyone who wishes to be realistic about Soviet actions in the past will recognize that this means they want to deprive Israel of her independence, destroy this tiny nation—which, I might say, the Soviet union agreed to bring into being, together with the United States and the other major nations—and establish a puppet regime.

Mr. President, I am glad this is finally out in the open. I know that it will be of interest to all Americans, and I ask unanimous consent that the full text of the Reuters dispatch be printed in the RECORD at this point.

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

> AMMAN, JORDAN, April 20 (Reuters).—Russia today announced two bold new initiatives in Middle East policy, pledging support for the overthrow of the state of Israel and offering military and economic aid to Jordan.
>
> The switch in Soviet policy, hitherto based on recognition of the state of Israel, was announced by press attaché George Suhothov at a press conference called here to mark the centenary of Lenins birthday.
>
> But it was clearly timed, observers said, to take maximum advantage of the Middle East

visit of Assistant U.S. Secretary of State Joseph J. Sisco, which produced striking new evidence of Palestinian power and led to a rift in Jordanian-United States relations.

In a statement which put the Kremlin solidly behind the Palestinian commando movement after two years of cautious reservations, Suhothov said "the Soviet Union supports the creation of a democratic state in Palestine."

"Soviet policy supports any struggle aimed at overthrowing any racist state based on religious fanaticism, such as the state of (Israeli Prime Minister) Golda Meir," he added.

Suhothov told the news conference that Russia supported the creation of the state of Israel in 1948, and backed the proposal for creation of an Arab state in Palestine under United Nations resolutions calling for the partition of the former British mandate territory, because "it wanted to rid Palestine of the British."

But now, he declared, "the Soviet Union supports the creation of a democratic state in Palestine."

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON AIR FORCE MILITARY CONSTRUCTION CONTRACTS AWARDED WITHOUT FORMAL ADVERTISEMENT

A letter from the Secretary of the Air Force, transmitting, pursuant to law, a report on the Air Force military construction contracts awarded by the Department without formal advertisement for the period July 1, 1969, through December 31, 1969 (with an accompanying report); to the Committee on Armed Services.

REPORT OF FEDERAL MARITIME COMMISSION

A letter from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the eighth annual report of the Federal Maritime Commission, for fiscal year 1969 (with an accompanying report); to the Committee on Commerce.

PROPOSED SEAMEN'S DOCUMENTATION ACT

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to revise and improve the laws relating to the documentation of seamen (with an accompanying paper); to the Committee on Commerce.

PROPOSED LEGISLATION TO STANDARDIZE PROCEDURES FOR THE TESTING OF UTILITY METERS

A letter from the Chairman of the Public Service Commission, transmitting a draft of proposed legislation to amend section 8 of the act approved March 4, 1913 (37 Stat. 974), as amended, to standardize procedures for the testing of utility meters; to add a penalty provision in order to enable certification under section 5(a) of the Natural Gas Pipeline Safety Act of 1968, and to authorize cooperative action with State and Federal regulatory bodies on matters of joint interest (with an accompanying paper); to the Committee on the District of Columbia.

REPORT OF THE U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

A letter from the Chairman, the U.S. Advisory Commission on International Educational and Cultural Affairs, transmitting, pursuant to law, the seventh annual report of the Advisory Commission, dated March 1970 (with an accompanying report); to the Committee on Foreign Relations.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the opportunity to reduce Federal interest costs by changing loan disbursement procedures under the guaranteed student loan program, Office of Education, Department of Health, Education, and Welfare, dated April 20, 1970 (with an accompanying report); to the Committee on Government Operations.

THIRD- AND SIXTH-PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relative to third- and sixth-preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

PROPOSED LEGISLATION TO REMOVE TIME LIMITATIONS ON THE DURATION OF ELIGIBILITY OF VETERANS FOR GUARANTEED AND DIRECT LOANS

A letter from the Deputy Administrator, Veterans' Administration, transmitting a draft of proposed legislation to remove time limitations on the duration of eligibility of veterans for guaranteed and direct loans (with an accompanying paper); to the Committee on Labor and Public Welfare.

REPORT OF ADVISORY COUNCIL ON STATE DEPARTMENTS OF EDUCATION

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, the fifth annual report of the Advisory Council on State Departments of Education, dated March 1970 (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORT ON NATIONAL REQUIREMENTS AND COST OF WATER POLLUTION CONTROL

A letter from the Secretary of the Interior, transmitting, pursuant to law, the third report on the national requirements and cost of water pollution control (with an accompanying report); to the Committee on Public Works.

PROPOSED AMENDMENT OF THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for titles I through IV through fiscal year 1971 (with accompanying papers); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. HOLLINGS):

Resolutions of the House of Representatives of the State of Hawaii; to the Committee on Armed Services:

"HOUSE RESOLUTION 232

"Requesting Federal assistance to the State in caring for the pets of military personnel during the entry quarantine period

"Whereas, the dread disease, rabies, has never occurred in Hawaii; and

"Whereas, the State requires a 120-day entry quarantine for imported dogs, cats and other pets to prevent the introduction of rabies; and

"Whereas, the number of pets entering the State has increased at an annual rate of approximately 10% over the past ten years; and

"Whereas, the State, in order to accommodate the increasing number of animals subject to rabies quarantine, has had to build a new quarantine station in Halawa Valley; and

"Whereas, the State will have invested $2,940,000 by the end of Fiscal Year 1970 for capital improvements for the rabies quarantine program, and is requesting $1,484,000 for Fiscal Year 1971–1972 for additional capital improvements; and

"Whereas, approximately 45% of the pets processed through quarantine during the past three years have been owned by military personnel; and

"Whereas, Hawaii welcomes all military personnel assigned to bases and posts within the State; and

"Whereas, the cost of capital improvements to house and care for pets accompanying military personnel is a tremendous burden to the taxpayers of Hawaii; now, therefore,

"Be it resolved by the House of Representatives of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, that the President of the United States, the Vice-President of the United States, the Speaker of the United States House of Representatives, United States Senator Hiram L. Fong, United States Senator Daniel K. Inouye, United States Representative Spark M. Matsunaga, United States Representative Patsy T. Mink, be, and hereby are, requested to promulgate any necessary administrative policies or enact any necessary legislation in order to provide funds to assist the State in housing and caring for the pets of military personnel during the entry quarantine period; and

"Be it further resolved that duly certified copies of this Resolution be transmitted to Richard M. Nixon, President of the United States; to Spiro T. Agnew, Vice-President of the United States; to John W. McCormack, Speaker of the United States House of Representatives; and to each member of Hawaii's delegation to the United States Congress."

"HOUSE RESOLUTION 232

"Requesting the U.S. Department of Defense to provide funds to assist the State in caring for the pets of military personnel during the entry quarantine period

"Whereas, the dread disease, rabies, has never occurred in Hawaii; and

"Whereas, the State requires a 120-day entry quarantine for imported dogs, cats and other pets to prevent the introduction of rabies; and

"Whereas, the number of pets entering the State has increased at an annual rate of approximately 10% over the past ten years; and

"Whereas, the State, in order to accommodate the increasing number of animals subject to rabies quarantine, has had to build a new quarantine station in Halawa Valley; and

"Whereas, the State will have invested $2,940,000 by the end of Fiscal Year 1970 for capital improvements for the rabies quaran-

tine program, and is requesting $1,484,000 for Fiscal Year 1971–1972 for additional capital improvements; and

"Whereas, approximately 45% of the pets processed through quarantine during the past three years have been owned by military personnel; and

"Whereas, Hawaii welcomes all military personnel assigned to bases and posts within the State; and

"Whereas, the cost of capital improvements to house and care for pets accompanying military personnel is a tremendous burden to the taxpayers of Hawaii; now, therefore,

"Be it resolved by the House of Representatives of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, that the United States Department of Defense is requested to provide funds to assist the State in housing and caring for the pets of military personnel during the entry quarantine period; and

"Be it further resolved that duly certified copies of this Resolution be forwarded to the United States Secretary of Defense and to the honorable members of Hawaii's delegation to Congress."

A joint resolution of the Legislature of the State of Alaska; to the Committee on Finance:

"ALASKA STATE LEGISLATURE

"Joint resolution relating to social security payments to all social security recipients living in Alaska

"Be it resolved by the Legislature of the State of Alaska:

"Whereas federal civil service employees in Alaska are allowed a 25 per cent differential in pay to compensate for the high living costs in Alaska; and

"Whereas Alaskan citizens receiving social security payments are not allowed a differential in their payments; and

"Whereas the average overall cost of living in Alaska is more than 25 per cent higher than the cost of living in the contiguous 48 states; and

"Whereas the high cost of living in Alaska compels many Alaskan social security recipients to leave Alaska and move to other states where the living costs are less expensive and more in conformity with their social security income; and

"Whereas past and current inflationary and rising costs of living make it increasingly difficult for social security recipients, residing in Alaska and depending upon fixed incomes or pensions, to purchase the necessities of living;

"Be it resolved that the Congress of the United States is requested to enact legislation which would permit the 25 per cent differential currently used in the federal civil service pay scale to be incorporated into the benefit payment scale of social security for all social security recipients living in Alaska.

"Copies of this Resolution shall be sent to the Honorable Richard M. Nixon, President of the United States; the Honorable Richard B. Russell, President Pro Tempore of the Senate; the Honorable John W. McCormack, Speaker of the House; the Honorable Robert H. Finch, Secretary of Health, Education and Welfare; the Honorable Robert M. Ball, Commissioner of the Social Security Administration; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Howard W. Pollock, U.S. Representatives, members of the Alaska delegation in Congress."

A joint resolution of the Legislature of the State of Illinois; to the Committee on Finance:

"SENATE JOINT RESOLUTION 47

"Whereas, It is increasingly apparent that current provisions of Federal law governing the public aid and welfare programs—in particular, the lack of national minimum standards, the failure to cover all families and individuals who are poor, rigidities in the money payment concept, impediments to cost control of medicaid, complexities and gaps in the employment and training programs, and lack of a comprehensive program for day care for children—are ineffective in stemming the mounting volume of dependency and result in an inordinate fiscal burden upon the States; and

"Whereas, Certain premature or faulty program directives issued by the Federal Department of Health, Education, and Welfare—in particular, the mandated use of a 'simplified' method of eligibility determination, unrealistic educational standards for caseworkers and other staff, Federal dictation of administrative organization within the State welfare agencies, compulsory payment of legal fees for applicants and recipients, continuance of assistance pending a fair hearing decision, and the limited matching of State support enforcement activities relative to deserting fathers in the AFDC program—have serious potential for decreasing the ability of the States to control recipient loads; therefore, be it

"Resolved by the Senate of the 76th General Assembly of the State of Illinois, the House concurring therein, that this General Assembly

"1. Endorse and support, in principle, the provisions of legislation now before the Congress which establish national minimum standards but urge the Congress to require that a minimum standard for the Family Assistance program as well as that for the aged, the blind and disabled be mandatory upon all the States as a minimum level of the actual support provided;

"2. Endorse and support the provisions of this legislation providing for nationwide coverage of all poor families with children;

"3. Endorse and support, in principle, the corrections made in this legislation of the formulas for disregarding earned income;

"4. Endorse and support the provisions of this legislation requiring acceptance of work, training or rehabilitative services as a condition for Federal benefits and State supplementation thereto;

"5. Urge the Congress at the earliest feasible moment to broaden this legislation to require that all States supplement the "working poor" and to cover also the residual recipient load of adults remaining on the present State and local General Assistance programs and to provide appropriate Federal financial participation;

"6. Urge the Congress to provide in the pending Federal legislation for flexibility in State supplementation so as to permit States to make use of vendor payments as well as money payments in both the Family Assistance and the adult programs;

"7. Urge the Congress to assure that the work and training programs will be comprehensive and effective in their impact upon present and future welfare beneficiaries by returning to the Governors of the States responsibility for overall assessment of needs and for covering any work and training needs;

"8. Endorse and support attention given in the pending legislation to providing day care for children of AFDC mothers who are employed or in training for employment, but urge the Congress to move ahead at the earliest feasible moment in the direction of a comprehensive national program of day care for children of all mothers;

"9. Urge the Congress to amend Medicaid provisions governing payments to hospitals and practitioners and revise the provisions governing intermediate care facilities so as to clearly classify these as medical facilities and thus make them a part of the total spectrum of medical treatment under Medicaid and also Medicare;

"10. Urge the Department of Health, Education, and Welfare to rescind current regulations pertaining to eligibility determination, educational standards for staff, State administrative organization, legal fees for applicants and recipients, and continuation of assistance pending a fair hearing decision until such time as their feasibility is clearly demonstrated; and be it further

"Resolved, That a copy of this Resolution be transmitted by the Office of the Secretary of the State of Illinois to the Clerk of the House of Representatives of the United States, to the Secretary of the Senate of the United States, to the Secretary of the Department of Health, Education, and Welfare, and to each member of Congress from this State."

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. DOLE (for himself, Mr. BAKER, Mr. BIBLE, Mr. DOMINICK, Mr. HARRIS, Mr. HATFIELD, Mr. STEVENS, and Mr. TOWER):

S. 3739. A bill to amend the Small Business Act to increase the availability of management counseling to small business concerns; to the Committee on Banking and Currency.

(The remarks of Mr. DOLE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. TALMADGE:

S. 3740. A bill for the relief of Miss Ana Matilde Povea; to the Committee on the Judiciary.

By Mr. BROOKE:

S. 3741. A bill for the relief of Miss Elizabeth Cheng; to the Committee on the Judiciary.

By Mr. BELLMON:

S. 3742. A bill to authorize the Secretary of Agriculture to make emergency payments in order to avoid waste, spoilage, or contamination of agricultural grain during periods when customary transportation facilities are unavailable; to the Committee on Agriculture and Forestry.

(The remarks of Mr. BELLMON when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 3739—INTRODUCTION OF A BILL TO STRENGTHEN SCORE AND ACE PROGRAMS OF ASSISTANCE TO SMALL BUSINESS

Mr. DOLE. Mr. President, the Small Business Administration has for many years aided, counseled, and assisted small businessmen in accordance with the mandate of the Small Business Act. One of the Agency's most valuable services is the management assistance offered through the Service Corps of Retired Executives—SCORE. Established in 1964, this organization of successful retired businessmen volunteers time and know-how to aid those who are struggling to succeed in businesses. It has produced an outstanding record of success.

In the same vein and in an effort to increase the availability of management counseling to small businessmen, SBA has recently established the Active Corps of Executives—ACE—whose members perform similar advisory services while engaged in the operations of their own businesses.

SECTION 1

Today I am introducing a bill which seeks to strengthen the SCORE and ACE programs by facilitating expansion and flexibility in their operations. Section 1 would further this goal by exempting SBA from the present prohibition against acceptance of voluntary services in the case of the SCORE and ACE programs. Presently SCORE and ACE volunteers render their services directly to the small business community. In expanding this assistance, it is contemplated that volunteers could be used profitably in other roles, such as manning interview desks and conducting management ability evaluations. Assumption of such functions, however, might blur the distinction between rendering their volunteer services to the small businessman rather than to SBA. Any questions that might arise through such expanded operations would be avoided by amending section 5 (b) (9) of the Small Business Act to remove the general prohibition against acceptance of voluntary services by Federal agencies in the case of SCORE and ACE volunteers.

SECTION 2

Section 2 of the bill is directed largely toward improving the conditions under which SCORE and ACE volunteers work and establishing more equitable reimbursement arrangements for out-of-pocket expenses. My proposal would allow SBA to furnish the volunteers office facilities, parking space, and other support not otherwise available. Under the Small Business Act, as amended, SBA is permitted to reimburse these volunteers for travel and out-of-pocket expenses only when incurred in connection with travel to points more than 50 miles from their homes. In urban areas the distances between the volunteer and the small businessman being assisted is usually less than 50 miles, but the out-of-pocket expenses imposed on the volunteer are significant, due to such factors as parking, public transportation, tolls, or cabfare. SBA cannot at present reimburse volunteers for these legitimate expenses, and it is unfair to expect them to assume such financial burdens. Another provision would authorize expenditures for advertising and other publicity to alert small businessmen to the availability of SCORE and ACE services in their communities.

Mr. President, I send to the desk the text of my proposed amendments to the Small Business Act. I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

I wish to express my thanks to Senators TOWER, STEVENS, BIBLE, BAKER, HATFIELD, HARRIS, and DOMINICK for joining in the sponsorship of this measure. As members of the Banking and Currency Committee's Subcommittee on Small Business and the Select Committee on Small Business, their support is most welcome and appreciated. If any other Senators wish their names added to the bill we would be pleased to have their support.

The PRESIDING OFFICER (Mr. RIBICOFF). The bill will be received and appropriately referred; and, without objection, the text of the bill will be printed in the RECORD, in accordance with the Senator's request.

The bill (S. 3739) to amend the Small Business Act to increase the availability of management counseling to small business concerns, introduced by Mr. DOLE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 3739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(b)(9) of the Small Business Act (15 U.S.C. 634(b)(9)) is amended to read as follows:

"(9) accept and utilize the services and facilities of Federal, State and local agencies and groups, both public and private, and accept gratuitous, voluntary and uncompensated services and facilities without regard to the provisions of section 3679 of the Revised Statutes (31 U.S.C. 665(b))."

SEC. 2. Subparagraph (B) of section 8 (b)(1) of the Small Business Act (15 U.S.C. 637(b)(1)(B)) is amended to read as follows:

"(B) in the case of any individual or group of persons cooperating with it in furtherance of the purposes of subparagraph (A), (i) to allow such an individual or group such use of the Administration's available office facilities, parking space, and related materials and services as the Administration deems appropriate; (ii) to rent for the use of such an individual or group such office facilities, parking space, and related materials and services as would not otherwise be available for the purpose and as the Administration deems appropriate; (iii) to pay, as the Administration deems appropriate, the expenses of disseminating through advertising media information to small business concerns respecting the availability of such individuals or groups; (iv) to pay, as the Administration deems appropriate, the expense of placing in telephone directories an independent listing of the telephone numbers of such individuals or groups; (v) to reimburse any such individual for the cost incurred in making any telephone call from his home in furtherance of the purposes of subparagraph (A); and (vi) to pay the transportation expenses and a per diem allowance in accordance with section 5703 of title 5, United States Code, to any such individual or group for travel and subsistence expenses incurred at the request of the Administration in providing gratuitous services to small businessmen in furtherance of the purposes of subparagraph (A) or in connection with attendance at meetings sponsored by the Administration;".

S. 3742—INTRODUCTION OF A BILL TO AID IN SOLVING THE RAILROAD BOXCAR SHORTAGE

Mr. BELLMON. Mr. President, I am today introducing a bill to help bring an end to the waste which frequently occurs when agricultural commodities are piled out of doors due to the lack of railroad cars.

This waste is costly to growers and marketers directly, but ultimately the cost is borne by consumers through higher costs of foods.

During years when harvests are abundant, large quantities of wheat, milo and other grains have been piled in city streets and on the ground throughout the grain belt while awaiting transportation to storage. In this condition large quantities of grain have been lost or contaminated. In addition excessive handling costs have resulted.

This bill is intended to end this waste by authorizing the Secretary of Agriculture to take the necessary steps to provide supplemental transportation when railroad cars are unavailable.

Under the provisions of the bill, the Secretary of Agriculture would formulate and administer a program under which emergency freight equalization payments will be made to transport grain by means other than railroad from country grain elevators to the nearest available grain storage terminal.

Payments authorized under the act would be made only in cases where the Secretary determines serious waste, spoilage, or contamination is imminent due to a shortage of railroad grain cars in the area in which such a country grain elevator was located.

The act would apply to wheat, feed grains, soybeans, and sugar beets.

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

The bill (S. 3742) to authorize the Secretary of Agriculture to make emergency payments in order to avoid waste, spoilage, or contamination of agricultural grain during periods when customary transportation facilities are unavailable, introduced by Mr. BELLMON, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

ADDITIONAL COSPONSORS OF BILLS

S. 3619

Mr. HOLLINGS. Mr. President, on behalf of the Senator from Indiana (Mr. BAYH), I ask unanimous consent that, at the next printing, the name of the Senator from Washington (Mr. MAGNUSON) be added as a cosponsor of S. 3619 to create, within the Office of the President, an Office of Disaster Assistance, to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes.

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

S. 3624

Mr. HOLLINGS. Mr. President, I ask unanimous consent that, at the next printing of S. 3624, to amend title V of the Housing Act of 1949, to provide assistance in the purchase of mobile homes in rural areas, that the following names be added as cosponsors.

The Senator from Alabama (Mr. ALLEN), the Senator from Colorado (Mr. ALLOTT), the Senator from Indiana (Mr. BAYH), the Senator from Utah (Mr. BENNETT), the Senator from Massachusetts (Mr. BROOKE), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Oklahoma (Mr. HARRIS),

the Senator from Indiana (Mr. HARTKE), the Senator from Nebraska (Mr. HRUSKA), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Oregon (Mr. PACKWOOD), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Alaska (Mr. STEVENS), the Senator from Georgia (Mr. TALMADGE), the Senator from South Carolina (Mr. THURMOND), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Texas (Mr. YARBOROUGH).

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

SENATE RESOLUTION 390—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF COMMITTEE PRINT ENTITLED "THE SOVIET APPROACH TO NEGOTIATION: SELECTED WRITINGS"

Mr. MCCLELLAN submitted the following resolution (S. Res. 390); which was referred to the Committee on Rules and Administration:

S. RES. 390

Resolved, That there be printed for the use of the Committee on Government Operations three thousand additional copies of the committee print entitled "The Soviet Approach to Negotiation: Selected Writings", issued by that committee during the Ninety-first Congress, first session.

SENATE RESOLUTION 391—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF COMMITTEE PRINT ENTITLED "PEKING'S APPROACH TO NEGOTIATION: SELECTED WRITINGS"

Mr. MCCLELLAN submitted the following resolution (S. Res. 391); which was referred to the Committee on Rules and Administration:

S. RES. 391

Resolved, That there be printed for the Committee on Government Operations three thousand additional copies of the committee print entitled "Peking's Approach to Negotiation: Selected Writings", issued by that committee during the Ninety-first Congress, first session.

ADDITIONAL COSPONSORS OF A RESOLUTION

S. RES. 376

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Texas (Mr. TOWER) be added as cosponsors of Senate Resolution 376, authorizing the Committee on Labor and Public Welfare to study research activities conducted to ascertain the causes and develop cures to eliminate cancer.

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

AUTHORIZING OF A FAMILY ASSISTANCE PLAN—AMENDMENTS

AMENDMENTS NOS. 584 THROUGH 598

Mr. RIBICOFF submitted 15 amendments, intended to be proposed by him, to the bill (H.R. 16311) to authorize a family assistance plan, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

(The remarks of Mr. RIBICOFF when he submitted the amendments appear earlier in the RECORD under the appropriate heading.)

ADDITIONAL STATEMENTS OF SENATORS

STATEMENT BY SENATOR SMITH OF MAINE ON CARSWELL NOMINATION VOTE

Mrs. SMITH of Maine. Mr. President, the April 20, 1970, last week issue of Newsweek magazine, contains an article containing an inaccurate statement about me. I sent a telegram to the editor pointing out the inaccuracy and the source as reported by the Washington office of Newsweek and requested that the magazine publish my telegram.

Without any hesitancy or delay, without any rancor or begrudgment, the magazine at its first opportunity published my telegram in its issue out today—April 27, 1970—on page 4, editing out only the last sentence of my telegram.

I ask unanimous consent that my telegram to Newsweek be printed in the RECORD.

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

APRIL 16, 1970.

KERMIT LANSNER,
Editor, Newsweek Magazine,
New York, N.Y.:

The statement in your Carswell story alleging that the day before the final vote that I told the President I would vote for Judge Carswell is inaccurate. The President was gracious enough to state to me that he would not ask me for a commitment and my response was that I appreciated his refraining from asking me for a commitment because I would not give him one even if he did ask for it. I am sure that your story was written in good faith and your Washington office informs me that the erroneous allegation came from within the White House. I am confident that the President did not make such a false statement. Whoever your White House source was, whether a member of the President's staff or a Newsweek staff member assigned to the White House, did a disservice to the President as well as making the false statement against me. In the sense of fairness and desire for truthfulness and accuracy and with respect to the advertising claims of your publication that you adhere to the facts rather than resorting to opinions in your reporting, I trust that you will publish this telegram in a prominent and appropriate place in a future issue of your publication.

MARGARET CHASE SMITH,
U.S. Senator.

MISSOURI STUDENTS AMONG LEADERS ON ANTIPOLLUTION ACTIVITIES

Mr. SYMINGTON. Mr. President, in 1950, at my suggestion as Chairman of the National Securities Resources Board, President Truman appointed the Materials Policy Commission. That Commission determined that the material essential to life which we would be shortest of by the year 1975 would be clean, fresh water. That is only 5 years from today.

Ten years later, in 1960, I read a book entitled "Land, Wood and Water," written by our colleague, the late Senator Robert Kerr, of Oklahoma; and I later asked Senator Kerr, perhaps the last Senator to be born in a log cabin, "Why did you give it that title?" He replied:

Because my father once told me that if you took care of the land, and the wood, and the water, the rest would take care of itself.

We have in many respects failed in that effort up to this point.

The pollution of our rivers and streams and the contamination of the air are two of the most obvious unwanted byproducts of our materially abundant society. There are many others: the refuse from our dynamic civilization chokes our landscapes, oil slicks blacken our coasts, noise pounds at our ears, congestion threatens to immobilize many of our great urban centers, and our crumbling inner cities crime rates soar and urban stress mounts.

In light of these and other facts it is evident that the control and abatement of all forms of pollution should receive immediate attention as we reorder our national priorities.

Let us pledge that as a people we will do whatever is necessary to restore the quality of our environment. Only in that way can we bequeath to future generations the tools which they will need to meet the challenges of tomorrow.

Students and faculty at schools and universities across Missouri are playing a prominent role in the struggle to restore the quality of our environment.

On December 29 and 30, 1969, students from 36 colleges and 15 high schools from 10 States in the Missouri Basin took time from their Christmas holidays to meet on the Rockhurst College campus in Kansas City during a driving snowstorm to discuss the tragedy of our deteriorating environment. This meeting was part of a nationwide effort sponsored by the Department of the Interior to organize concerned students into a constructive organization called the Student Council on Pollution and Environment, known as SCOPE.

Nine young Department of the Interior ecologists and scientists conducted the informal gathering which laid out activities for the pollution moratoriums scheduled for April. Later, the students elected six of their number to head the newly formed regional organization: Vance Miller of St. Louis University; James Hall of the University of Missouri at Kansas City; Dwain Winters of Wichita State, Wichita Kans.; Dennis McFall, University of Kansas, Lawrence, Kans.; Steve Reeves, a Missourian attending Kansas State College in Man-

hattan, Kans.; and Clifford P. White, a high school student at Belton, Mo.

John N. Rademacher, Regional Director of the Federal Water Pollution Control Administration, praised the students for their concern and dedication:

These students will serve as a direct liaison with the schools in our ten state region and will actively participate in many of our Federal Water Pollution Control Administration projects. They realize that the planet earth is not infinite but finite and that the present rate of population growth and the horrifying escalation of the pollution of our environment and the gobbling up of natural resources which cannot be replaced will result in ultimate disaster. We haven't given them very much as a heritage but the young people of today are determined and can and will do something about the decline of our environment.

SCOPE and other student organizations have been active throughout the early months of 1970 in making Missouri a more healthful place to live. One clean-up campaign sponsored by the Environmental Education Organization at the University of Missouri at Columbia yielded almost 192 tons of garbage.

During the National Environmental Teach-In Week, April 19–25, students at the Columbia campus plan to hold lectures and demonstrations on a wide range of topics including air and water pollution, population control, and the medical effects of pollution. "Earth Week" ceremonies will be highlighted by an address by the distinguished Senator from Maryland (Mr. TYDINGS) on April 20.

The University of Missouri at Kansas City is leading off the environmental observance by acting as host for the Midwestern Conference on the Environment on April 17–18, with 125 colleges and universities from seven States attending. The distinguished Senator from West Virginia (Mr. RANDOLPH), one of the Senate's leading experts on water resource development, will deliver a talk to the group on the second day of the conference. On April 22, Teach-In ceremonies are over planned; and on April 26 the city of Kansas City and the UMKC will jointly sponsor a Kansas City Environmental Rally featuring Dr. Amos Johnson, an authority on the health effects of pollution, and Representative RICHARD BOLLING.

Similar activities are planned on other Missouri campuses.

Students and faculty organizing and participating in these efforts to present the problems of our environment to the public are to be highly commended, and deserve our continued support in their constructive work.

I ask unanimous consent that several news articles concerning these activities and the text of the resolution on pollution passed by "SCOPE" members at the Missouri Basin meeting in December be printed in the RECORD.

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

RESOLUTION ON POLLUTION

(Passed by "SCOPE" Missouri Basin Region, December 29, 1969)

1. Pollution is an interrelated problem—it cannot be approached on a segregated basis.

2. Environmental quality should not be subordinate to the economic profits, but the economic profits should be a subordinate factor of the environmental quality.

3. The burden of responsibility should be placed upon the "individual polluter" and not the public.

4. Laws fixing responsibility for pollution must not be general but specifically placed upon the individual polluters.

5. Further production of the internal combustion engine, as it exists today, to be made illegal by 1975, and other forms of non-pollutant transportation be utilized for mass transportation.

6. More rigid State, local, and federal pollution standards, to become more increasingly rigid.

7. The elimination of, overhead wires, billboards, flashing neon signs, and all other elements which do not enhance the visual environment.

8. Pesticides, herbicides and organic and inorganic chemicals should be more rigidly evaluated and a more stringent control on their use.

9. Environmental action must be geared to the "total world community."

10. Chemical and biological warfare and research on a planetary basis, should be eliminated immediately, by an ecologically acceptable method.

11. The Federal Government through its legislative and executive power call for an immediate halt to the economic concept of planned obsolescence and encouraged waste.

12. "Eighteen years old"—the minimum voting age.

13. Because the "population explosion" is the *major* contributor to the environmental crisis, it is essential that measures are taken to stabilize the population. Then and only then will the efforts for solving the ecological problem succeed.

We request the above resolutions be activated immediately and that this, administration initiate legislation at once to avert disaster because of the flagrant and prodigal abuse of our natural resources and the wholesale pollution of our environment.

We must recognize that the earth is not infinite but finite and we are courting disaster.

[From the Maneater, Feb. 24, 1970]

TEACH-IN SETS CLEAN-UP EFFORT

(By John Seidel)

"Our goal is an educational effort to change the attitudes of people towards their environment," Gary Weinreich, Drake, told about 300 persons at an Environmental Teach-In Committee meeting Saturday in Jesse Auditorium.

"There must be a turn in the tide of public opinion. We want to make every one realize that we are in trouble with our environment," Weinreich, Environmental Action Committee co-ordinator, said.

Several weekend clean-up projects are planned by the committee as part of an activist campaign that will culminate with a national teach-in April 22–27.

Volunteers for a "garbage bag brigade" to clean up several Columbia dumps next Saturday were requested by Pete West, chairman of the Action Subcommittee on Urban and Rural Problems.

The group will meet Saturday at the Stadium before going to four public dumps considered trouble spots by the city sanitation department.

Last weekend 23 volunteers collected 5,000 beer cans from Easley Cave. Reynolds Aluminum and Alcoa have said they will give the committee one-half cent for each aluminum can collected.

Other activities planned by the Action Committee include pollution walks, junk exhibits, and the cleaning of lots for elderly persons and those in poverty areas.

"Only six people were involved with the project when it began last October," said Bob Shotts, off campus, overall coordinator of the Teach-In. "At our last two meetings we've had over 300 in attendance."

The group is divided into eleven committees attempting to coordinate the action of all groups concerned with Boone County environment health in preparing for the April teach-in, said Shotts.

During the Teach-In week, experts on environmental problems will speak. Among the speakers will be Sen. Joseph Tydings (D-Md.), Charlton Ogburn, population expert and Dr. Wolf, industrial hygiene expert from Berkeley, California.

Coordinating the activities of similar campus and local groups across the country is the National Teach-In Committee in Washington, D.C.

Financing problems currently are troubling the University group. An $8,250 budget for activities leading to the national teach-in week has been prepared by the Finance Committee.

Headquarters for the local group are at 223 S. Fifth St. Anyone interested in working with the committee should call 449–8343 or 449–8344.

[From the Columbia Missourian, Mar. 1, 1970]

STUDENTS BRIDGE TROUBLED WATER

(By Dave Marziale)

"Look at the mess," said a volunteer, gazing at the massive pile of garbage beside Hinkson Creek Saturday morning. "The image of our society," another volunteer said.

About 125 persons, mostly students, braved 39 degree weather to try to change that image as the Environmental Teach-In launched a clean-up attack on the littered banks of the creek in the northwest section of Columbia.

A large assortment of trash lined the creek. Volunteers with rakes, shovels and plastic bags retrieved beer cans, old appliances, furniture and other items. One man even collected what he thought to be a kitchen sink.

One worker called the effort the "greatest thing that ever hit Columbia." Another said the idea was to show the community that students can be constructive and serious.

The volunteers piled the garbage on the side of the road where four trucks from the Columbia Public Works Department loaded it and hauled it away. Free soft drinks were provided for the workers.

Bob Shotts, University senior and program coordinator, called the turnout "good." He said the teach-in was only one program of the Environmental Educational Organization. "After this we will be doing things that are a little more meaningful," he said, without elaboration.

Students had various reasons for participating in the clean-up. "If something isn't done pretty soon we're going to be living in our own trash," said Karen Larwill, University junior. Mark Russell, a junior, said, "Ecology is something to believe in."

Some helped in the hope they would find something of value. "Did you find anything good for our room?" one volunteer said to a friend.

"I think it's wonderful," Mayor Herb Jeans said of the effort. "It shows we have a lot of public spirited students. I think they're to be commended for taking a part in community activities."

Gary Novinger, University senior, said some students are planning to turn litterers into the police. "If you turn in their license plate numbers the police will find them and talk to them," Novinger said. "If you turn in the license plate numbers and can identify them they can be prosecuted."

Dan Bergtholdt, a sophomore, had different thoughts. "You can't blame people for this (littering)," he said. "Everybody here has done it at one time or another. We all have to sacrifice a little to keep up nature but I think it will be worth it in the end."

Apparently enough people thought it was worth it, too, because by noon the area was almost completely cleaned up. It seemed amazing but the job was done. The satisfied workers headed back for campus but still fresh in their minds was the memory of the endless pile of garbage that lay only two hours earlier under a sign which read "No Dumping."

[From the Columbia Tribune, Mar. 1, 1970]

HINKSON CLEAN-UP RESULTS IN REAL MESS OF TRASH

"More trash than anyone bargained for" was what an undetermined number of University of Missouri students and faculty members—members of the Environmental Teach-In Committee—found when they cleaned up a stretch of Hinkson Creek yesterday.

The number of them was undetermined because they kept moving and drifted into and out of the area, but estimates were that about 30 participated.

At one time, truck-high heaps of trash covered a gravel road from shoulder to shoulder, waiting to be loaded into trucks.

The trucks—four of them from the city Public Works Department—were manned by employes of the department who had volunteered their Saturday to help with the job.

A spokesman for the committee said the volunteers removed 32 truckloads of trash weighing an estimated 192 tons.

The clean-up involved a stretch of the creek where Mexico Gravel Road crosses the Hinkson northeast of Columbia. The gravel road on which the trucks were loaded joins Mexico Road and parallels the creek.

Two other city employes were at the scene yesterday. One was Mike Sanford, city sanitarian, who offered the students what-ever help he could as a city official.

The other was a Columbia police officer—sent to the scene by a woman who said she resented the temporary closing of the gravel road and reported her resentment to the Police Department. The officer reported to his superiors that traffic could use the road.

The rubbish included tin cans, paper and other easily disposable items tossed aside on the road by a careless public. It alo included items like refrigerators, hot water heaters and other things that required some trouble to throw away, even on a creekbank.

Sanford told The Tribune he had found many clues to the apparent identities of persons who had discarded items along the bank, and hopes to be able to contact those persons.

The Environmental Teach-In Committee was organized to lead a teach-in on April 22 on environmental problems.

Finding the subject too large for one day, however, the committee has expanded the teach-in here to include the whole week of April 20 through 27.

One day will be devoted to each of the following topics: Population, pollution, ecology, local problems and potential action-programs.

The committee cleaned up Easley Cave, a popular student gathering place, on Feb. 14 after finding their original target—Devil's Icebox at Rock Bridge State Park—under snow.

THAT'S VIETNAMIZATION

Mr. SYMINGTON. Mr. President, last April 8 I made a statement on the floor of the Senate about new housing in St. Louis and planned new housing for the military in Saigon. At that time I did not know of an editorial, entitled "That's Vietnamization," published in the St. Louis Post-Dispatch.

In that the editorial presents clearly the point I was trying to make, 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:

THAT'S VIETNAMIZATION

At a time when the United States cannot provide enough housing for its own people, there is a ludicrous aspect to the Pentagon's plans for a large-scale program to provide housing for the families of South Vietnamese soldiers.

The program is needed, Congress is told, to boost the morale of Saigon's troops. We already pay their salaries, and the cost of their equipment and supplies, but they are not happy, and so we are going to build houses for their wives and children, who customarily live with them at base areas. It is hoped this will induce more of them to refrain from deserting.

How successful the housing program will be in improving morale of the troops remains to be seen, but it cannot be expected to do much toward improving the morale of American citizens who, faced by the worst housing shortage since World War II, are finding vacancy rates low and housing costs high. Some Americans are bound to ask themselves how it happens that, unable to afford decent housing for themselves, they can afford to supply it for Southeast Asian troops fighting a civil war that is basically none of our business.

But then, of course, this kind of thing is what Vietnamization is all about. If we are going to shift the war to the backs of the South Vietnamese, who have never been able to win it in 15 years of struggle, we will have to provide bribes and inducements of many kinds, and the housing bonus is only one of them. Interestingly enough the Pentagon's housing program is geared to run for at least five years, which means that it expects to be subsidizing the South Vietnamese army at least into 1975 and probably longer. The American people can have complete confidence, we feel sure, that if by 1975 a housing subsidy will no longer sustain the morale of Saigon's troops some other form of morale-builder will occur to President Thieu, and will be obligingly supplied by the Pentagon.

REASON VERSUS POWER AT THE UNIVERSITY OF MICHIGAN

Mr. GRIFFIN. Mr. President, on April 13, 1970, Vice President AGNEW delivered an address in Des Moines, Iowa, which included some pointed references to the University of Michigan. The Vice President has been criticized in some quarters for quoting "out of context" from a statement by University of Michigan Prof. Gardner Ackley.

The complete text of Professor Ackley's statement, made at a public meeting of University of Michigan faculty, is now available. I ask unanimous consent that the text, preceded by an editor's note, as published in the April 15, 1970, issue of the Detroit News be printed in the RECORD.

Mr. President, in addition I ask that an editorial which appeared in the same issue of the Detroit News be reprinted.

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

[From the Detroit News, Apr. 15, 1970]

POWER SEEN DISPLACING REASON AT U-M

(By Dr. Gardner Ackley)

(EDITOR'S NOTE: Gardner Ackley, distinguished University of Michigan economist, recently made a statement assessing that university to a public meeting of the LSA faculty. Since then, it has been quoted and disquoted in various publications.

While Dr. Ackley prefered that it not be published, he has verified the accuracy of this text. We publish it because it is a carefully reasoned commentary and because it corrects the inaccuracies which have led to debate within and without the University of Michigan.

Dr. Ackley, former chairman of the U. of M. economics department, served as member and chairman of the Council of Economic Advisers under Presidents Kennedy and Johnson. After serving as U.S. ambassador to Italy, Ackley returned to the University of Michigan as Henry Carter Adams University Professor of Economics.)

This has been a tragic year in the life of the University of Michigan—a year that has begun the destruction of this university as a great center of learning—destroyed not so much by outside forces as by the actions of its own faculty and administration.

This conclusion is independent of the current crisis.

We are sometimes told that teaching is a lost art—great teachers are no more. But the University of Michigan has, this year, taught one lesson so inescapably, so clearly, that it will long be remembered.

It is that, however ridiculous or worthy the cause, however miniscule or substantial its support, it will win in proportion to the willingness of its supporters to disrupt the life of the university.

The year began with the bookstore dispute—a more ridiculous issue is hard to imagine. But its supporters were willing to disrupt and destroy. The university was unwilling or unable to resist or punish the destroyers. In the end, the regents backed down and precious resources were allocated to make possible the symbolic saving of pennies by the affluent students who pay for their own books—resources which we now know could have been allocated to a far more vital use.

This was an issue on which an objective, empirical analysis of costs and benefits would have been quite simple and quite revealing. But no one asked for such an analysis and no one volunteered it. No one cared. Rather, the "truth" was more transcendental: it could be heard in the tramp of marching feet and the tinkle of broken glass.

After that, the issues succeeded one another in bewildering variety: Vietnam, ROTC, corporate recruiting, university research, tenants' rights, teaching fellow demands, pollution, university investments, "repression," the Chicago 7, black admissions and support.

Whatever the issue, these lessons were taught and learned:

That violence and disruption either cannot or will not be punished by the university.

That the big lie, loudly proclaimed, can become the truth.

That the desires of the overwhelming majority of students—who only want to learn—and of the overwhelming majority of the faculty—who only want to teach and investigate—count for little or nothing.

And so: the SDS, acknowledged to be dedicated to the destruction of the university, is still, so far as I know, an officially-recognized student organization. So far as I know none of its members has been suspended. Its discipline has been entrusted to the Student Judiciary—which is like asking the Mafia to investigate organized crime.

And so: teaching fellows strike against their students and are not punished but are reappointed. Other students who engage in destruction of university property are retained and reappointed in university employment.

And so: our libraries are vandalized, faculty and administrative files are ransacked and burglarized, faculty members are struck in the performance of their duties. In many cases, the perpetrators are known but have not been punished by the university. The investigation of the attack on Prof. Young has been turned over not to the Administrative Board but to the Student Judiciary. I predict there will be no meaningful investigation and no penalties.

And so: last Wednesday I watched the faculty of my own departments, assembled in the chairman's office, discuss a demand that all classes in our building be shut down, or else. We discussed this while the entrances to the building were sealed, and while the halls outside the room in which we were meeting were patrolled by men carrying pipes and clubs.

We sought guidance from the college and were told: "Do what you think best; you will have no protection." And so we cravenly capitulated, in fear—if not for our own safety—for that of our students and employes.

That day, the truth lay in those clubs.

Today, it lies in those chanting, marching columns. And if there is not truth enough in those, there are still the clubs—and who knows what else?

And so: we will now submit in one way or another to all the demands of the BAM. In so doing, we will admit, explicitly or implicitly, that we are indeed a repressive, racist institution.

But that is still a lie!

And we will go on from there: the path is clear.

The next item? Some of us apparently believe that corporate recruiting in university facilities is wrong and should be suspended.

When I returned to the campus last fall after eight years of absence, I found many changes. Among the most striking was this—that university facilities are now available for anything students want to use them for.

Our auditoriums and meeting rooms are available to promote any cause however absurd, obscene, revolting, or revolutionary. I have been amused to see, all year, a sign on the diagonal advertising the address—in university facilities—of the Anarchist Society.

And this is how it should be, I suppose.

But is it now improper for university facilities to be used by university students to meet prospective employers?

Yes, the new truth says it is and such meetings will soon be banned.

After that, it will be books that a minority dislikes. Then courses, lines of faculty research, faculty appointments, promotions, retention.

My first appointment in this faculty was in 1940—thirty years ago. Since then I have seen much happen at this university. In the mid-1950's—the McCarthy era—I was a department chairman and president of the Michigan chapter of AAUP. More than once I was ashamed of actions—or inaction—by my university.

But I was never so ashamed as I was this morning, at 9 o'clock, and again at 11, when my students came to me to ask why we were not having class.

I didn't know what to tell them.

I still don't. Unless it is this:

There is no reason.

There is only power.

[From the Detroit News, Apr. 15, 1970]

THE ISSUE AT UNIVERSITY OF MICHIGAN—QUALITY VERSUS POWER

It is, perhaps, comforting to know that the words of Agnew, Ackley, Fleming, Milliken and the University of Michigan regents ring with fervent devotion to quality education. But the words of each seem to say different things and the nature of "quality" education must be defined.

University of Michigan economist Gardner Ackley makes a strong case for the role of reason in any university aspiring to quality. Ackley's statement, published on this page, chronicles the events which have threatened to substitute a rule of "pipes and clubs" for the rule of reason at U. of M. Ackley's comments are those of a distinguished scholar whose loyalties to the university and a liberal philosophy are unquestionably sincere.

Yet, this scholar is concerned about the possible "destruction of the university as a center of learning," a destruction seeded by its own faculty and administration following the new "truth" of power.

Prof. Ackley's concern does not begin and end with the Black Action Movement or the so-called quota plan for future black enrollment; his concern is over the series of incidents and "issues" which have caused disruption at the university and have made the overwhelming majority of students and faculty who want to learn and teach "count for little or nothing."

We must conclude that the University of Michigan is being sorely tested to maintain Dr. Ackley's standard of quality.

Vice-President Agnew is concerned about quality, too. He wonders if the university is the proper institution for repairing the deficient preparatory educations of all students wishing to enroll. He wonders if unprepared students are really served by exposing them to the educational shock of university standards. Or, if standards are lowered to accommodate unaqualified students, what service is done to students who are capable and interested in the challenge of higher education?

The concerns are not new. Scholars and educators have voiced them for several years. Now, because the vice-president is quoted, his critics cast the words in racist tones. But the questions raised by the Agnew speech will not disappear; they will insist on answers from our universities. And those answers will preserve or destroy quality education.

U. of M. President Robben Fleming, Gov. Milliken and the U. of M. Board of Regents are concerned about quality in a narrower sense: the immediate issue of the Black Action Movement and the U. of M. commitment to increase black student enrollment to 10 percent from the current 3 percent level. The public issue is whether this commitment furthers or impairs the quality of education at the University of Michigan.

There is reason to be critical of the plan if the university has, as claimed, accepted all the qualified black students that it could and found admissions totaled 3 percent of the student body. It is doubtful if a crash program to increase that percentage to 10 percent by 1972–73 can be accomplished without either a lowering of standards or very extensive compensatory educational programs. The first alternative is, we think, unacceptable and the second alternative forces us to think again, as the vice-president has done about the proper role of universities.

If the regents have not made a maximum effort to recruit qualified black students, the responsibility for racial discrimination is clearly theirs. Its correction would demand, not quotas, but an all-out effort to enroll impartially as many qualified students as the university can accommodate.

The Black Action Movement is a public issue for another reason. Do the student strike and subsequent negotiations and commitment merely reflect the remarkable mediatory powers of President Fleming—or do they suggest, as one more example in the series Ackley describes, Fleming's excessive reliance on mediation even when it is nothing more than capitulation?

Fleming, the mediator, brings to the University of Michigan a rare and valuable ability. But we must ultimately ask ourselves—and our educators and our politicians—if quality can be mediated.

THE SAFE RETURN OF THE APOLLO 13 ASTRONAUTS

Mrs. SMITH of Maine. Mr President I am gratified with the safe return of the astronauts. Our prayers were answered. Americans are tremendously proud of the courage and poise of the astronauts in the face of terrifying prospects.

In some respects, this has been the greatest of all space achievements. What threatened to be tragedy and failure has now been concerted to dramatic and thrilling success.

This illustrates that often out of initial adversity ultimately comes gratifying gain.

Two aspects seem to me to be outstanding. First is the dramatic proof and illustration of American genius to develop a brilliant complex of backup systems designed to meet several contingencies of danger and accidents—and to meet such contingencies with emphasis on the safety and safe return of our astronauts. For that, NASA and its personnel deserve a salute from the American people.

Second is the manner in which this space crisis has dramatically refuted the claims of some that space exploration and achievement have discredited and dealt a fatal blow to religion. The manner in which great numbers of Americans attended special church prayer services for the safe return of the astronauts and many millions of Americans who prayed in and out of church has been inspirational. For that, the American people deserve a salute.

NEEDED: ANOTHER WILL ROGERS

Mr. BELLMON. Mr. President, one of Oklahoma's greatest favorite sons, Will Rogers, was also one of the keenest observers of the American scene, and especially of politics. So incisive were his comments that they are as appropriate today as they were when Will Rogers first started kidding politicians more than 40 years ago.

The April issue of Tulsa, the outstanding publication of the Tulsa Chamber of Commerce, contains an excellent article entitled, "What This Country Needs Is Another Will Rogers," written by Arnold Marquis. It is a most timely article since this is an election year, and I believe that Senators will find it both interesting and enjoyable. Also, it may help to keep us from taking ourselves too seriously.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

WHAT THIS COUNTRY NEEDS IS ANOTHER WILL ROGERS

(By Arnold Marquis)

This is a political year and the politicians are tooling up for the off-year elections. The finger-pointing has started, and the whooping and the wailing.

But beyond the pointing-with-pride and viewing-with-alarm, who will, or who can, call the shots as Will Rogers called them a generation ago?

"Politics is apple-sauce," he grinned. "This country got where it is in spite of politics, and not by the aid of it."

Forty million read Will Rogers' newspaper feature every day. Sixty million listened to his weekly radio commentaries. Additional millions read his magazine articles and his sly, wry books. He was the only political sage this country ever had who could clown in a nightgown, or play a hick before the movie cameras, and yet be a powerful force in national affairs.

Politicians fell over each other trying to get him to say something about them, anything, good or bad.

Coolidge, Hoover and FDR invited him to the White House. Harding sent emissaries to ask him to go easy on him. Wilson came to see him perform five times. Will Rogers kidded him from the stage, and Wilson led the audience in laughing.

"But there's no credit in being a comedian when you have the whole government working for you. All I have to do is report the facts. That's funny enough. I don't even have to exaggerate."

And he rarely did.

"The Party that's out always looks the best. The only difference is that the Democrats want the Republicans to get out and let 'em in, and the Republicans don't want to get out."

From boyhood politics fascinated Will. By 1916 he had begun to specialize in political comment. Every performance was different. But except to theatre-goers he was little known until he got the wider exposure of a weekly newspaper feature in 1922. Then he began to make waves on the political scene.

At first politicians, particularly those he ribbed, down-graded or ignored him. But many a politician woke up to discover that his constituents paid more attention to Will Rogers than to him, or even the Supreme Court.

Before a congressman committed himself on a bill, he found out what Will Rogers thought about it. A word from Will against any bill just about fried it.

Will's weekly newspaper feature had such a following that forums all over the country were clamoring for personal appearances. He quit the Follies and went on tour, and before the end of the first season, his publishers were after him for a daily newspaper feature.

Wearing his shiny double-breasted blue serge suit and his slouch hat, he became a familiar figure on lecture platforms everywhere and especially around Washington.

He liked to shoot the breeze with Senators like William E. Borah, Bob LaFollette, Joe Robinson. Senator Thomas Pryor Gore and Robert L. Owens of Oklahoma, who had known Will's father, "Uncle" Clem, were close friends. Vice President John Nance Garner of Texas, who became vice president in FDR's administration, was a particular friend. Will liked to hang around his office and to drop in at Garner's apartment unannounced, anytime between breakfast and midnight.

When Garner was called a "poker-playing, whiskey drinking, evil old man," Will countered that after thirty years in Washington, Garner, the Speaker of the House, knew more about running of the government than anybody outside the president. But, he added, if you played poker with Jack Garner, you'd get a smile and a drink and a pleasant conversation, but you'd bring nothing away that you could cash in.

He frequently referred to Garner growing pecans on his place in Uvalde, Texas, and said that if you watched him in his Speaker's chair, you could catch him cracking pecans with his gavel.

The two political parties, as such, meant almost nothing to Will. "I don't belong to any organized political party," he said, "I'm a Democrat."

Republicans or Democrats, he played no favorites in lampooning them. He had a particular affection for Hoover.

Hoover, Will said in 1927, was just waiting around between calamities. He called him Doc Hoover, America's family physician, and hoped that they wouldn't spoil him by putting him into politics. But the next year Hoover was elected President, and when Hoover said that the average American should ask the question, "Is the United States a better place to live in because the Republican Party has run the government these last eight years?" Will replied, "I'll bite. Is it?"

Almost any day you could see Will in the Senate gallery, watching the goings-on. And people made it a point to lunch at the Capitol Restaurant so they could see him, usually eating chili. He loved chili. "Give me a good dish of beans. That's all I need."

Politicians who tried to out-smart Will had their hands full. When they couldn't "top" him, they tried to butter him up. They'd send him notes, framing so-called jokes and urging him to say things that would make them look good. But when Will just went his own way, it riled them.

"Who is this comic, Rogers?" they muttered. "What does he know about politics?"

Will pointed out that he'd written or talked about nothing but politics for twenty years. "Can I help it if I've seen enough to know there's some baloney in politics?"

However egocentric a politician was, he walked on eggs where Will Rogers was concerned. The very fact of Will Rogers' presence made him a little more prudent if not less cunning. A politician could never be sure when he sent up a trial balloon that Will Rogers would not shoot it down with some seemingly innocent quip.

For Will Rogers called the turn on everything that concerned "the real bird," the average solid citizen.

"They're introducing a bill in Congress to take the profits out of war. It would be a still better idea if they put in the bill that not only couldn't we make money out of our own wars, but we couldn't make money out of anybody's war."

He supported President Harding's suggestion that in case of war, capital should be drafted the same as men. This, in fact, came as a surprise to Harding, whose attitude toward Will was at best chilly.

When Ziegfeld's Frolics came to Washington, Will got word that President Harding would attend the theater that night. This was a big event in Washington. That night there was also another show in town, a touring company in its second season.

Will was ready with some fresh comments on the news of the administration. Instead of coming to the Frolics, Harding and his party attended the other show. Will could only read it as disapproval.

On occasion Will could say things that got him into trouble. This was one of those nights. With no mention of Harding, he told how he'd joked about Teddy Roosevelt and Woodrow Wilson and how well they had taken it. "The test of a big man is whether he can stand the gaff."

Everyone there knew what Will Rogers meant. It exploded into an "incident."

People took sides. Will took Harding's side, praised him as a warm, human man with the rich qualities of an every-day person.

They had met personally several times before the incident. The President was friendly and gave no hint of any objection to Will's jokes. But Will, sensitive to what Harding might feel, had said, "Mr. President, I don't want you to think that I am picking on you. You know I told some pretty tough ones on the Democrats when they were in. In fact, I think I told funnier ones on the Democrats because they were doing funnier things."

On taxes, Will Rogers summed it up in a line: "It ain't taxes that's hurting this country. It's interest."

The talk around Washington then, as now, was on the cost of government, and how to raise the money.

"Where is all the money coming from that the government's throwing away? Well, I don't know, but it sorta looks like it's coming from those that have got it." The Republicans he said, couldn't tax the big incomes because they hadn't got their next year's budget yet, and the Democrats couldn't do it because they still owed for their last three elections.

Also then, as now, the issue was not only taxes, but also demonstrations.

"A bunch of Bobbed Haired men gathered in Madison Square Garden last Sunday at a meeting of these Red, or Bolsheviki, or whatever they call themselves. It was one of their denouncement meetings. They denounced the heavy snow, Declaration of Independence, the five-cent street car fare, floods in Georgia, Mayor Hylan's bathing suit, twin beds, and the eclipse.

"Now some say that things like this shouldn't be allowed. It is just like an exhaust on an automobile."

Coolidge was president. When he announced that his policy would be common sense, Will observed that common sense was not an issue in politics, it was an affliction.

Will got himself in trouble with Coolidge in 1928 when he emceed a radio program with Fred Stone, Al Jolson and Paul Whiteman. Near the end of the program he said he wanted to introduce a friend of his. Then, imitating Coolidge's New England nasal twang, he said, "Friends, I am proud to report that the country as a whole is prosperous. I don't mean by that that the whole country is prosperous, but as a hole it is prosperous. A hole is not supposed to be prosperous, and you are certainly in a hole."

A lot of people thought it was Coolidge. Many were furious. Coolidge himself was angry, but took it in stride and later that year invited Will overnight to the White House. They laughed about the incident. Mrs. Coolidge said that she could imitate Cal better than Will could and Will said yes but look what she had had to go through to learn it.

Will had a high regard for Coolidge. He called him the shrewdest little red-head ever to come down the pike.

In 1928, when Coolidge did not choose to run and Al Smith was gunning for the Democratic nomination, Will told Smith he didn't have a prayer against the Republicans. He advised him to wait until 1932 when he'd be a cinch.

Will attended every national convention, 1920 to 1932.

"They're clambakes, glorified Mickey Mouse cartoons. If they ever took a sanity test at a political convention, 98% would be removed to an asylum."

Simeon Fess was the keynoter in the 1928 GOP convention. After the address, Will summed up what the Republicans were responsible for: radio, telephone, baths, autos, savings accounts, law enforcment, workmen living in houses, and a living wage for Senators. And he reminded the Democrats that the Republicans were holding them responsible for war, pestilence, debt, disease, bo weevils, gold teeth, need of farm relief, suspenders, floods and famines.

While the politicians were boasting about the booming prosperity, Will was warning the nation about the teetering economy.

"Mr. Coolidge," he asked, "What are we doing to warrant this good luck more than

any other nation? How long is this going to last? Our good fortune can't possibly last any longer than our natural resources."

Hoover had been in less than eight months when the market crashed.

"Hoover means well, but it looks like he's been misadvised. Look how he went and let Niagara Falls cave in. They never caved in under Coolidge."

In 1932 the outlook for Hoover was dismal. The Democrats nominated Franklin Delano Roosevelt, and when he came campaigning to Los Angeles and the Republican mayor refused to introduce him, Will did it.

"Now I don't want you to think I am overawed in introducing you, Franklin. I'm not. This introduction may not be logical or flowery, but you must remember, you're only a candidate. Come back as President and I'll do better by you. I'm wasting no oratory on a prospect."

Roosevelt roared with laughter and so did the audience. But that was the last of the levity in the campaign. The acrimony disgusted Will. To him it was incredible that two fine men could stoop to such slander for any office.

"Both of you boys," he urged "should go fishing and come back after the election."

That is what Will himself did. He went to South America. When Hoover was swept out of office, Will consoled him:

"It wasn't you, Mr. President. The people just wanted to buy something new. So cheer up. You don't know how lucky you are."

Will had some advice for FDR, too.

"Kid congress. Don't scold 'em.

"Keep off the radio till you got something to say, if it's a year.

"If some one comes running to you telling what Wall Street was doing that day, tell him, 'Wall Street? Why, there are 115 million in this country that don't know if Wall Street is a thoroughfare or a new mouth wash'."

At this same time Will was making three pictures a year in Hollywood, and spending most of the time between in Washington. He called the administration the Capitol Comedy Company of Washington.

"Hollywood turns out movies for 110 million people they never saw, or know anything about, and the Capitol Comedy Company of Washington turns out laws for the people they never saw, or know anything about.

"In Hollywood we have gag-men to add something to make it funnier, or to change the whole thing around.

"In Washington, Congress is made up of the best and highest paid gag-men anywhere. They put in so many gags or amendments that the author doesn't know his own story.

"The Capitol Comedy Company of Washington has never made a failure. Everyone is 100% glad or 100% sad.

It was inevitable that politicians would try to draft him personally for office. They pushed him for Governor of Oklahoma, Senator for California, and several times for President.

Two Arizona delegates boomed him for the Presidential nomination in 1924. In 1928, in a tie-up with the humor magazine, Life, he "entered" the Presidential race as the candidate of the Anti-Bunk Party. He conducted his campaign by writing campaign promises and oratory for the magazine.

"We will not only give the farmer relief, we will cure him of being a farmer."

The public went along with the gag, laughed at his sallies about the "opposition" and the mess in Washington. Just the same, there was a deep undercurrent that what America needed indeed, was a Will Rogers for President. And as the depression worsened, a movement took form to draft him.

New York's flamboyant Mayor Jimmy Walker organized a Rogers-for-President transcontinental motor tour. In Hollywood wearing cowboy boots and waving a brand new Stetson. Jimmy started the motor caravan of high-powered sports cars on the cross-country junket to New York. Kissel Kars, Dusenbergs and Marmons, all lettered with signs proclaiming Will Rogers for President, roared eastward for Palm Springs, the first stop, 125 miles distant.

Newsreel cameramen, photographers, reporters, thoughtfully inspired by Jimmy Walker, caught the action, but it did not pass unnoticed that Jimmy Walker was having some political troubles of his own in New York at the time, and that ostensibly he was in California to free Tom Mooney, then in prison for the bombing of the Los Angeles Times building.

Other political bigwigs climbed on the Rogers bandwagon, Governor Wilbur L. Cross of Connecticut, Ex-Governor Jim Ferguson of Texas, Senator Samuel Shortridge of California, and Mayor Joshua Bullitt of Philadelphia who said, "I'd vote for Will Rogers quicker than for any man I know—of any party."

Will Rogers would have none of it, but Colliers, then an influential magazine, declared that notwithstanding Will Rogers' insistence that he was not a candidate, he really was.

Will's response was quick.

"If you hear of anybody proposing my name for any political office, please maim him and send me the bill. I not only don't choose to run, I won't run."

Even this didn't stop it.

In the 1932 Democratic national convention in Chicago, while the delegates whooped it up, parading up and down the aisles with placards and banners, brass bands blaring and bass-drummers hammering out the beat, Will pulled his hat down over his eyes, slumped in his seat in the press box and went to sleep.

Some time later, somebody woke him up and told him that Alfalfa Bill Murray, the former governor of Oklahoma, had placed his name in nomination, and that twenty-two delegates had pledged their votes to send him to the White House.

Will pulled his hat down over his face again and went back to sleep.

"When I waked up, my twenty-two votes were gone. But—I was sure grateful for their staunch and unwavering support for me during that entire fifteen minutes.

"It just goes to show—politics ain't on the level."

Will Rogers, where are you?

OCEANIC AND ATMOSPHERIC PROGRAMS

Mr. HOLLINGS. Mr. President, nearly 15 months have passed since the most thorough report on our Nation's oceanic and atmospheric interests was made to the President and to the Congress. "Our Nation and the Sea," the report of the Stratton Commission, strongly recommended creation of a National Oceanic and Atmospheric Agency as the best way to organize the Federal oceanic effort. Twelve months have passed since the President appointed his Advisory Council on Executive Organization, and 11 months since that Council was given a specific mandate to make recommendations regarding oceanic organization. The Council was supposed to have made its final report to the President on April 15, but we have learned that they probably will not report for another 10 days.

As stated by Mr. William Connelly in the April 3 issue of Science:

Despite growing pressure for stronger Federal ocean programs, the Nixon administration has been as slow as its predecessors in giving attention to oceanography.

The three preceding administrations engaged equally in executive foot dragging, Mr. President, and were it not for the leadership of the Senator from Washington (Mr. MAGNUSON) and the Senator from New Hampshire (Mr. COTTON) over the last 10 years, and of Representatives LENNON and MOSHER in the House of Representatives, we would not be as advanced as we fortunately are.

Mr. Connelly has written an excellent article that fairly represents what is happening to our Nation's oceanic and atmospheric programs. I commend Mr. Connelly's article to the Senate and ask unanimous consent that it be printed in the RECORD.

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

OCEANOGRAPHY: A "WET NASA," WILL NIXON TAKE THE PLUNGE?

(By William Connelly)

NOTE.—William Connelly is the Washington correspondent for the Winston-Salem, N.C., Journal and Sentinel and has been covering the NOAA dispute on Capitol Hill.

Despite growing pressure for stronger federal oceans programs, the Nixon Administration has been as slow as its predecessors in giving attention to oceanography. Most of the pressure has come from Congress, where support is building for creation of the proposed National Oceanic and Atmospheric Agency (NOAA).

The Administration's reluctance to take a firm position on NOAA, or to offer a strong alternative, is causing intense irritation among oceanography's friends in Congress. Senator Ernest F. Hollings (D–S.C.) reflected the impatient mood when he complained in a floor speech on 5 March, "President Nixon treats oceanography with slightly more dignity than the Board of Tea Tasters."

Not all the oceanography promoters on Capitol Hill express their displeasure as bluntly or as colorfully as Hollings, the chairman of the Senate Commerce Committee's new oceanography subcommittee. But there is growing, bipartisan discontent over the Administration's apparent lack of interest in reorganizing the nation's civilian ocean activities.

STRATTON COMMISSION PROPOSAL

Creation of a NOAA (usually called "Noah") was recommended on 9 January 1969 by the Commission on Marine Science, Engineering and Resources, a 15-member panel authorized by Congress in 1966 and appointed by President Johnson. The commission chairman was Julius A. Stratton, former president of the Massachusetts Institute of Technology and board chairman of the Ford Foundation.

In a report widely praised in the oceanographic community, the Stratton Commission made 126 recommendations for strengthening the federal government's role in exploring, protecting, and developing ocean and Great Lakes resources. It proposed NOAA as a means of providing focus and coordinated leadership for federal ocean programs, which now are scattered through 22 separate agencies.

The hope was that a NOAA could establish a coherent national policy for the oceans and achieve greater efficiency by eliminating duplication and wasteful competition. More important, perhaps, many advocates of a single agency saw it as a sort of "wet NASA" that might dramatize and promote oceanography in much the same manner as the National

Aeronautics and Space Administration promotes space exploration. At present, no single agency can speak for oceanography in soliciting public and congressional support.

To form NOAA, the Stratton Commission proposed taking the Coast Guard from the Transportation Department, the Environmental Science Services Administration from the Commerce Department, the bureaus of Commercial and Sport Fisheries from the Interior Department, and the National Sea Grant program from the National Science Foundation. With these and some smaller organizations, NOAA would absorb, in all, 55,000 employees, 320 ships, and 38 laboratories. The agencies to be absorbed have annual budgets totaling some $800 million. (The National Council on Marine Resources estimates federal spending exclusively for marine sciences in fiscal 1970 at $514.3 million; of this, $239 million is going to the Navy's military oceanography. Other estimates vary, depending on what is defined as an oceanography expenditure. But since a NOAA would assume the total budgets of its component agencies, ocean-related or not, the $800 million figure is pertinent here.)

When the Nixon Administration took office on 20 January 1969, it found the freshly printed Stratton Commission report awaiting action. It also found stiff opposition to the NOAA proposal from departments and agencies that would lose ocean programs to a new agency. The Interior Department, in particular, felt that it should be the new lead agency in the event of a reorganization. With more pressing problems to attack, the new Administration sidestepped a bureaucratic quarrel by consigning the NOAA idea to a study and evaluation by the President's Advisory Council on Executive Organization, headed by Roy L. Ash, the president of Litton Industries.

After many postponements, the Ash Council is now scheduled to make its recommendation to the President by 15 April. No Presidential decision is expected before June, if then. But it is common knowledge that the Ash Council is leaning toward a plan that would put the major ocean agencies—exclusive of the Coast Guard—into an expanded Interior Department. The new department, to be renamed the Department of Environmental Affairs or the Department of Natural Resources, would have responsibility for a wide range of environmental programs.

Another study of the NOAA plan by the President's task force on oceanography, headed by James H. Wakelin, Jr., a former assistant secretary of the Navy, resulted in a recommendation for what is derisively called a "mini-NOAA"—an agency to include only the Sea Grant Program, the National Oceanographic Data Center, and the Oceanographic Instrumentation Center. (The latter two are interagency services run largely by the Navy.)

BACKING FOR NOAA

Meanwhile, congressional support for NOAA appears to be growing. Representative Alton Lennon (D–N.C.), chairman of the House Oceanography Subcommittee, held hearings on the Stratton Commission report over a period of months, compiling a record of support for NOAA from academic oceanographers, sea-related industries, coastal-state governors, and others. The only prominent opposition witnesses were from the Administration. The hearing record is roughly the same in the Senate subcommittee, which heard witnesses periodically from December through early March.

Lennon's House subcommittee approved the NOAA bill in January and sent it to the full Merchant Marine and Fisheries Committee, which is expected to pass it soon. The Senate Commerce Committee also is expected to act favorably. Among the advocates of a NOAA is the Senate committee chairman, Warren G. Magnuson (D–Wash.), long regarded as oceanography's leading promoter in Congress.

As the Senate subcommittee hearings concluded, the impatience of the NOAA supporters became increasingly apparent. They dislike the Administration's plan for an expanded Interior Department and are discouraged because no alternative plan has been offered.

Interior Department spokesmen contend, however, that it would be illogical to create a separate ocean agency if Interior is to retain primary responsibility for protecting and developing the nation's resources. They argue that such resource problems as water pollution, estuary protection, mining, oil drilling, and recreation—all current responsibilities of Interior—do not stop at the water's edge. They insist that the agency charged with protecting the environment must have in-house capability on both land and water. Moreover, they contend that ocean programs could get stronger congressional support and attract more competent personnel if they were operated by a large and experienced department. Interior already is the largest civilian ocean agency, with a budget of about $78 million for sea-related activities in the current fiscal year.

But supporters of NOAA fear that ocean programs might get even less attention if they were submerged in a big department and left to compete for the Secretary's favor. They complain that Interior is too "land-oriented." Representative Lennon contended in an interview that Interior had often neglected its oceanography mission until it saw the current opportunity for expansion. "Why have they suddenly become interested in this field?" Lennon asked. "Because they want to increase their prestige and their responsibility. They want to be the biggest department, and they certainly don't want to give up any functions they now have."

Ironically, it was the Secretary of the Interior, Walter J. Hickel, who provided the strongest ammunition for NOAA advocates during the Senate hearings. Hickel admitted under questioning that he had not read the Stratton Commission report. He also rankled some oceanography supporters by referring to Project Tektite, the Caribbean undersea-living experiment, as "Textite." The Secretary's performance later drew this scathing attack from Hollings in his Senate speech of 5 March.

"He is the Secretary who soon after assuming his office 'recognized a need within the department to forge ahead with imaginative new marine programs.' Accordingly, he added the words 'marine affairs' to his Assistant Fish Secretary and hired three female secretaries. . . . He is the Secretary who opposed NOAA because you couldn't get competent personnel in an independent agency, yet he wasn't competent enough to get his Fisheries budget through the Bureau of the Budget without a 14 per cent cut this year. . . . The Department's [total] marine sciences budget was cut $2.5 million. The Bureau of Commercial Fisheries in his department has been politicized to the point that one of our witnesses stated that the Bureau's morale is at an all-time low. . . . In spite of [Interior's] failure to bring [the Santa Barbara oil spill] under control, this is the department that continues to license oil drilling in the same area."

Hickel was not alone in his failure to read the Stratton Commission's massive report, "Our Nation and the Sea." As Hollings' hearings proceeded, the same admission was made by the Secretary of the Navy, John H. Chafee; the Secretary of Transportation, John Volpe; and the President's science adviser, Lee A. DuBridge. It was a stunning reminder to oceanography boosters that their most elementary problem is getting someone to listen. Is the Administration interested? Its spokesmen say that it is, that the NOAA proposal is under intensive study, that substantive recommendations will be made soon.

Yet the full Council on Marine Resources, a coordinating group headed by Vice President Agnew and including the head of each department with ocean-related duties, has not met since last May—and has met only twice in the course of this Administration. The council's work has been carried on by the staff and by a second-level committee. Moreover, the Administration did not request funds to continue the council's existence past its 30 June expiration date until 12 March—7 days after Hollings had complained that the council was going to be scrapped. The council's highly regarded executive secretary, Edward Wenk, resigned late last year to take a post at the University of Washington and has not been replaced.

Although the Stratton Commission report is almost 15 months old, the Administration has taken only one formal action on it—on 19 October, when the council announced support of five proposals: (i) cooperation with the states in creating Coastal Zone Management programs; (ii) establishment of more Coastal Zone laboratories; (iii) Great Lakes restoration projects; (iv) U.S. participation in the International Decade of Ocean Exploration, beginning this year; and (v) Arctic environmental research.

Congressional supporters of the NOAA bill had hoped the Administration would announce more marine science plans in the President's message of 10 February on the environment. But the President merely noted, in what seemed like almost an afterthought, that the Ash Council was still at work.

Since that disappointment, there has been growing sentiment within the Lennon and Hollings subcommittees for trying to push NOAA legislation through Congress and dump it on the President's desk. It would not be the first time Congress had taken the initiative in marine affairs. In 1966, Lennon and Magnuson guided to passage bills that created the Cabinet-level Marine Science Council and authorized formation of the Stratton Commission. At the time the Johnson Administration opposed both proposals. Many coastal-state legislators now fear that there will be no meaningful reorganization of oceanographic activities unless Congress again forces the issue.

For the present, however, the congressional maneuvers and rhetoric seem designed primarily to pressure the Administration into a compromise. The advocates of a NOAA would definitely accept something less, provided the new plan enhanced the status of oceanography and permitted central management. Hollings and others even concede that the nation eventually will need a major department on evnironmental matters, including the ocean agencies. But they reject the Ash Council's concept of such a department, fearing that the council's emphasis is on holding down budget requests rather than on planning for a strong national ocean program.

In any case, NOAA backers insist that their single-agency proposal would also serve the cause of economy. They say a NOAA would initially require only slightly more than the $800 million a year the component agencies are now spending. The Stratton Commission recommended a $2 billion annual budget for NOAA by 1980, assuming creation of the suggested programs and an annual growth rate of 7 percent. But this is now generally considered an unlikely goal, in view of budget prospects. Advocates of the single agency argue that its major immediate contribution would be improved management, which would enable the nation to get more from its limited funds for oceanography. For example, a NOAA might bring about greater sharing of ships, data buoys, and other equipment.

The budget squeeze came as oceanographers were on the verge of unprecedented opportunities to develop and use new undersea technology, to replace ships of World War II vintage, and to launch ambitious

new research efforts. "In developing technology, we are now—by comparison—roughly where the development of the airplane was in 1910 or 1915," said H. Crane Miller, counsel for Hollings' subcommittee and a former Stratton Commission staff member. The funding of ocean programs increased dramatically in the middle 1960's, but the level of support has virtually frozen. For example, the annual growth rate of academic marine science programs funded by the National Science Foundation and the Office of Naval Research was 7.3 percent from 1963 to 1966 but declined to 2.2 percent from 1966 to 1968, not even covering rising costs.

The Navy, with a marine science budget of some $239 million this year, continues to dominate U.S. oceanography. But even the Navy's funds are down by $24 million from last year, requiring deactivation of some research ships and postponement of new projects. "We have had our share of the cuts, but only our fair share," said Rear Admiral O. D. Waters, Jr., the Oceanographer of the Navy. "We have had to slow down, but nothing vital has been dropped." The Administration's request for fiscal 1971, however, would cut the Navy programs by another $19 million and increase the civilian oceanography budget by $40 million.

The Navy cooperates extensively with civilian ocean agencies, especially through the Instrumentation Center. For example, Navy data on water temperature is fed to the Bureau of Commercial Fisheries to guide fishing vessels to favorable waters. But, as Admiral Waters points out, "it is only happenstance, really, when our programs benefit the civilian sector. . . . Our purpose is always military."

On the NOAA proposal, the Navy has taken no formal position except to request that, whatever is done, the Coast Guard retain its semimilitary role. It is known, however, that many Navy oceanographers are unenthusiastic about a NOAA, viewing it as a potentially serious competitor for money and programs.

If effectively promoted, civilian oceanography could indeed win formidable support in Congress. There are, after all 30 coastal and Great Lakes states with a direct interest, and the nation is increasingly resource-conscious. In hopes of tapping this potential support, oceanography lobbying groups and newsletters are proliferating. For example, the Washington-based National Oceanography Association added 700 new corporate and individual members in 1969, for a total of 2100. (In a poll, the membership heavily favored creation of a NOAA.) Sea-related industries are badly in need of new federal initiatives in developing technology.

Should civilian oceanography develop its own effective lobby, the marine science programs might be more than able to hold their own in a new Department of Environmental Affairs. Even NOAA champions such as Lennon and Hollings concede that such a department makes sense. But they contend that a single ocean agency is needed first, to reorganize existing programs, establish goals, and attract the necessary public and congressional support.

AMERICAN ASSEMBLY ON ARMS LIMITATION

Mr. CASE. Mr. President, early this month a group of Americans meeting under the aegis of the American Assembly in New York State produced a generally agreed document of great interest to the debate about American strategic weapons policy and the strategic arms limitation talks that began yesterday in Vienna.

This document, very much in line with Senate Resolution 211, which the Senate passed recently by a vote of 72 to 6, calls on the President of the United States to propose "on a reciprocal basis an immediate interim halt in the deployment of strategic offensive and defensive weapons of the tests of multiple warheads."

Additionally, this group of especially well-informed fellow citizens asked the President to defer for 6 months the impending deployment of American multiple warheads or MIRV's.

Their reason was that uniquely favorable strategic and political conditions exist at the present for such a move. They feared that unless the United States and, of course, the Soviet Union, seized this opportunity, the success of the SALT talks could be jeopardized. And I would add my own view that the failure of the arms limitation talks would be a serious setback in our search for a more stable world.

The American Assembly, as many of us will recall, was established by Dwight Eisenhower at Columbia University in 1950. It is a nonpartisan organization dedicated to providing information, stimulating discussion, and evoking independent conclusions on matters of vital public interest.

I ask unanimous consent that this thoughtful effort be printed in the RECORD.

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

THE AMERICAN ASSEMBLY ON ARMS LIMITATION

These pages contain the views of a group of Americans who met March 31-April 2, 1970, at Arden House, Harriman, New York, to consider the outlook for arms limitation. The meeting was held with immediate and timely reference to the Strategic Arms Limitation Talks, scheduled to resume in Vienna, April 16. Reference was also made to the broader problem of slowing down the arms race and to the effect of military expenditures on national resources.

The meeting was held under the auspices of The American Assembly of Columbia University, which regularly convenes for the purpose of focusing attention on issues of public importance. The recommendations of this Assembly were adopted in the plenary session of April 2, after two previous days of discussions as a committee of the whole. (Because of the urgency of the topic, standard American Assembly procedures were modified somewhat for the occasion, and the number of participants was reduced accordingly. Many had taken part in earlier American Assembly programs on arms: Arms Control, 1969, and Nuclear Weapons, 1966.)

Adrian S. Fisher, dean of the Georgetown Law School and former deputy director of the U.S. Control and Disarmament Agency, prepared a background paper as the basis of discussion.

As a non-partisan educational institution The American Assembly takes no official stand on the opinions herein, which belong to the participants in their private capacities. They represented themselves and not necessarily the institutions or persons with whom they are associated. (Clifford C. Nelson, President, The American Assembly)

FINAL REPORT OF THE AMERICAN ASSEMBLY ON ARMS LIMITATION—1970

(At the close of their discussions the participants in The American Assembly on Arms Limitation—1970, reviewed as a group the following statement. Although it represents general agreement, no one was asked to sign it, and it should not be assumed that every participant necessarily subscribes to every recommendation.)

We call upon the President of the United States to propose to the Soviet Union, on a reciprocal basis, an immediate interim halt in the deployment of strategic offensive and defensive weapons and of tests of multiple warheads. To give this proposal a chance of success, we ask the President to defer for six months the impending deployment of Multiple Independently Targetable Re-Entry Vehicles (MIRVs).

The Strategic Arms Limitation Talks are resuming in Vienna at a time when mankind has a unique opportunity to end the nuclear arms race. At present there exists a roughly equal and relatively stable nuclear balance between the U.S. and the U.S.S.R. A rare coincidence of favorable political and strategic conditions provides a real but fleeting opportunity for agreement between the U.S. and the U.S.S.R. to halt the arms race in both quantity and quality of weapons, and then to diminish the threat to mankind posed by existing weapons. Whether agreement can be reached we do not know, but wisdom and common sense require every plausible effort to exploit the present promise.

This opportunity will be put in jeopardy if the U.S. soon deploys Multiple Independently Targetable Re-Entry Vehicles (MIRVs), or proceeds with plans for a modified Phase II Safeguard Anti-Ballistic Missile (ABM), or if the Soviet Union extensively tests large ICBMs (SS–9) with multiple warheads (which may not themselves be independently targetable but may well be steps in the development of a Soviet multiple independently targetable delivery system).

The introduction of MIRVs into the present nuclear relationship would have the initial effect of substantially increasing the number of deliverable nuclear warheads available to each side. MIRV program will take on new dimensions as missile accuracy increases. When this occurs, it becomes possible for one side *if it strikes first* with missiles armed with MIRVs to take out more than one missile site with a single attacking missile. The obverse of this frightening coin is that each side may fear that, *unless it strikes first*, the MIRVed missiles of the other side may be able substantially to eliminate its own land-based ICBM force, with the other side still having substantial ICBM force left in reserve.

New and worrisome uncertainties would enter the strategic calculations. For example, Secretary Laird has testified that 420 Soviet SS–9s with three warheads of five megatons each and an accuracy of one quarter of a mile could eliminate all but 50 of our Minutemen. Similar calculations by the Soviet Union would show that if the U.S. were to MIRV its Minutemen with three warheads, with yields approximating a quarter of a megaton each and having an accuracy of one-tenth of a mile, it could by using 580 Minutemen, eliminate all but 70 or so of the Soviet missile force.

Whatever their validity such calculations make it clear that both sides would feel more secure if neither one had a MIRV. The U.S. plan to *deploy* MIRVed Minuteman III in June of this year, within two months after the beginning of the talks, may well close the door on this possibility. Although the generation of MIRVs which would be deployed would not be capable of a first strike, this step would cast serious doubts on our seriousness in pursuing SALT. This would present the U.S.S.R. with a *fait accompli*. One of the most important things that the SALT talks could accomplish is to prevent the deployment of MIRVs. This opportunity should not be lost.

We in the American Assembly therefore call on the President to postpone this deployment for six months. Such deployment at this time would not contribute to our security. Far from improving our bargaining strength at SALT proceeding with that deployment would make negotiations more difficult, and would invite the Soviet Union in turn to present us with *faits accomplis*. No harm can result to our strategic posture by such delay, which will involve only a handful of land-based missiles in a MIRV program that is already being widely questioned as unnecessary, wasteful, and certainly premature, since the large Soviet ABM program it was designed to penetrate does not exist.

We also suggest that current U.S. and Soviet testing of multiple warheads complicates the political and strategic climate on which these negotiations depend. We urge mutual restraint in this regard.

We also urge postponement in implementing the proposed modified Phase II of the Safeguard System. The argument that going ahead with this program would strengthen our bargaining position at Vienna is not persuasive; authorizing armaments so that they can be included in a disarmament program soon reaches the point of diminishing returns. If both sides play this game, SALT will result in an increase in the arms race. Going ahead with modified Phase II Safeguards so soon after Phase I had been made a separate program would belie the promise and deliberate consideration upon which that separation was in part based. It would more likely give the Soviets the impression that the U.S. was determined to push the complete Safeguards program to a finish, come what may. This would make success in SALT less rather than more likely.

These measures of restraint will give our negotiators a chance. But the negotiations of a treaty at the SALT talks will be difficult and complex and may take years. To keep the present opportunity from eroding during this period, an interim halt is necessary to prevent any substantial changes in the rough strategic balance which now makes such an agreement possible.

We therefore urge the President of the Soviet Union, *on a reciprocal basis*, an immediate two-year suspension of the deployment of strategic offensive and defensive weapons and of the tests of multiple warheads. Specifically we propose that during this two-year period interim halt there would be:

1. No testing of any multiple warheads, whether MRV or MIRV;
2. No deployment of multiple warheads;
3. No new deployment of land-based intercontinental ballistic missiles;
4. No construction of Anti-Ballistic Missile radars or deployment of anti-ballistic missile interceptors;
5. No new "starts" on constructing submarines for launching ballistic missiles.

In such an interim agreement we see no necessity for limits on air defenses or on new bomber construction because developments in these areas do not carry an immediate potential for upsetting the present strategic balance.

The short term of the agreement and its comprehensive quality would simplify the requirement for inspection. From the standpoint of the U.S. security, compliance with these provisions can be adequately determined by national means of verification. In particular, the halt in Soviet buildup of ICBMs and SLBMs, including the SS–9, could be verified. With regard to the restrictions on multiple warhead testing, however, to enhance confidence during the interim halt, an understanding that missile tests will be preannounced and restricted to designated areas may be desirable.

The restraints that we propose and an agreed interim halt would create an environment of stability and mutual confidence. In such an improved climate more lasting agreements, taking account of new technological and political developments, could be achieved.

We have not attempted to blueprint the details of a more permanent agreement; planning for it should take account of what is learned during the interim halt. Some of the major issues which would need to be taken into account during the negotiations of a treaty are:

1. *ABM levels*. A key question appears to be whether some level of ABMs is necessary for the U.S. in light of the developing Chinese nuclear capability. We believe that an area ABM is not vital to protecting U.S. interests in Asia and that we should be prepared to accept a mutually agreed zero ABM level if it improves the prospects for obtaining an effective agreement with the Soviet Union. Without an ABM, deterrence is as effective against China as against others; and a Safeguard system designed for area defense against the Chinese may, in the eyes of Soviet planners, pose a threat to their deterrent.

2. *Control on Missile Testing*. A ban on MIRVs would require a prohibition on all multiple warhead tests and limits on a number and location of all missile tests. We believe that such controls would be feasible and desirable.

3. *Reduction*. We believe that the U.S. should seek agreement on reduction in numbers of strategic systems. In particular the U.S. should consider proposing the phasing out of fixed land-based missiles which will become increasingly vulnerable even if MIRVs are banned.

Depending on how these and related issues are resolved, a whole range of agreements is possible. One type of agreement which most of us would favor would seek to freeze the existing situation by banning MIRVs and ABMs. A second type would concentrate on banning ABMs and phasing out fixed land-based missiles if it does not prove possible to ban MIRVs. A third type would focus on freezing numbers of offensive missiles and limiting ABMs if it is not possible to ban MIRVs and if the judgment is reached that an area ABM against China is needed. On our current understanding of the issues most of us favored the first type of agreement.

We believe that the initiatives and agreements we propose will enhance U.S. security by improving the prospects for peace. These efforts can also lead to the wise and prudent use of our national resources. The expenditures thus avoided would amount to at least several billion dollars a year in the short run and much more in the long run if the U.S. and U.S.S.R. enter into a new and costlier phase of the arms race. The SALT talks, and the clearer assessment of our real security requirements which may result from those talks, may prevent these expenditures. More of our resources can then be devoted to human needs, both at home and abroad. This is an important aspect of our national security. Unless urgent social needs are met, our national security may be progressively undermined, not by external threats but by failure to meet internal and justifiable social needs.

The negotiation of a treaty to end the arms race will involve many complex technical details. But the overriding considerations are not technical; they are deeply political. They require a fresh and clear reassessment of the fundamentals of U.S. security.

We must recognize that it is at least as dangerous to focus on "worst cases" as it is to overlook significant threats to our deterrent. If one proceeds from the most pessimistic view of U.S. capabilities, and the most generous view of the Soviet capabilities, one arrives at a U.S. second-strike posture that may look to the Soviets so much like a first-strike posture that they will be inclined to increase their own forces, thereby continuing the arms race and increasing the danger of nuclear war. In fact, the proper test for the adequacy of U.S. nuclear retaliatory power is not the U.S. worst estimate of its effectiveness, but the Soviet estimate of the damage it would suffer in a nuclear exchange. That estimate will not be based on assumptions that take the Soviet performance at its best possible level and the U.S. performance at its worst. If we arm against a "parade of imaginary horribles" on the part of an adversary, the adversary will do the same, and we will have devised a sure prescription for a dangerous and wasteful arms race.

We have made this mistake in the past, from a misdirected sense of caution. In the interests of our own security we must not make this mistake again. We must end the nuclear arms race.

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FIVE STATEMENTS ON ARMS CONTROL

Mr. CASE. Mr. President, I also draw the Senate's attention to five remarkable statements made before the Subcommittee on Arms Control, International Law and Organization of the Foreign Relations Committee, which has been holding hearings on America's strategic weapons policy in relation to the strategic arms limitation talks and our national security.

These statements seem to me to be unusual in their clarity, rigorous logic, and insight into one of the greatest issues of our time; the maintenance of American security through arms control. I believe they deserve our most thoughtful attention.

Of course, the views that these gentlemen hold are not the only ones the subcommittee intends to hear. The case for the expansion of the Safeguard ABM and the deployment of multiple warheads also deserves close study. We hope that the bashfulness of the Defense Department will not interfere with our hearing that side of the issue.

I ask unanimous consent that the statements of Mr. McGeorge Bundy, Dr. Herbert F. York, Dr. W. K. H. Panofsky, Dr. A. Doak Barnett, and Dr. Herbert Scoville, Jr., be printed in the RECORD.

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

STATEMENT BY HERBERT F. YORK BEFORE THE SUBCOMMITTEE ON ARMS CONTROL, INTERNATIONAL LAW AND ORGANIZATION OF THE SENATE FOREIGN RELATIONS COMMITTEE, APRIL 8, 1970

Mr. Chairman and Members of the Committee: I appreciate very much having the privilege of appearing before your committee at this particular crucial moment. I plan to discuss the ABM and the MIRV and their relationship to each other and to the arms race as a whole. I should like to begin by first describing how we got where we are, and then speculating a bit on where we're going to be if the current attempts to halt the arms race fail. I will also present my views on how the current ABM and MIRV developments and deployments affect the prospects for a successful outcome to the SALT talks.

In 1955, about a year after the United States started development of its first Inter-Continental Ballistic Missile, the Army asked the Bell Telephone Laboratories to make a study of the feasibility of an Anti-Ballistic Missile. The problem was then thought of as being simply how to hit a "bullet with a bullet," or more accurately, how to intercept large simple incoming warheads one at a time. The Bell Laboratories concluded that the technological state of the art in radar, electronic computing, nuclear explosives and rocketry had reached a point such that it was indeed feasible to build an ABM with that simple objective. As a result, the Nike Zeus project was started late in 1956.

Very soon after, it was recognized that the defense problem might well be complicated by various hypothetical "penetration aids" available to the offense. The Office of the Secretary of Defense set up a committee to review the matter. In early 1958, this committee pointed out the feasibility of greatly complicating the missile defense problem by using decoys, chaff, tank fragments, reduced radar reflectivity, nuclear blackout and last, but by no means least, multiple warheads.

At first, the designers of our offensive missiles did not take missile defense very seriously. By 1960, however, technical progress in our own Nike-Zeus program, plus accumulating evidence of a major Soviet effort in the ABM field, forced the developers of our ICBM's and Polaris missiles to take this possibility into account. These weapons designers accepted the challenge, and they initiated a number of programs to exploit the possibilities enumerated above. Thus began the technological contest between missile defense and missile offense which continues to the present and which was discussed before this committee in considerable detail last year.

For our purposes here today, the most important result of this contest was the emergence of the multiple warhead idea as the most promising of all the various "penetration aid" concepts. At first, the idea involved a shotgun technique in which a group of warheads plus some lightweight decoys were to be launched along several different paths all leading to a common target area. But shortly after, methods for aiming each of the individual warheads at separate targets were invented. The reasons for this extension of the original idea were: 1) it provided additional flexibility for the offense, 2) it made the defense problem still harder, and 3) it was more complicated and expensive, and thus provided the weapons engineers and scientists with a still better means of displaying their technological virtuosity. This extension of the original idea is, of course, the new well-known MIRV, an acronym standing for Multiple Independently-target-abel Reentry Vehicles. It is, I think, most important to note that these early developments of MIRV and ABM were not primarily the result of any careful operations analysis of the problem or anything which might be described as a "provocation" by the other side. Rather, they were largely the result of a continuously reciprocating process consisting of a technological challenge put out by the designers of our own defense and accepted by the designers of our own offense, then followed by a similar challenge/response sequence in the reverse direction. In this fashion, our ABM development program made very substantial progress during the early sixties.

Concurrent with this internal contest, the Soviets were making progress on their own. As early as 1962, Premier Khrushchev and Defense Minister Malinovsky boasted about how they had solved the missile defense problem. By 1965, Soviet progress in development and deployment of an ABM had proceeded to the point where we felt compelled to react. As a result, we decided to deploy MIRV as the one certain means of assuring penetration of Soviet defenses and thus maintaining the credibility of our deterrent.

What was the result of this cycle of action and reaction? Last year, in the course of the national ABM debate, it was said that the Soviets had deployed a total of about 70 ABM interceptors, all of them around Moscow. This year, it was announced that the U.S. was going ahead with its plans to deploy MIRV's on our Minute Men and on our sub-launched Poseidon missiles. Using figures generated by this committee last year, we see that the result of this U.S. reaction will be a net increase of around 5,000 in the number of warheads aimed at Russia. If every one of those Soviet interceptors was successful in the event of an attack (and I have substantial doubt that they would be), they could cope with just 70 of those additional 5,000 warheads. The deployment of the Moscow ABM must rank as one of history's most counter-productive moves. It also shows more closely than any speculative analysis how, despite its defensive nature, the ABM can be a powerfully accelerating element in the nuclear arms race.

But that's not the whole story. The Russians have proceeded with a multiple warhead development of their own. Their program apparently is a number of years behind ours. It was probably stimulated by our program, and their technologists probably used the same justifications for it that ours did. The device they are currently testing is the payload package for the large SS–9 missile. It is said to contain three separate warheads of five megatons each. The present device may not be a true MIRV, but there is no doubt they could develop one soon.

After making a number of estimates and projections concerning the accuracy, the reliability, and the current deployment and rate of build-up of such SS–9 missiles, our defense officials concluded last year that the threat posed by this Soviet MIRV required us to deploy the Safeguard ABM system to defend our Minute Man force. We thus see that the whole process has made one full turn around the spiral: Soviet ABM led to U.S. MIRV; U.S. MIRV led to Soviet MIRV; Soviet MIRV leads to U.S. ABM.

Last year, some of those who spoke in favor of the Safeguard System described the Soviet MIRV development as being especially dangerous and foreboding because it seemed to them that its only rational purpose was to destroy our Minute Men before they could be launched. They further speculated that if this were so, the Soviet MIRV indicated preparation for a possible preemptive strike against us. These same people argued, by contrast, that our own MIRV development was clearly benign, since its main purpose was to maintain the credibility of our deterrent in the face of a hypothetical extensive Soviet ABM, and that, in any event, our MIRV was clearly not a "missile killer."

The main argument in support of this supposed difference between the purposes of the U.S. and Soviet MIRV's involves the large difference in their explosive power. The Soviet SS–9 MIRV is said to have an estimated yield of 5 megatons. This yield is twenty-five times the yield usually quoted for one of the individual warheads in the U.S. Minute Man MIRV; it is one-hundred times as large as the common estimate of a single Poseidon MIRV warhead. These large differences in yield are doubtless real, and they are important, but they are not by any means the whole story. The killing power of a warhead against a hard target, such as a missile silo, depends much more critically on accuracy than on yield. In fact, a factor of 3 in accuracy makes up for a factor of 25 in yield, and a factor of 4.6 in accuracy makes up for a factor of 100 in yield. To be more specific, a Minute Man MIRV warhead having a yield of 200 KT and an accuracy (or CEP) or about ⅛ of a nautical mile has a 95% chance of destroying a so-called "300 psi" target (which is a typical estimate of the strength of hardness of a missile silo). Similarly, a Poseidon MIRV warhead having a yield of 50 kilotons and an accuracy of about $\frac{1}{16}$ of a mile has the same probability of destroying a missile silo. And what are the prospects for attaining such accuracies? The accuracy of real operational missiles is classified, but in last year's debates, a figure of about ¼ of a mile for U.S. accuracies was commonly used. That is quite different from ⅛ or $\frac{1}{16}$ of a mile, but what is the record of progress in improving accuracy? In 1944, the German V–2 missile, which used a primitive version of the same kind of guidance system as the present day Minute Man and Poseidon, achieved an accuracy of about 4 miles in a range of about 200 miles. Ten years later, when the decision to build the U.S. ICBM was made, an accuracy of five miles in a range of 5,000 miles was estimated as both possible and sufficient. That was an improvement of twentyfold in the ratio of accuracy to range. Now we talk about ¼ mile at the same range, so in an additional 15 years, we have achieved another factor of 20.

Altogether, that makes an improvement of 400-hold in only 25 years. Any conservative Russian planner considering these figures would have to conclude that in a relatively short time U.S. technology could improve missile accuracy by another factor of two or four and thus convert not only the Minute Man MIRV but even the Poseidon MIRV into a missile-silo-destroyer.

We have seen that the SS–9 MIRV is causing our Defense Department to fear for the viability of out deterrent and to react strongly to it for that reason. In the present international context, and in the absence of any real progress in arms control, the Soviets must be expected to react to our MIRV in some similarly fear-inspired way.

ABM and MIRV are thus inseparable; each one requires and inspires the other. Separately or in combination, they create uncertainty in each of the nuclear powers about the capability and even the intentions of the other. These uncertainties eventually lead in turn to fear, overreaction, and further increases in the number and types of all kinds of weapons, defensive as well as offensive.

What about the future? In the absence of international arms control agreements. what can we expect? Predictions are, of course, very uncertain, but one can single out some likely possibilities.

The ABM is a low confidence system. The expressions of confidence in the system made by those who supported it last year are bound to give way to a more realistic appraisal by the time the system is deployed. When that happens, the defense establishment will turn in accordance with the precepts of "worst plausible case" analysis to other methods of insuring the survivial of the Minute Man. Of the various possibilities, the surest, quickest and the cheapest, is simply to adopt the Launch on Warning Doctrine. This doctrine involves, first: detecting that a launch of enemy missiles has occurred; second: analyzing the information in order to determine whether the launch endangers our missile forces; and, third: if it does, launching our missiles toward their targets before the incoming warheads can catch them in their silos and destroy them. This method of coping with the problem nas been in people's minds since the beginning of the missile program.

In the early fifties, we anticipated that the early warning systems then foreseen would provide about fifteen minutes' notice before enemy warheads landed. For that reason, the original Atlas was designed to be launched within less than fifteen minutes after receipt of orders to do so. One of the major reasons in the early sixties for switching to the Titan II, with its storable propellants, and the Minute Man with its solid propellants, was that the time from the "go signal" to the actual launch could be made still shorter.

Many of the people who have proposed this solution to the problem are thoughtful and moderate, but even so, I find this resolution of the dilemman to be completely unsatisfactory. The time in which the decision to launch must be made varies from just a few minutes up to perhaps 20 minutes, depending on the nature of the attack, and the details of our warning system, communication system, and our command and control system. This time is so short that the decision to launch our missiles must be made either by a computer, by a pre-programmed President, or by some pre-programmed delegate of the President. There will be no time to stop and think about what the signals mean or to check to see whether they might somehow be false alarms. The decision will have to be made on the basis of electronic signals electronically analyzed, in accordance with a plan worked out long before by a political analysis in an antiseptic and unreal atmosphere. In effect, not even the President, let alone the Congress, would really be a party to the ultimate decision to end civilization.

If launching *our* missiles on electronic warning does not seem so bad, then consider the situation the other way around. Our current technical developments, specifically greater accuracy and reliability of missiles, MIRV and ABM are pushing the Russians in the same direction. Further, in their case a far larger fraction of the deterrent is provided by fixed land-based forces than is ours, and so they have an even greater need to find a truly reliable means of protecting their deterrent from a preemptive attack by us. If we continue with our MIRV developments, and thus force the Soviets to go to a Launch on Warning System, can we rely on them to invent and institute adequate controls? Do they have the necessary level of sophistication to solve the contradiction inherent in the need for a "hair trigger" (so that their system will respond in time) and a "stiff trigger" (so they won't fire accidentally)? How good are their computers at recognizing false alarms? How good is the command and control system for the Polaris-type submarine fleet they are now rapidly, if belatedly, building? Will it be "fail-safe?"

It cannot be emphasized too strongly that unfavorable answers to these questions about *their* capability will mean diminished national security for *us*. Yet there is no way for us to assure favorable answers to them. The only way we can avoid the danger to our security inherent in these questions is by eliminating the need to ask them. Strategic Weapons systems on both sides must be designed so that no premium is put on a preemptive attack, and so that neither side is forced to adopt the kind of "hair trigger" epitomized in the "launch on warning" concept.

Fortunately for us, the Soviets have also expressed concern about this problem. In words very similar to those used before this committee last Spring, Foreign Minister Gromyko last Summer said, "(There) is another matter that cannot be ignored. . . . It is linked to a considerable extent to the fact that the command and control systems for arms are becoming increasingly autonomous. . . . from the people who create them. . . . The human brain is no longer capable of assessing at sufficient speed the results of the multitude of instruments. The decisions made by man depend in the last analysis on the conclusions provided by computers. Governments must do everything possible to be able to determine the development of events and not to find themselves in the role of captive of events."

The nuclear arms race has led to a situation that is at once absurd and poses a dilemma. Ever since the end of World War II, the military power of the United States has been steadily increasing, while at the same time our national security has been rapidly and inexorably decreasing. The same thing is happening to the Soviet Union.

At the end of World War II, the United States was still invulnerable to a direct attack by a foreign power. In 1949, the development of the Atomic Bomb by the Soviet Union ended that ideal state of affairs, perhaps forever.

By the early 1950's, the USSR, on the basis of its own unilateral decsion to accept the inevitable retaliation, could have launched an attack on the U.S. with bombers carrying fission bombs. Most of these bombers would have penetrated our defense and the American casualties could have numbered in the tens of millions.

During the late fifties and early sixities first thermonuclear bombs and then intercontinental missiles became part of the equation. As a result, by 1970, the USSR, again on the basis of its own unilateral decision to accept the inevitable retaliation, could launch an attack that could produce 100-million or more American casualties.

This steady decrease in national security does not result from inaction on the part of responsible U.S. military and civilian authorities. It is the inevitable consequence of the arms race and the systematic exploitation of the fruits of modern science and technology by the USA and the USSR. Our attempts to deploy bomber defenses during the fifties and sixties did not substantially modify this picture, and ABM deployment will, I believe, have an even smaller direct impact on the number of casualties we might suffer in a future attack.

Nearly everyone now recognizes the futility of the arms race, and nearly everyone now realizes that still more of the same baroque military technology is not going to provide a solution to the dilemma of the steady decrease in our national security that has accompanied the increase in our military power. The SALT talks are one hopeful result of the widening recognition of the absolute necessity of finding some other approach to the problem, and finding it soon.

So, how does ABM (and MIRV) affect these talks? We must consider both of these elements of the arms race since they are really inseparable. ABM automatically leads to MIRV, and vice versa. There are at least two major effects.

First of all, ABM has both a multiplying and a rachet effect on the arms race; its deployment produces a stepwise, irreversible increase in the number of offensive missiles required. It does not matter whether it is Chinese-oriented or Soviet-oriented. Consider a Chinese-oriented ABM. People who propose such imagine the Chinese blackmailing us with just a few (50–100) ICBM's by threatening to destroy some small but vital part of the U.S. Since the defensive coverage of an ABM interceptor is small compared to the dimensions of the U.S., since Hawaii and Alaska must also be defended, and since the offense in this special and peculiar case could concentrate all of its missiles on just one small area of the U.S., we would need many times as many ABM's as the Chinese have missiles. If they have no penetration aids, we might get by with only 24 times as many interceptors as they have missiles; however, if they do have good decoys or multiple warheads, a cautious U.S. defense planner would call for a great many more. Thus, a really serious Chinese-oriented ABM system requires many thousands of U.S. ABM interceptors. Now reverse this and ask what the Russians would have to do in the face of such a supposedly Chinese-oriented U.S. ABM deployment. In their case we do not imagine them as merely blackmailing us by threatening to destroy a few cities. Rather, we imagine them as trying to deter us, as we try to deter them.

According to the current fashion in strategic analysis, in order to achieve deterrence it is necessary to have an offensive force which, after weathering a surprise attack against it, can still retaliate and destroy a large fraction of the enemy population and industrial base, and as much of his offensive forces as may still remain in silos and on bases. In order for the Soviets to be able to do that, they must be able to penetrate *all* parts of our ABM shield with whatever force they might have left after a first attack by us. And to guarantee that outcome, a conservative Soviet planner would have to call for many more total Soviet offensive warheads than there were total U.S. interceptors. Thus, an ABM designed to cope with blackmail by 50–100 Chinese missiles, can produce a multiplying and a rachet effect requiring a total Soviet warhead inventory much larger than the more than 1,000 they even now possess. Clearly, in such an event we cannot hope to achieve any meaningful strategic arms limitation.

A second way in which ABM and MIRV affect the possibility of a successful outcome of the SALT talks is through the uncertainties they introduce into the strategic equation. The main uncertainty connected with ABM is the one that has been so per-

sistently raised here: how well will it work? The main uncertainty connected with MIRV has to do with the impossibility of knowing how many warheads were actually poised for launch. As is well-known, we are fairly confident about our ability to know how many missiles they have, but as others have pointed out, it is quite another matter to know how many MIRV warheads each missile carries.

At present, then, each of us is fairly confident in his predictions about the results of a hypothetical nuclear exchange, and each is confident that he has an adequate force to deter the other. With ABM and MIRV, this confidence will be greatly weakened, and neither of us will be sure of what we could do to the other, and what they could do to us. Unfortunately, experience has clearly shown that such gross uncertainties produce an atmosphere in which arms control agreements are practically impossible. For example, for more than a decade, similar uncertainties about detecting underground explosions combined with wild speculations about the kinds of developments which might flow from a secret series of underground tests have inhibited any progress toward eliminating such tests and thus achieving a complete nuclear test ban. In the same way, the uncertainties inevitably associated with ABM and MIRV will lead us into a similar morass, and no progress will be possible in the extremely vital area of strategic arms limitations.

In summary: The steady progress of the arms race has led to an equally steady and seemingly inexorable decrease in our national security and safety. Today, the strategic balance is such that Strategic Arms Limitation agreements, which could bring an end to the nuclear arms race, seem possible. ABM and MIRV threaten to upset this balance in a way which will make such agreements impossible, or at least extremely difficult. ABM and MIRV are inseparable; each inspires and requires the other. They must be stopped before it is too late if we are to avoid another increase in the magnitude of the nuclear holocaust we all face.

We must do everything possible to ensure a positive outcome to the SALT talks. The interim freeze on the deployment of offensive and defensive strategic weapons, now being considered by the Senate, is one such move.

STATEMENT OF McGEORGE BUNDY SUBCOMITTEE ON ARMS CONTROL, INTERNATIONAL LAW AND ORGANIZATION, COMMITTEE ON FOREIGN RELATIONS, APRIL 8, 1970

Mr. Chairman and Members of the Sub-Committee: I am happy to accept your invitation to testify on the arms race, and I am particularly happy to appear in company with Dr. York. I would like to associate myself strongly with his basic argument.

My broad view of the arms race was stated last October in an article in FOREIGN AFFAIRS, and to save the time of the Committee I would like, with your permission, to offer that article for the record instead of repeating it. Its principal conclusion was simply that the strategic arms race between the United States and the Soviet Union has gone too far, threatens to go further, and should be stopped by an early agreement between these two great powers. Since then SALT has begun in a businesslike way, and our Government is now considering what its position will be as the talks resume in Vienna next week.

My own strong belief is that the best next step for the United States in this field is to follow the course proposed in Senate Resolution 211. That Resolution first states the sense of the Senate that prompt negotiations be urgently pursued between the two great powers, and on this point I think there is little or no disagreement among Americans. The second part of the Resolution expresses the sense of the Senate that we should now propose an immediate suspension by both sides "of further deployment of all offensive and defensive nuclear strategic weapons systems." An excellent basic argument in favor of this Resolution is developed in the report submitted by Senator Fulbright, and I will not waste your time by repeating it. Let me rather offer ten brief comments on the significance of your Committee's position.

1. I assume that in passing Senate Resolution 211, the Senate will be urging the President to propose to the Soviet Union the mutual suspension of these deployments for some reasonable term during which further progress could be made toward a definite agreement. There are some who suppose that the word "moratorium" implies a form of permanent self-entanglement, but as I understand it no such self-entanglement is either necessary or intended.

2. I strongly support the statement in the Committee Report that an agreed suspension of deployment of strategic systems will necessarily imply a suspension also of tests—as well as deployment—of such emerging systems as MIRV. The Committee Report makes the correct connection between the Soviet SS–9 and the American MIRV. This connection goes both ways. Just as the Soviets must limit SS–9 if they wish to stop MIRV, so I believe that if we are to get any early limit on SS–9 deployment, we ourselves must place MIRV on the bargaining table.

3. I believe that there will not be much progress in SALT until the United States Government is prepared to make a specific proposal. I think the odds are heavy that it will prove wise and right for us to move first. The Committee has heard the sensitive and perceptive testimony of Professor Marshall Shulman on Soviet attitudes towards arms negotiation. I share his view that Soviet wariness is at least equal to our own. Our experience, understanding and present strength make it right for us to take the initiative.

4. Specifically, I believe that as a part of any proposal for an agreed moratorium the United States should take a first step by announcing a suspension of its own deployment of ABM and MIRV for a limited time. Such a time could and should be relatively brief, and its extension could and should depend upon the promptness and seriousness of Soviet response. There might be some marginal inconvenience for our defense organization in such a suspension, and our already overwhelming strategic war plans might need marginal revision if specific planned deployments are delayed—but there is no real or present danger in such a limited suspension, and if we want results in SALT, we should try it. How long such a trial should be, and precisely what it should include, are matters I do not attempt to cover, since it would be unwise for a private citizen to try to define the exact length and direction of any first step. My point is simply that we should begin by an action as well as a proposal.

5. This belief rests not on any sentimental notion that we must be more virtuous than the Russians, but rather upon the deep conviction that effective limitation and reduction of the strategic arms race is an objective deeply in our own national interest as well as the interest of all mankind. It is wholly false to suppose that the national security is always served by adding strategic weapons and never by their limitation. In the world of the 1970s the truth is more nearly the opposite. We have more than enough strategic weapons today. The addition of new systems which will inevitably produce further Soviet systems is not the road to safety for anyone in any country.

6. In particular we should be on guard against the notion that it is useful to press the development or deployment of any given weapons systems because of its value as a bargaining-counter for SALT. It is quite true that if we get nowhere in SALT and if Soviet strategic expansion continues, we shall have to take careful stock of our own needs. But there is no evidence at all that pressing the deployment of systems we do not yet need is likely to have a constructive effect on Soviet behavior in SALT. There are times and topics for toughness with Moscow, but SALT in April is not one of them, and many of those who urge this tactic are men who do not want SALT to succeed. It will be very hard to get a good agreement even if we do only what we have to do. It will probably be impossible if we provide unnecessary ammunition to Soviet weapon-lovers by pressing our own deployments relentlessly throughout the talks.

7. In moving toward effective limitation of the arms race, we shall need to be alert and skeptical against distractions and diversions from those whose special interests may be threatened. This history of arms negotiation includes many examples of efforts by the partisans of particular weapons systems to prevent any agreement at all. During the negotiations before the Limited Test Ban Treaty, for example, it was suggested that the Soviets might obtain some decisive advantage by secret nuclear tests conducted behind the sun or by the construction of underground holes so big that the very existence of a test could not be detected. These arguments now rest properly in the dustbin of dead fantasy. But now new dangers are depicted in the effort to justify a refusal to limit or delay our own new weapons systems. Such arguments should be subjected to most meticulous and skeptical analysis, and in such study the role of the Congress is of high importance.

8. There is a particular danger in the uncritical acceptance of doctrines of strategic superiority—or even sufficiency—which may be used by zealous men in support of their own preferred weapons. This is as true of the Eisenhower Administration's belief in "prevailing" in a general war as it is of later doctrines of "assured destruction" and "damage limitation." All of these forms of words can be used to justify excessive expenditure on unnecessary strategic systems. At present there are four new criteria of strategic sufficiency, but the Administration has not told us what they are. According to press reports, these criteria include "assured destruction," "hostage equality," "crisis stability" and "third country protection." If the Administration and the Congress are not alert and watchful, criteria like these can be protective umbrellas for unchecked strategic expansionism. They can also be roadblocks in the way of arms limitation. They deserve public discussion. My own conviction is that the realities of strategic nuclear weapons are not subject to control by such verbal formulae. In the language of Justice Holmes, I believe that criteria like these tend to be spiders' webs inadequate to control the dominant facts.

9. The main proposition which we need to understand in order to limit the dangers of the nuclear age is that enough is enough. The Soviet Union and the United States have long since reached and passed that point. Each is now able to do totally unacceptable damage to the other, no matter how a nuclear catastrophe begins. Sane political leaders on both sides know this reality for what it is. It is of course possible that some still unknown technological development might genuinely disrupt this fundamental parity, but there is no evidence whatever that any such development is likely in the present decade. So we have enough, and more than enough, and we are on the edge of a most unstabilizing and dangerous escalation. Now is the time to stop.

10. The Committee Report recognizes what I would like to emphasize in closing: that

while citizens can comment and the Senate can advise, only the President can decide. It will take negotiation to reach agreement, and the official position of the Government of the United States can be stated to the Soviet Union only by our President and his authorized agents. The President must choose the timing and the shape of any initiative he takes; in the end his leadership is what will decide. As he considers the possible choices and deliberates on decisions which have not yet been made, the President is entitled to the thoughtful advice of the Senate, and in this field, where the weight of bureaucratic influence has historically been heavily on the side of *arms* as against arms *control*, such advice can be of particular value to him. The easy course is always to avoid decisions; politically the argument for weapons is easy, and the argument for acts of restraint is hard. A President who wants to take the lead needs all the help he can get. The Senate can give such help, and in this situation it is obviously the duty of citizens to respond to the Senate's request for their honest views. I have stated mine, and I will be glad to try to answer your questions.

TESTIMONY OF A. DOAK BARNETT, SENIOR FELLOW, THE BROOKINGS INSTITUTION, BEFORE THE SUBCOMMITTEE ON ARMS CONTROL, INTERNATIONAL LAW AND ORGANIZATION, SENATE FOREIGN RELATIONS COMMITTEE, APRIL 9, 1970

Mr. Chairman and members of the Subcommittee, let me begin by saying that I am very grateful for this opportunity to meet and discuss with you a number of questions relating to arms control—questions focusing on the ABM and the SALT talks and their relevance to the broad problem of U.S.-China relations.

I would like to make two preliminary comments about my statement. First, the views I will express today are purely my own, and do not in any way represent views of The Brookings Institution, which does not itself take any stands on policy issues. Secondly, since I have very recently written an article (appearing in the current issue of *Foreign Affairs*) which summarizes many of my views on questions we are considering today, I am taking the liberty of drawing material from that article for the purposes of the statement I am now presenting to you.

We are now, in my view, at a rather critical juncture in the evolution both of our policy toward China and our policy regarding arms control.

For the first time in several years, there now appears to be at least a limited basis for hope that movement can take place in our relations with mainland China, movement which may reduce tensions and increase contacts between us. The current Warsaw talks will help to determine whether some progress is possible, or whether the freeze of the last two decades will continue.

At the same time, I believe that the arms control negotiations which we and the Russians have initiated are clearly the most important ones in the postwar period. We are about to meet again in Vienna at a time when both sides are poised to deploy new weapons systems—in our case, ABMs and MIRVs—if no agreements to forego such systems can be reached. Decisions made in the period immediately ahead by Washington and Moscow individually, and by both at the SALT talks, will determine, therefore, whether the U.S.-Soviet arms race will accelerate or slow down in the years immediately ahead. These decisions will also—and this is one of the major points I wish to make today—have a very significant impact on the prospects for improved U.S.-China relations. The evolving triangular relationship among the U.S., Soviet Union, and China is now such that any action by one or two of the three inevitably affects the others.

Since my assignment today is to focus attention on matters relevant to U.S.-China relations, and specifically to consider how we should view the ABM issue and SALT talks in relation to the "China problem," I will not comment on other fundamental questions, such as whether effective ABM systems are technically feasible or how they might affect the stability of the U.S.-Soviet balance. I assume that others will discuss these questions with you.

Let me proceed with my assignment and start by saying that I believe the Nixon Administration is to be commended for the new general approach it has adopted in our overall China policy. In his February 18 report to Congress on foreign policy, the President stated that we do not now wish to "isolate" mainland China but rather hope that in time it "will be ready to re-enter the international community," that we look forward to a "more normal and constructive relationship" with the Peking regime, that "the principles underlying our relations with China are similar to those governing our policies towards the U.S.S.R.," and that we will "take what steps we can toward improved practical relations with Peking." This is a very sound and very encouraging approach, in my opinion. Moreover, the limited steps we have taken recently to implement this approach—namely the liberalizing of passport and travel regulations and the reduction of trade restrictions, are highly desirable and deserve strong support. The Administration should now be urged to continue making further and more substantial steps along these same lines—for example, by removing all restrictions on nonstrategic trade with mainland China.

However, having said this, I must immediately go on to say that in my view, the deployment of an anti-Chinese ABM area defense would be extremely undesirable and would, in fact, run directly counter to, and tend to undercut, the basic objectives that underlie our new overall China policy.

Deployment of an anti-Chinese ABM would be both unwise and unsound, I believe, for a number of reasons. Let me summarize these briefly now, and then proceed to elaborate on some of them at greater length.

(1) The ABM is not necessary for the defense of the U.S. against any foreseeable "Chinese threat." For the indefinite future, the U.S. will continue to have overwhelming nuclear superiority in relation to China, and there is every reason to believe that our superiority will operate effectively to deter the Chinese from any offensive nuclear actions or threats. It is not necessary, therefore, to try to achieve a total damage denial capability by building ABMs.

(2) If the U.S. insists on building an anti-Chinese ABM system, Peking will probably interpret this to mean (whatever Washington says to try to convince it otherwise) that we are determined to maintain an unrestricted capability of making "first strike" threats against China, and that we insist on denying China the ability to acquire even a limited, defensive, "second strike" capability. There is every reason to believe that this would tend to reinforce Peking's worst instincts in interpreting our motives and would work against the possibility of improving our relations.

(3) China's present opposition to all international arms control agreements is rooted, in part at least, in its basic sense of vulnerability and nuclear weakness. Peking obviously has been, and still is, fearful of threats by the superpowers of the U.S.-Soviet "collusion" directed against China. Until China achieves a minimal defensive deterrent itself, this situation is likely to continue. However, once the Chinese do acquire a limited "second strike" capability, it is at least conceivable that leaders in Peking may at that point be more inclined than at present to consider the advantages of arms control agreements in terms of their own interests. If so, the chances of inducing China to participate in arms control may increase at that point. An anti-Chinese ABM will probably work to postpone that day.

(4) For these and other reasons, the U.S. should itself forgo building an anti-Chinese ABM area defense system, and in addition should attempt, at the SALT talks, to reach agreement with the Soviet Union that neither we nor they will build such systems. If, in the absence of such agreement, either or both proceed to deploy anti-Chinese systems, this will tend to reinforce Peking's fear of anti-Chinese collusion between Washington and Moscow, which at the least would complicate, and could well seriously set back, the prospects for improving U.S. relations with China.

Let me now elaborate on some of these points, starting with a few comments on Chinese motivations, nuclear capabilities, and foreign policy behavior, and how one should view the "Chinese threat."

There is no doubt, I believe, that ever since 1949 the Chinese Communist regime, in its relations with the superpowers, has felt very vulnerable to external pressures and possible attack by one or both of the major nuclear powers. Particularly since the late 1950's—following the Sino-Soviet split and the start of U.S.-Soviet collaboration in the arms control field—Peking has felt itself to be, in a sense, "encircled" by the two superpowers. It is still, in a fundamental sense, weak and knows it; its basic posture in big power relations is, therefore, of necessity defensive.

One of China's basic aims has been, and still is, to acquire at least a minimal nuclear deterrent to improve its ability to deal with the U.S. and Soviet Union. Its hope is to achieve a position less unequal than in the past, and to strengthen its bargaining position and leverage in relations with the big powers. Above all, its aim is to deter attack against China and reduce China's vulnerability to external pressures. This is the basic military-strategic motivation behind its nuclear program.

Without attempting to summarize in detail the progress of China's nuclear program, let me say that while its technological progress has been impressive in many respects, its actual nuclear capabilities are very limited and will remain so for a long time to come—because of the relative weakness of China's resource base.

By the middle or latter 1970's China will, at best, have accumulated perhaps 15 to 40 operational ICBMs plus 100 to 200 MRBMs and a limited number of other bombs deliverable by aircraft. (The most recent Defense Department estimates suggest that by 1975 China may have 10 to 25 ICBMs and 80 to 100 MRBMs.)

To provide a crude basis of comparison, today, the U.S. and the Soviet Union each has over 1,000 ICBMs, plus many thousands of other nuclear weapons deliverable by a variety of sophisticated systems including missiles, airplanes, and submarines.

Projections of China's nuclear capabilities through the 1970's make several things clear. There is no possibility that in the foreseeable future Peking can aspire to parity with the U.S. and the Soviet Union in the nuclear field. The Chinese cannot come close to achieving a "first strike" capability against either of the superpowers. Under any conceivable circumstances, in the event of a Chinese attack, Washington or Moscow could retaliate massively.

The question is whether—and if so, when, and with what consequences—China may be able to acquire a limited, defensive, "second strike" capability which will serve as a minimal deterrent for China—that is, a capacity, if subjected to U.S. or Soviet nuclear attack, to retaliate and hit at least some targets

in the attacking country or, in the U.S. case, possibly American forces in the Pacific or bases in allied countries. To date, it has yet to achieve this.

If the U.S., and Soviet Union, forego building anti-Chinese ABM systems, they will, in effect, be accepting the fact that by the latter 1970's, China will have acquired a small defensive, "second strike" capability.

What risks or costs would this involve? It would require acceptance of the fact that the U.S., and the Soviet Union, cannot with impunity consider or threaten nuclear "first strikes" against China. One can question, however, whether this would involve high costs. The arguments and inhibitions against considering nuclear "first strikes" in most conceivable situations are already very great. (Conceivably, this may be less true for the Soviet Union, than for the U.S., as the vague hints about a possible preemptive strike in 1969 suggest, but even Moscow must feel strong inhibitions about initiating a nuclear "first strike.") Moreover, in most limited conflicts in Asia, nuclear weapons are likely to be almost irrelevant.

The possibility that key non-nuclear powers such as Japan, India, and Australia might feel more vulnerable and threatened cannot be ignored. If this impelled them to embark on independent nuclear programs, the cost in relation to U.S. aims (including the desire to prevent proliferation) would be substantial. Yet, as long as such countries have confidence in the U.S. commitment to defend them against nuclear threats, and as long as it is clear that American nuclear superiority in relation to China is such that any offensive nuclear threats by Peking would not really be credible, there is no reason why China's acquisition of a minimal deterrent should basically alter the position or the views of such countries.

It is sometimes argued that if the U.S. maintains a "first strike" capability against China and builds invulnerable defenses, presumably by developing ABMs, the Japanese are likely to have greater confidence in our defense pledges. I believe that it is much more likely, however, that if the U.S. focuses on such a defense strategy, rather than relying on the continued applicability of mutual deterrence, the Japanese may conclude that the U.S. in a crisis situation might concern itself only with its own defense and abandon interest in allies not protected by such defenses.

The fact is that not only have the Chinese to date resisted whatever temptation they may have felt to engage in "bomb rattling," it is difficult to see how, from their position of nuclear inferiority, they will have any significant capacity for credible "nuclear blackmail" in the foreseeable future. Peking's cautious emphasis, to date, on defense as its sole aim in developing nuclear weapons suggests that Chinese leaders may already realize this.

Some might fear that once the Chinese believe they have acquired a credible deterrent, they might tend to become more aggressive in areas such as Southeast Asia, feeling that they could take more risks in non-nuclear or sub-nuclear situations, involving conventional weapons, because they would be less vulnerable to nuclear counter-threats. Whether one considers this to be a significant risk depends very much on one's general assessment of China's foreign policy goals, strategy, and behavior.

If one views China as a power committed to broad territorial aggression and expansionism by military means, willing to take large risks, and prone to irrational action (i.e., inclined to commit aggression without regard for possible consequences), there would be cause for major concern. However, among specialists on Chinese affairs, both in and out of the U.S. government, there appears to be a fairly broad consensus that analysis of China's behavior and doctrine over the past two decades does not support this view. In general, this consensus, which I believe is sound, maintains that:

Although China encourages revolutionaries abroad, it is not committed to broad territorial expansionism. Among its national goals is the recovery of certain areas that it considers to be lost territories, but even in regard to these territories its inclination is to pursue long-term, low-risk policies, not broad military expansionism.

It appears to be pre-disposed to keep Chinese military forces within China's boundaries, and it seems likely to continue doing so, except in cases where it feels Chinese security—or that of a Communist buffer state on its periphery—is seriously threatened (as it did in Korea).

Its primary stress, both in the structure of its conventional military forces and the doctrine governing their use, is on defense rather than offense.

It cannot and does not ignore the possible risks and costs of large-scale conventional war, even when nuclear weapons are not involved, and it places a high priority on the desirability of avoiding large-scale war of any sort with the major powers.

It is strongly pre-disposed, in general, to low-cost, low-risk policies. While it clearly encourages and supports revolutionary struggles in other countries, such support does not include Chinese manpower on any significant scale. Even Maoist doctrine insists that all revolutionaries must be "self-reliant," and should depend primarily on indigenous resources; it opposes the use of Chinese forces to fight other revolutionaries' battles for them.

China has used pressures and probes against its neighbors for a variety of purposes, but in doing so its use of force has generally been carefully calculated, limited, and controlled.

In crisis situations, it has tended to act with considerable prudence and caution, and repeatedly it has moved to check escalation when there has appeared to be a serious risk of major conflict.

There is, of course, no absolute guarantee that these patterns of behavior, which seem to have characterized Chinese actions over the past two decades, will persist in the future. Nevertheless, there is a remarkably broad consensus among China specialists that they are likely to continue. In fact, there is a fairly widely-held view—a view that I share—that post-Mao leaders are likely to be more pragmatic and realistic than Mao, and subject to even greater internal as well as external constraints.

As a result of the internal disruptions caused by the Cultural Revolution in China during the past four years, the Peking regime has clearly been weakened in some respects. Consequently, there are now new constraints, in fact if not in theory, on Chinese policy, which will certainly affect its strategies abroad.

Moreover, as a result of the steady deterioration of Sino-Soviet relations in the 1960's, the "Russian threat" appears to have replaced the "U.S. threat" as Peking's major foreign policy preoccupation, and this seems to have impelled the Chinese leadership to consider new options and strategies, to reduce China's present isolation and vulnerability and explore new opportunities for maneuver and flexibility.

It is at least plausible to believe, therefore, that future Chinese leaders may downgrade the importance of revolutionary aims (not ending, but possibly deemphasizing, Chinese activity in this field) and upgrade the importance of state-to-state relationships and more conventional political and economic instruments of policy. There is remarkably little support among China specialists for the idea that China is now, or is likely to be in the future, prone to act in an irrational or highly reckless manner, which it would certainly be doing if it were to ignore the continuing fact of its nuclear inferiority, and its vulnerability to both conventional and nuclear retaliation, even if, and when, it acquires a minimal deterrent.

If these judgments are correct, there are strong reasons to assume that once China achieves a nuclear deterrent it can be expected, in a basic sense, to act much as the other nuclear powers have, and to be constrained, as they are, by the realities of nuclear deterrence. There is little basis for arguing that the U.S., or Soviet Union, can feel secure vis-à-vis China only if they have a total damage denial capability and an unquestionable ability to threaten China with a "first strike". To argue this is to argue, in effect, that the U.S. and the Soviet Union can only feel secure under conditions that guarantee that the Chinese will continue to feel highly insecure.

As I stated earlier, if the U.S. operates on other assumptions and proceeds to build an anti-Chinese ABM, this will not only tend to strengthen Chinese suspicions that we are determined to maintain a potentially threatening "first strike" capability against China and to deny China even a minimal defensive "second strike" capability, it will also tend to postpone the day when China may be willing to consider participating in international arms control agreements.

Fundamental change in China's posture on strategic and nuclear arms control issues will not be easy for Peking to make, under any circumstances, because of China's basic weakness relative to the two superpowers. However, if one asks when and under what conditions a more flexible and pragmatic leadership in China might be inclined to change its posture on arms control, and even begin to see arms control measures as in the interest of China as well as of the other powers, the answer would seem to be the following: When China is convinced that its own nuclear development has reached a stage where it has at least a minimal credible nuclear deterrent—that is, some kind of defensive "second strike" retaliatory capacity—so that it will be able to deal with the U.S. and Soviet Union on terms less unequal than at present.

It is not easy to define when this point will be reached. But it will doubtless be reached eventually, whether or not we build an anti-Chinese ABM. It is almost certain that in time the Chinese will have acquired a sufficient nuclear capability so that no one could be sure whether, if China were subjected to a "first strike", it could not mount a significant retaliatory strike, at least against allies or forces in the Pacific if not against the U.S. itself.

Whenever the Chinese, and we, are convinced that China has acquired some sort of limited "second strike" capability, the possibility that Peking may reconsider its present blanket opposition to arms control may increase, for a variety of reasons. The realization that pursuit of parity is a will-o-the-wisp is likely to begin to sink in, in China. Moreover, once China has acquired any sort of credible deterrent, some Chinese leaders may conclude that it is more feasible to try to reduce the gap between China and the superpowers through agreements limiting (or reducing) U.S. and Soviet capabilities than by trying to catch up in a hopeless race. And, as the cost of deterrence goes up (it inevitably must, as China gets involved in more sophisticated hardware), and as the competition for resources in China increases (between those stressing economic development and those emphasizing defense) there may be greater pressures within China, on economic grounds, to limit investment in strategic arms development.

The construction of anti-Chinese ABM systems would be likely, therefore, to postpone the day when there may be some realistic

hope of including China in international arms control. It would tend to raise the level of nuclear development which Peking's leaders will consider essential as a minimum goal. And in general it will tend to make more remote the possibility of establishing a "more normal and constructive relationship" with China and the possibility of inducing Peking to "re-enter the international community"—which are now our stated, and in my opinion eminently sensible, goals.

What does all of this suggest regarding the decisions we should make and the policies we should pursue regarding an anti-Chinese ABM system—both in our own consideration of the problem and in discussions with the Russians at Vienna?

I strongly believe we should clearly decide that, in terms of our broad national interests and aims, we should not build an anti-Chinese ABM system, because it conflicts with the main thrust of our new China policy and is unnecessary for our defense—wholly apart from other possible reasons. The cost of such a system would certainly be in its disfavor, too, but clearly the costs would be tolerable if it were essential in terms of our defense and foreign policy goals. The point is that it is not only unessential, but would tend to be damaging in terms of our overall objectives.

We should not only make this decision ourselves; we should also in the SALT talks attempt to reach agreement with the Soviets on this issue, so that both we and they will forego traveling this road. This would be desirable in relation both to our aims regarding China and our desire to check the U.S.-Soviet arms race.

Both the U.S. and the Soviet Union must concern themselves, more than they have in the past, not only with the problem of strategic stability in their bilateral relations but also with the task of inducing China, over time, to improve relations in general and, eventually, to participate in arms control efforts and accommodate more fully than it has to date to the requirements of the nuclear age. Neither need fear that the Chinese will be able to achieve a "first strike" capability, or approach nuclear parity, in the foreseeable future. Nor should they consider China's eventual acquisition of a minimal deterrent to be a special danger. While it is true that China's acquisition of a credible deterrent will improve Peking's defensive capabilities, it will not significantly alter the overall nuclear balance. Moreover, China can be expected to act much as other nuclear powers have, and to be constrained, as others are, by the realities of mutual deterrence. Equally important, when China achieves a credible deterrent, Peking's leaders may be more inclined than at present to reassess their strategic policies and consider the value of arms control.

The hope should be that Moscow as well as Washington will see the importance of this. But even if Moscow does not, the U.S. in shaping its own strategic and arms control policies, should take the "China problem," as well as the problem of U.S.-Soviet bilateral relations, fully into account.

SAFEGUARD, ABM, AND SALT

(By W. K. H. Panofsky)

(Testimony before the Disarmament Subcommittee of the Committee on Foreign Relations, U.S. Senate, April 13, 1970)

Last year I had the opportunity of discussing the Phase I ABC deployment decision before this committee; I very much appreciate the privilege of appearing before you again this year. Again, to avoid any misunderstanding, let me say that I am testifying as an individual scientist who has been involved in defense matters in general, and ABM in particular, for a long period of time. My first official contact with the subject was in 1955 when I served on the Scientific Advisory Board to the Air Force, which recommended the establishment of the Ballistic Missile Early Warning (BMEWS) System. I have been participating in various advisory roles on these and related subjects to the government since that time.

I. OUTLINE OF TESTIMONY

Last year, during his press conference of March 14, 1969, the President gave three reasons for wishing to go forward with Phase I of the Safeguard System. These were:

A. Protection of the land-based deterrent (Minuteman and SAC air fields).

B. Protection against an accidentally launched missile.

C. A thin area defense against small nuclear powers, in particular Mainland China.

In connection with announcing his deployment decision the President emphasized several additional points last year. Among these are:

A. He did not wish the ABM deployment to threaten the Soviet deterrent against U.S. attack. For this reason he specifically ruled out deployment of ABM in the role of defense of U.S. cities against Soviet attack; in contrast a defense dedicated solely to defending Minuteman silos does not threaten the Soviet deterrent.

B. The deployment decision should not endanger the chance of success of the forthcoming SALT talks.

As I testified last year, I welcomed the President's statement that he did not wish to endanger SALT and that he did not wish to escalate the arms race further by endangering the Soviet deterrent, thus forcing the Soviet Union towards further increases of offensive weapons. However, I am opposed to the Phase I deployment as actually carried out by the Department of Defense and to the proposed Safeguard expansion; these steps do not meet the President's objectives in many essential respects, as summarized here:

A. The Safeguard system does very little, if anything, to protect the Minuteman force—better protection could be achieved at a lower cost on a comparable or shorter time scale.

B. The President stated in his press conference of January 31, 1970, that he had been assured that the system would provide a "virtually infallible" defense against ICBM attack from China. Safeguard does not fit this description, nor does technology permit construction of a dependable ABM shield over the entire country.

C. A National Policy requiring a highly effective ABM defense against Mainland China implies an ever-growing deployment of city defense ABM's which would threaten the Soviet deterrent in contrast to the President's stated objectives.

D. An expanded ABM deployment, as now proposed, in particular considering its stated objective as being an anti-China defense, seriously interferes with the flexibility the President will have in negotiating an acceptable ABM level with the Soviet Union at the SALT talks.

The President promised that this program will be reviewed annually from the point of view of:

A. Technical development.

B. The threat.

C. The diplomatic context, including any talks on arms limitation.

Where, then, is the *new experience* on which the decision to expand ABM deployment now was to be based? There has been no construction activity on the sites authorized last year; the contract to develop the first site for future technical use was awarded by the Army just two weeks ago. The date at which equipment can be received at the sites has slipped by almost one year. None of the technical results in the ongoing development work have made Safeguard look better. On the contrary, several factors exist which tend to degrade the expected performance of Safeguard: The ability of the PAR to function in the presence of nuclear explosions is highly dubious, and the computer severely limits the performance of the system in handling large attacks; also, costs have risen substantially.

Where is the *new threat* justifying ABM expansion? The Soviet threat against Minuteman has indeed been growing, but it is just in defending Minuteman against growing threats that Safeguard is now admitted to be uneconomical and ineffective. As a "hedge" to counter the Soviet threat we can develop a system specifically designed to protect Minuteman on a time scale at least as fast as that of Safeguard, and at much lower cost. Estimates of a Chinese ICBM threat have been slipping farther into the future, yet we are now re-emphasizing the anti-China mission of the Safeguard.

What is the *diplomatic context* to justify expansion of Safeguard now? The agreed level of ABM deployment which might arise from the SALT talks will control more than any other single factor the total level of strategic armament at which we might be able to freeze the weaponry of the world as a result of SALT. Authorization to expand Safeguard with emphasis on its anti-China mission would thus *endanger the success of SALT*, since the negotiability with the Soviets to reduce ABM levels is limited by such a decision. The argument for an expensive but technically ineffective expansion of Safeguard in order to "negotiate from a position of strength has little merit: Although the Soviets have greater total explosive power in their nuclear arsenal, we have numerical superiority of three to one in nuclear warheads, and U.S. MIRV's are ready for deployment.

The sequence of events between last year's Safeguard decision and this year's request for expansion gives little confidence that we are embarking on an "orderly, phased" deployment, carefully tailored to changing circumstances. This is the time to push toward a halt in the nuclear arms spiral—a race which has cast a shadow over the history of our time.

II. THE VALUE OF SAFEGUARD IN PROTECTING MINUTEMAN

During the past year the Soviet threat against the Minuteman force, due to growth of the numbers of Soviet SS–9 missiles of high explosive power, and owing to the recognized technical possibility of improved accuracy of Soviet missiles, has increased at approximately the rate forecast by Secretary Laird last year. However, a threat against Minuteman is not synonymous with a first strike capability against the U.S., let alone a first strike intent. In last year's testimony it was conclusively demonstrated that a first strike threat against the United States would have to envisage a simultaneous attack against the American Minuteman force, the SAC bomber fleet, and the Polaris-Poseidon fleet on a time scale which is technically impossible because of existing U.S. earnly warning capabilities. I note that under current policies each of these U.S. forces is designed to be able to inflict enormous damage on the Soviet Union and Mainland China; even after absorbing a first strike the level of damage the U.S. could inflict would be such that the society of the attacker would be unlikely to survive.

Nevertheless, in view of the reality of the emerging threat against Minuteman it might be prudent to consider a number of alternatives to improve the U.S. deterrent, such as:

A. ABM defense of the Minuteman force against missile attack.

B. Phase-out of the land-based deterrent force and relying for deterrence entirely on an airborne bomber force and an improved or amplified submarine force.

C. Increase in the hardness of the Minuteman force or improvement of its chance for

survival under attack through increased mobility.

D. Increase in the number of Minuteman silos at a rate sufficient to stay ahead of the Soviet threat.

E. Limitation of the threat by "freezing" the number of Soviet missiles as a result of the SALT talks, possibly preceded by an agreed temporary moratorium during the talks.

Naturally, the last alternative is the most attractive one from the point of view of the peace of the world; thus nothing should be done to endanger the success of SALT.

Secretary Laird has testified that he considers this year's request for military authorization (which includes expansion of the Safeguard system at a cost of $1.450 billion of new obligational authority) to be a "holding" operation in order to avoid the difficult decisions this year among the alternate options listed. He maintained that defense of the Minuteman silos is a non-threatening "hedge" to lengthen the period of time over which Minuteman might be expected to survive. With this conclusion I agree, as I also agreed with the President's stated objective to protect Minuteman. However, during last year's hearings, many witnesses (and I among them) introduced severe technical criticisms which have never been answered satisfactorily by the Defense Department on the role of Safeguard in Minuteman defense. The dominant points of these criticisms were: The Safeguard system provides only a single, very expensive (about $200 million) radar for each Minuteman complex and only a very small, still classified, number of Sprint missiles to protect the Minuteman silos and the radar. If, therefore, the radar were to malfunction, or be destroyed by enemy attack, then the whole system collapses. Attack on the radar is an attractive enemy tactic, since the missile site radar is much "softer", that is, vulnerable, than the missile silos it defends.

Defense of an entire Minuteman complex by a single MSR radar contradicts the fundamental philosophy of the Minuteman system: The value of Minuteman as a deterrent is based on the survival of each silo, independent of any other silo which might be destroyed. The single radar on which the entire defense depends is thus the "Achilles' Heel" of the entire system and a substantial part of the defense has to be dedicated to protecting this radar, i.e., to "defending the defense."

This criticism is aggravated by a second objection never answered by the Defense Department: The Soviet SS–11 missiles (which now exist in much larger quantities than the SS–9's) are at present of sufficient accuracy and explosive power to destroy the missile site radar, although they do not endanger the Minuteman silos. Thus in effect a Safeguard defense to protect Minuteman against the SS–9 could be totally negated by the Soviets even if the system were deployed today.

During the last year it has become clear beyond a reasonable doubt that if the defense of Minuteman were the only, or even the principal, function of Safeguard, its deployment clearly could not be justified. Not only is the number of Minuteman silos saved by the Safeguard deployment negligible, but it is also clear that if the attempt were made to increase the protection offered by Safeguard by increasing the numbers of missiles and radars using the Safeguard technology, then such an undertaking would be enormously expensive. Specifically, the cost per silo defended would be many times the cost of each Minuteman saved and the defense cost would also exceed the cost of the enemy missiles which could be intercepted with confidence.

These criticisms have now been tacitly agreed to this year by the Defense Department. Secretary Laird in his statement on February 20, 1970, before the Joint Session of the Armed Services and Appropriations Committees of the Senate, proposed:

"If, in the future, the defense of Minuteman has to be expanded, new and smaller additional radars placed in Minuteman fields would be less costly than the Safeguard Missile Site Radar (MSR) because they would not have to cover such large areas. For this reason we will pursue a program to determine the optimum radar for such a defense and begin the development of this radar and associated components in FY 1971 . . ."

Similarly, the Secretary of the Air Force stated before the Senate Armed Services Committee in March 1970:

"If the Soviets continue to increase the threat (against Minutemen) it may prove most cost effective to rely on a broader list of defensive measures . . . *close hardpoint defense,* hardening and multi-basing as examples . . ."

The Deputy Secretary of Defense recently testified to the House Committee on Armed Services:

"For example, we have under consideration a new, smaller, less-expensive radar and data processor aimed *specifically* at *close-in* defense of Minuteman . . ."

In contrast the Secretary testified last year on April 16, 1969, that he saw:

"no feasible substitute for Safeguard . . ."

The Secretary of Defense has now proposed an additional appropriation of $158 million for these new development programs, intended to protect Minutemen by techniques better than Safeguard. This is an admission of the validity of the technical criticisms voiced last year: Those witnesses opposing Safeguard deployment maintained that a more effective and less expensive way to defend Minuteman would clearly be a system which employed smaller radars rather than a large, vulnerable one. The Defense Department now recognizes belatedly that any hope of a reasonably effective defense of Minuteman would require the development and deployment of a system of defense of hardened Minuteman silos, rather than being a general purpose development such as the Safeguard adaptation of the former Sentinel and Nike–X systems, which were primarily designed as city defense ABM systems.

A frequent "criticism of the critics" voiced last year was, "Assuming you are right, that Safeguard is technically very poorly suited to defending Minuteman, but considering the evolving threat, can we afford to wait to develop a better system specifically designed for defending Minuteman?" The answer to that is "Yes, we can." the total schedule for deploying the Safeguard Phase I defense is not controlled by providing the hardware, that is, the missile and radars, but is paced by the unprecedented complexity of the computer and the associated programming which is required to control the system.

Last year Secretary Packard testified that the data processing job was a large one and this year DOD witnesses testified that progress was "satisfactory." What they did not state was that the programming task not only control the level of threat which can be handled, but also paces the entire deployment schedule. *Therefore, "doing the job right" will not delay the time at which Minuteman could be defended, and may in fact shorten it.*

Last year critics expressed concern that the *performance* of the PAR radar would be impaired by the proximity of nuclear explosions. This year Dr. Foster testified on February 24, 1970: "We have encountered no serious problems in *engineering* the PAR." What he did not state is that the concern of the critics is more than justified: Nuclear bursts degrade the expected performance of the PAR to such an extent that there is great doubt that the PAR can contribute to the defense of Minuteman at all, and that furthermore its role in area coverage is seriously impaired. I consider this a "serious engineering problem."

The totality of all these technical facts amounts to one thing: Even if Safeguard functions perfectly it offers significant protection to Minuteman only over a very narrow band of threats; if the threat continues to grow as rapidly as it is at present, Safeguard is obsolete before deployed; if the threat levels off, Safeguard is not needed. If one combines this fact with the likelihood of catastrophic failure of the single radar and computer controlling the system, and the fact that a less failure-prone and more effective system to defend Minuteman can be produced on the same time scale for less money, Safeguard looks like a very poor use of the shrinking defense dollar indeed.

III. THE DEFENSE AGAINST CHINESE ICBM'S

There is now general agreement that the mission of defending Minuteman alone cannot justify Safeguard Phase I deployment, let alone deployment of an amplified Safeguard system. Therefore, the principal motive for wishing to go forward has again become the role of the system in defense of cities; it was this role which was de-emphasized in the testimony of Department of Defense witnesses last year, e.g., the Deputy Secretary of Defense testified before this Committee on March 26, 1969:

"I must say that I am very pleased to know that you and I have come to the same conclusion on this matter—that an ABM defense of our cities makes no sense and that it is the kind of thing that does lead to escalation of the arms race. That is one of the first conclusions I came to after getting into the study of this matter. That is why I have recommended a different course—the course of protecting our retaliatory capability rather than protecting our cities."

However, the President put city defense again into primary focus as an anti-Chinese defense during his press conference of January 31 of this year. This shifting role of Safeguard was described by Senator Gore last year by the words "a defense looking for a mission;" we now find that such a multiple role system is very poorly suited for the defense of Minuteman and is also of little value in offering total protection against a possible Chinese threat.

Although there has been progress in the development of Chinese nuclear devices our projections of a Chinese ICBM capability have continuously slipped in time. We expected that the Chinese would undertake an experimental launch of an ICBM in 1967 (as was recently mentioned by Secretary Laird), but now the expectation of such an event has slipped to 1970, a shift of 3 years. What is the new urgency for an anti-ICBM defense against China?

The President, in his press conference of January 31, 1970, indicated that he had been assured that Safeguard would provide a "virtually infallible" defense to provide a "credible foreign policy in the Pacific areas." Presumably under such an umbrella the U.S. can use its nuclear power in response to Communist moves without exposing its population.

I will not enter into the controversial question whether the threat by the U.S. of a nuclear "massive retaliation" against unacceptable Communist moves is a wise or moral policy in Asia; I only would like to point out that for this role Safeguard is subject to many valid technical objections. The thin area defense proposed is very fallible indeed for many reasons. Among these are:

A. Any system as complex as an ABM and which can never be tested is subject to many sources of failure—human or technical.

B. Since the PAR radar is required for complete area coverage the nuclear environment produced both by explosions of the defensive Spartan missile and the incoming

missile can interfere with proper functioning in many ways.

C. Since each interceptor will never have perfect reliability there is always a good chance of the enemy's attack "leaking through."

D. The area defense against China is of no value at all until one has completed the full deployment of all planned sites, since otherwise it can be bypassed by ICBM attack against uncovered areas. Hawaii and Alaska are not covered.

E. Many mechanical devices designed to penetrate ABM defenses and which can be added to ICBM's with relative ease are well known. These could be adopted by the Chinese at their option to confuse and thus defeat the radar.

F. Should the Chinese really plan or threaten a suicidal attack against the U.S. they would have means other than an ICBM to deliver a nuclear explosion to the U.S. homeland, for instance by smuggling in a bomb.

Secretary Packard, in his testimony to the Committee on Armed Services of the U.S. House of Representatives, agreed that "Relatively simple devices like tank fragments have a limited ability to deceive a sophisticated defense system like Safeguard." I would go beyond this by stating that the Safeguard area defense can definitely be defeated by tactics as simple as tank fragmentation (the U.S. did this in its ATLAS Program in the mid-fifties!), as well as other simple penetration devices such as balloons. It is well known from more than a decade of experience that defeating the defense by presenting many confusing objects outside the atmosphere is no longer a technological challenge.

In his testimony Secretary Packard tried to minimize the threat of such Chinese moves by pointing out that the Chinese would have to construct range instrumentation to monitor whether the tank had actually exploded and would have to possess detailed knowledge of the characteristics of Safeguard. Since the President was proposing protection in "perhaps ten years from now" it is clear that the Chinese are fully capable of providing such simple radar instrumentation once they have successfully mastered the technology of ICBM development itself.

Considering this combination of facts *it is clear that an area defense system such as Safeguard can never be expected to achieve total protection.* Defeating Safeguard, if desired by the Chinese, would, of course, require additional effort, but it is an effort which they are clearly capable of undertaking. The only hope would be that the Chinese would not choose to adopt measures to defeat Safeguard, or would fail to remedy some essential defect of their ICBM's.

I am impressed how tortured the argument of the DOD witnesses has become: In order to justify Safeguard as a defense against Soviet missiles and to justify immediate deployment of MIRV against suspected clandestine Soviet ABM defenses, we are giving the *Soviets* credit for a degree of performance and reliability of their military systems which we could not dream of achieving ourselves; when talking about an "infallible" defense against *China* we are assuming that even a decade from now the Chinese could not achieve results we accomplished fifteen years ago!

The serious inadequacy of the area defense against China will, of course, become apparent as time goes on. As a result pressure will mount to add progressively to the "thin" defense to make it more and more effective against the conjectured threat from Mainland China. *This means that once the U.S. has adopted the policy that it needs a complete shield against China the stage is set for an ever-expanding but never fully effective ABM system at enormous cost.*

It is this last conclusion, namely that adoption of an anti-Chinese ABM policy leads us to a technological arms race with China, which gives rise to the most serious concern: Pressures will rise to have each area of the country covered by a thicker defense so that *each* center of population can be protected against the *total* Chinese ICBM force. But the very existence of a growing U.S. city ABM system, however dubious its performance, would lead the *conservative Soviet* planners to conclude that their deterrence against U.S. first strike nuclear attack is threatened: Therefore the Soviets will press for expansion of their offensive weapons. Conversely, the *U.S. conservative* planners, being well aware of the technical deficiencies of Safeguard, are ignoring the protection it may offer in their strategic force planning. It was for this reason that last year President Nixon in his March 14, 1969, press conference ruled out a substantial city defense ABM; he agreed that such a move would be escalatory and hence undesirable. This year this position appears reversed through the emphasis on defense against China, although in the intervening year no developments have created a new urgency to deploy an anti-Chinese ABM.

IV. RELATION OF ABM TO SALT

In the previous sections I have demonstrated that Safeguard is ineffective in defending Minuteman, and is incapable of providing a tight umbrella over the U.S. to defend reliably against ICBM attacks which Mainland China might be able to launch late this decade. Despite the clear technical limitations of Safeguard as an anti-Chinese defense the very fact that the President has stated such a defense to be a U.S. policy objective creates a danger to the success of SALT. Fortunately the President has emphasized, in particular in his more recent statements, that he considers ABM levels fully negotiable in the forthcoming SALT talks. I hope that he can justify to the American people giving away in negotiation with the *Soviets* a system which he is now persuading the American people is a defense we need against *Communist China.*

While emphasizing the negotiability of ABM deployment the President and DOD witnesses urge an expanded Safeguard system now, in spite of the obvious technical inadequacies, in order to be in a position of "negotiating from the strength" at SALT. The expressed fear is that since the Soviet strategic forces are growing in numbers, while the seven billion dollar U.S. strategic budget is only buying qualitative improvements, the Soviets will not feel under sufficient military pressure to negotiate a limitation of strategic arms under terms acceptable to the U.S. But are we really negotiating from weakness? Quite apart from MIRV deployment, the status of U.S. vs. Soviet intercontinental strategic defensive forces (as presented on February 20, 1970, by Secretary Laird) is given in the following table:

UNITED STATES VERSUS SOVIET INTERCONTINENTAL STRATEGIC OFFENSIVE FORCES

	Sept. 1, 1968		Sept. 1, 1969	
	United States	Soviet	United States	Soviet
ICMB launchers	1,054	900	1,054	1,060
SLBM launchers	656	45	656	110
Total launchers	1,710	945	1,710	1,710
Intercontinental bombers	646	150	581	140–145
Total force loadings weapons	4,200	1,100	4,200	1,350

This belies the fact that the U.S. is in an inferior position. At present the U.S. is clearly ahead by a large factor in the total number of deliverable nuclear warheads while the Soviets are ahead in terms of the total explosive power of their weapons. Under current circumstances neither side could deliver a first strike against the other without exposing itself to a retaliatory blow of such enormous magnitude as to endanger the very survival of the society of the attacker. However, the Soviets appear to be racing ahead to achieve a nuclear "war fighting" capability and the U.S. has already acquired nuclear strategic armaments greatly in excess of those required for deterrent purposes only. What better time could there be for both sides to attempt to freeze strategic armaments near current levels rather than escalating the arms race further by trying to negotiate "from a position of strength?"

Once the Congress approves an expanded Safeguard under the announced policy to give full protection against Chinese ICBM's it will be difficult for the U.S. negotiators to propose ABM levels below those authorized at home. In turn the Soviets will find it impossible to agree to ABM levels on their own below those proposed by the U.S. I note that current Soviet ABM deployment levels consist of only the few interceptors and associated radars deployed around Moscow. The *expanded* Safeguard system now before the Congress involves more interceptor missiles than those deployed around Moscow and is technically much more advanced. An ABM freeze agreed at SALT at a level no lower than that of the expanded Safeguard system would thus permit and in fact encourage the Soviets to further expand and improve their ABM systems.

If the agreed ABM levels are high then both sides will insist on higher levels, both qualitatively and quantitatively, of offensive arms in order to retain their deterrent against the other country. *Thus the level of ABM defenses which may be agreed on at SALT ultimately will control the limit which one has any hope of imposing on both the offensive and defensive strategic weapons of the two nations.*

The level of ABM deployment which will be agreed on at SALT is even more critical than the question of prohibition on MIRV testing and deployment and the associated questions of verification of such a MIRV ban. A highly accurate MIRV, if deployed, can only threaten the fixed land-based deterrent of the other side; for example, the multiple nuclear warheads of the SS–9's may endanger our Minuteman, and Soviet fears that upgrading and accuracy of the U.S. Poseidon and Minuteman III MIRV's may endanger the Soviet land-based missile silos are well justified. In contrast, ABMs threaten to intercept ballistic missiles from wherever they are launched—land or sea— and therefore will raise doubts on the effectiveness of the entire deterrent missile force of each country.

The terms of a SALT treaty setting a level of ABM at agreed numbers of interceptors or radars other than at "zero" would be difficult to police: It is much easier to assure compliance with provisions which prohibit a weapons system entirely than with a specific limit on the number of weapons. Once both sides have agreed to ABM levels as high as those of the advanced phases of Safeguard, then the fears of clandestine upgrading of the Soviet ABM system into an even larger system sufficient to endanger the U.S. deterrent will gain in substance. Once radars as

sophisticated as the Safeguard MSR are extensively deployed around the Soviet Union, and once other components of a "legal" ABM system are widely deployed, then clandestine upgrading using some of the existing parts of the air defense system is much harder to prevent. *I therefore foresee a real danger that if the agreed levels of ABM deployment at SALT turn out to be no lower than that of the expanded Safeguard, then in turn we will be unable to accept a freeze on the quantity of our offensive missiles or a ban on MIRV deployment and testing.*

Specifically, the objections to a moratorium on MIRV deployment, or a prohibition of MIRV under SALT voiced by DOD witnesses in the past, have been based on the assertion that MIRV's are required to penetrate Soviet ABM. While I conclude that such statements have no technical validity at present, they may become valid if increases of ABM in the Soviet Union are permitted or in fact encouraged at SALT. It is this chain of events which leads to the conclusion that the decision to expand Safeguard now is a clear danger to the entire success of the SALT talks, both in regard to limiting strategic offensive and defensive missiles.

V. CONCLUSION

There can no longer be any question that ABM has escalated and will continue to escalate the nuclear arms race; let me review some recent history: Suspected deployment of ABM by the Soviets has given the incentive for U.S. development of the MIRV, deployment of multiple warheads by the Soviets has given last year's justification for the U.S. deployment decision on Safeguard, the possible expanding role of Safeguard in protecting our cities will give rise to Soviet fears of being able to maintain their deterrent against us, the possibility of improving the accuracy of American MIRV's with which we are trying to counter Soviet ABM's appears to threaten Soviet missile silos, etc. In short, starting from the concern about ABM deployment, the world is embarking on the next large step of the arms race. Yet the world has now strategic nuclear armament sufficient to destroy life as we know it on both the European and North American continents and in fact to endanger survival of the entire human race. *The various arguments in which contrived situations are created to justify even further expansion of this enormous arsenal in the name of "security" must be weighed against the resulting ever-increasing danger of accident and inadvertent escalation into nuclear war.*

SALT extends the hope to freeze nuclear strategic arms at their present levels which are already vastly in excess of those required to maintain a strategic balance between the two super powers; SALT may even extend hope for reduction from these levels. I have presented technical evidence that the actual Safeguard deployment contrasts sharply with the justification stated by the President, that the anti-Chinese rationale for Safeguard impedes the negotiability of ABM levels at SALT, and that any level of ABM other than a very minimal one will endanger seriously the success of SALT in achieving meaningful arms limitation. I urge that the Congress express its intent to bring the arms race under control through successful SALT negotiations by rejecting any expansion of the Safeguard ABM system at this critical time.

OPENING STATEMENT BY DR. HERBERT SCOVILLE, JR., APRIL 13, 1970

Mr. Chairman, it is a great pleasure to come before your Committee again, this time as a private citizen after having met with your Committee for many years as a member of the Government. In this connection, I should like to emphasize that any statements I may make here today are my own personal views and do not necessarily reflect those of the Carnegie Endowment for International Peace for whom I am now working part-time. Furthermore, I would like to make it clear that I have not had access to classified Government documents or positions on SALT, and so what I say should not in any way be construed as describing its views.

I have been asked and am particularly pleased to be able to present to you my thoughts on the subject of verification since this has been and is a key problem in achieving arms control. Any limitations on strategic arms, whether they be by formal agreement or occur as a result of mutual understanding, must be able to be verified to provide confidence that violations which would endanger security are not occurring. Unless this confidence exists, any agreement will be dangerous, unstable, and probably not endure for very long.

Verification has been the stumbling block in negotiating almost all arms control agreements since World War II. The closed society in the Soviet Union has always fed fears in this country that the Soviets might use an arms control agreement to restrict a U.S. weapons program while allowing the Russians to continue their program clandestinely to the point of achieving a military advantage. A classic and perhaps over-emphasized example of this problem has been in the negotiation of a comprehensive test ban treaty. The U.S. has always feared that the Soviets could derive significant military gains by underground tests which could not be distinguished from earthquakes and sought inspections to clarify the nature of the seismic events. The Soviet Union resisted this desire as a threat to their society, and as a consequence no agreement on banning underground nuclear tests has yet been achieved.

In evaluating the adequacy of any verification procedures, it is important to emphasize that it is not necessary to be able to detect every possible violation but only to have the ability to detect violations which could significantly affect U.S. security. If a nation believes that there is a risk of the violation being discovered, it is unlikely that it would take that risk unless the violation provided a significant gain. Cheating on an ICBM launcher freeze by secretly building a dozen or even a hundred missile silos makes no sense when both nations already have more than a thousand missiles.

Any arms limitation together with its means of verification should also be designed to avoid continual alarms that violations were occurring, since if these occurred frequently the value of the agreement could be greatly reduced. Fears of minor infractions of the agreement should not be allowed to become a source of major international incidents. This can be avoided as much by proper phrasing of the agreement as by the mechanics of verification itself.

In general, arm limitation verification procedures are divided into two categories. The first are known as "national" or "unilateral" verification techniques which do not require any agreements for inspection within the boundaries of another nation. The second category are termed "onsite inspections" in which a nation would agree to allow nationals of another country to inspect within its territories to determine whether a violation had occurred. Intermediate to these categories would be those situations in which both sides agreed to conduct their operations so as to facilitate verification by national means.

Only in the case of the Antarctic Treaty has the Soviet Union allowed the use of onsite inspections to verify compliance with the treaty. At one time Chairman Khrushchev agreed in principle to three onsite inspections per year within the Soviet Union to monitor a comprehensive test ban treaty, but at that time the U.S. did not believe three a sufficiently large number. Since then the Soviet Union has withdrawn that offer. All others arms control agreements which have been negotiated have relied primarily on national means of verification. The limited test ban treaty is monitored by such national systems, and all countries have a high degree of confidence that significant violations are not occurring. The same is true of the undertaking in the outer space treaty not to place nuclear weapons in orbit around the earth. General Wheeler in testifying in support of that obligation said that he favored reliance on national means since he did not believe that the Soviet Union could, without U.S. knowledge, violate this provision so as to obtain a significant military advantage.

In this connection, it is interesting to consider briefly the history of the limited test ban treaty. This treaty is verified by highly sophisticated scientific national techniques, and I believe that all countries have a high confidence that any significant violation of this treaty could be detected. Nevertheless on several occasions since the treaty came into effect radioactive material from underground tests has been detected outside the boundaries of the country in which the tests were held. This could well be considered a technical violation since the treaty bans tests which cause radioactive debris to be present outside the territorial limits of the state under whose control the explosion is conducted. While these occassions have resulted in exchanges of notes and requests for explanation, both the U.S. and the Soviet governments have recognized that the events did not threaten either nation's security nor did they significantly increase the health hazards throughout the world. As a consequence neither nation has made a major international incident out of these possible technical infractions. However it is an example of where the wording of the treaty was sufficiently ambiguous as to permit a difference of views as to whether violation had occurred even though the verification procedures were quite satisfactory. Such ambiguities in treaty language should be avoided to the maximum extent possible, without at the same time incorporating so many technical details that the treaty could become inoperable as a result of unforeseen scientific developments.

Verification is not limited to arms control agreements but is also an important factor in our everyday unilateral national security planning. Decisions that are made on ICBM force levels, on whether to deploy an ABM, or on whether to develop MIRVs or other penetration aids to overcome a Soviet ABM are all based on the best information nationally available on Soviet armament programs. In this day-to-day unilateral planning it is not enough to just know that a missile has been deployed. One must also know the characteristics of that missile and have some basis for estimating the quantity and the timing of the total deployment program. Thus, the information required for unilateral planning is much more difficult to obtain than that required to monitor an arms limitation agreement where information that a single missile launcher had been added to the force would be all that might be required in order to verify that the arms control agreement was not being abided by.

A good example of where it would be much easier to verify satisfactorily an arms control agreement than the size of the force for unilateral planning would be in the area of mobile ICBMs. If, as a result of SALT, it were agreed that mobile ICBMs would be totally banned, then the ability to detect the deployment of even a single such missile would be sufficient to verify whether the agreement was being abided by. It would not be necessary to count precisely the number of mobile missiles deployed, which might be very difficult unless one had instantaneous observation of the entire Soviet Union, since the missiles could otherwise be moved from one place to another between observations. On the other hand in order to determine for our

unilateral force planning whether a Soviet mobile ICBM force, which had not been restricted by an agreement, posed a threat, one would need to know the size of such a force. This might be very difficult to accomplish with suitable reliability.

This example raises another point which should be kept in mind in evaluating the adequacy of verification capabilities for any arms control agreement. First one must always evaluate the relative risk from a possible violation against the risk which might exist if no arms control agreement were achieved. For example, the risk of an undetected Soviet violation of a ban on mobile ICBMs which the U.S. has no plans to deploy would be far less than the risk of no agreement which allowed the Soviets to build up a force of undeterminable size and characteristics. Further when programs are proceeding without any restrictions, information on the nature of new developments and deployments can often be confusing and misleading and consequently produce less than optimal unilateral U.S. weapons decisions.

Finally, adequate verification of limitations on strategic arms is greatly simplified at this time by the fact that both sides now have such large forces of survivable strategic weapons that any clandestine program in violation of a treaty would have to be very great before it could threaten our national security. Not only are the numbers large but there are also several different types of systems available in our assured destruction force, i.e., submarine launched missiles, hardened land-based missiles, and intercontinental bombers, so that a sudden unexpected threat to one system will not jeopardize the entire second strike force. Deterrence can be maintained by both sides despite large changes, either qualitative or quantitative, in the force structure of either side. For example, although the Soviets have trebled their missile force in the last five years they are still a long way from being able to prevent the U.S. from inflicting widespread and unacceptable devastation on the Soviet Union in retaliatory attack. Even if in the highly unlikely event that the Soviets succeeded in secretly developing a MIRV missile force which could destroy all U.S. land-based missiles, the U.S. would still have a force of 41 Polaris submarines each with 16 missiles, only a small fraction of which would be required to devastate the Soviet Union.

This was, however, not the case in 1960 when the deterrent force relied almost entirely on vulnerable bombers and had only a few or no ICBMs. Then, even a small increment to these missile forces would have had very significant military consequences. Likewise we are much better off technically to verify by national means the size and characteristics of the opposing strategic forces than in the 50's. While it is not appropriate for me to discuss our technical capabilities in an open hearing, I am sure it is no secret that our capabilities have improved markedly in the last ten years. Had they not so improved, it would not have been possible for Secretaries McNamara, Clifford and Laird to report year after year with high confidence on the size of the Soviet ICBM force, submarine force, and ABMs.

Any nation which attempts to violate any arms limitation agreement on a scale sufficient to obtain a significant military advantage will run some risk of being detected. Detection by disillusioned personnel or disclosure of the violation by an agent can never be ruled out for even the most secret program. However, such sources of information are unreliable and cannot be counted on by the U.S. when its vital security interests are at stake. Therefore since verification capabilities vary greatly for different phases of the weapons development cycle, arms limitation agreements should be designed to emphasize those phases which are at the same time easy to monitor and critical to security.

Research and development, while still in the *laboratory*, could rarely be reliably detected by either any type of national observation system or any acceptable onsite inspection scheme. Thus it is only when the development reaches the *testing* phase that strategic weapons programs become observable and provide opportunities to verify restrictions on development of new systems. Before most offensive missile systems can be reliably deployed, they require extensive tests at long range so that they can be observed beyond the borders of the testing nation. The U.S. has been able to observe Soviet ICBM tests consistently since their program began in 1957. Not only have successive Secretaries of Defense reported on the number of missile firings but in many cases on the characteristics of the weapons being developed. While defensive interceptor missiles do not travel such long distances, the high-powered radars which track the incoming warhead and guide the interceptors emit radio waves which can often be discernible at remote locations. Since much testing is relatively easily verifiable, it is frequently a good point in the weapons cycle to start applying limitations.

The *production* of strategic weapons is again more difficult to observe. Many components can be produced in small buildings and even a complete missile could be assembled in structures which might not be easily identifiable. National means of verification might locate many suspicious structures, and frequent onsite inspections might be required to provide sufficient confidence that violations of a ban on production were not occurring. For ABM systems it would be even more difficult since the missiles are smaller and the electronic components for the radars would be indistinguishable from those required for other purposes until they were finally assembled in the deployed radar. The one exception would be the production of missile launching submarines which employ for their construction large and relatively easily identifiable shipyard facilities.

Finally, looking at the last stage in the weapons cycle—*deployment*. It is relatively easy to observe deployment and determine changes in the size of operationally deployed systems. To simplify the verification it is usually best to have a complete ban or to freeze the number at existing levels rather than agreeing on a fixed number of items. After a freeze has been achieved, then the levels can be reduced by agreed numbers.

It is often not so easy to determine the characteristics of the systems deployed, since many of these are independent of the external configuration of the hardware. Once missiles with certain capabilities were demonstrated and proven in testing and particularly if troop training were observed, one must assume that they could be deployed, but it will frequently be impossible to know how many have been incorporated in the force and what will be their real operational capability. It would, for example, be difficult to verify with high confidence whether a new type of missile was being substituted for an existing one or whether improvements were being made to existing systems. Therefore, limitations on deployment should emphasize numbers of weapons rather than weapon characteristics.

In order to evaluate the ability to verify deployment limitations, it is necessary to look at each individual strategic weapons system. For the purpose of discussion today I have concentrated on those systems which would be most critical in a freeze on strategic offensive and defensive weapons.

LAND-BASED ICBM'S

Fixed land-based ICBMs require extensive launch site construction in order to provide the necessary hardening to make them resistant to blast from a nuclear explosion. This construction requires many months, and therefore ample time is available to permit its detection. In presenting his FY 71 Defense Program, Secretary Laird has reported with great precision the numbers of such Soviet launchers, both operational and their rate of construction, each year since 1966. While in theory it might be possible to build clandestinely at great cost in time and money a few additional launchers using elaborate camouflage techniques, such a violation would have no effect on U.S. security since they would be an insignificant addition to the already existing large forces of more than a thousand ICBMs on both sides. Therefore, a limitation on numbers of ICBM launchers could be adequately verified by national means without the need for any supplementary procedures.

Mobile land-based missiles would be more difficult to monitor, but even these require logistic support which would be difficult to conceal. This would be particularly true in the Soviet Union, where the road system is limited and the rail system well known. If large numbers were already deployed, it might be hard to obtain a reliable count of the number of such missiles since the missiles might be moved between observations. If deployment were nonexistent or small at the time the agreement was reached, then a large new deployment would become apparent. Therefore, a total ban on deployment of such systems would be preferable, since the detection of even one would constitute a violation. This country has not developed or deployed any mobile ICBMs and there are no reliable reports of Soviet deployment of either mobile ICBMs or IRBMs, although the Russians have displayed missiles in the Moscow parades which they claim to be mobile ICBMs. It is highly unlikely that the Soviets could secretly deploy the many hundreds of mobile ICBMs which would be required to affect the present strategic balance, but the sooner a ban took effect the easier the verification.

SUBMARINE-LAUNCHED BALLISTIC MISSILES (SLBMS)

Submarines which have large numbers of long range missiles and which can operate for protracted periods at long distances from their home ports require large and distinctive facilities for their construction. Secretary Laird has reported in his FY71 Defense Program that the Soviets can accommodate 12 complete hulls at two different shipyards. After they are launched they require many months for fitting out, during all of which they are subject to observation. To have a reliable operational capability they must be shaken down and cruise in the open oceans. Secretary Laird, like his predecessors, has on several occasions reported with confidence the numbers of existing Soviet submarine-launched missiles. Again, for the Soviets to increase their present relatively small but rapidly growing SLBM force without U.S. knowledge to a point where it could significantly affect U.S. security would not seem possible. Therefore a ban on construction of new ballistic missile submarines could be verified by national means.

MIRVS

So far I have addressed only the numbers of missiles or their launching platforms; the number of nuclear warheads within a given missile is another thing. Since a single large warhead can be replaced, without changing the external configuration of the missiles, by several smaller warheads either with or without a capability to be individually targetted (MIRVs or MRVs), it is hard to visualize how the U.S. could verify by national means whether a deployed missile has or has not multiple warheads. In fact even onsite inspection to make this determination would be difficult. It would require the right to inspect any deployed missile including those on submarines, on sufficiently short notice

to prevent substitution of the reentry vehicle. The inspection would require access into the interior of the reentry vehicle or at the very least, the use at close range of some scientific technique, such as X-rays, to determine the number of warheads present. Such inspection would almost certainly not be acceptable to the USSR. If the Soviets required similar inspection to verify that the U.S. was not secretly deploying MIRVs, it is doubtful that the U.S. could accept it.

Therefore, if MIRVs are to be controlled, every effort should be made to limit testing as well as deployment. At the present time, neither the U.S. nor the USSR have fully developed and tested a MIRV system with sufficient accuracy and reliability to provide a first strike capability. The Soviets began testing MRVs on the SS9 in August 1968, and President Nixon in the summer of 1969 stated that the "footprint" of the Russian MRV indicates that they may happen to fall in a pattern comparable to the area covered by a complex of three Minuteman sites. However, Dr. John Foster, DDR&E, has stated on February 24, 1970 that the Soviets "have not demonstrated to us the flexibility necessary to target each warhead at a different Minuteman silo." All Minuteman sites do not have the same spacing so that the Soviets would require the ability to vary the footprint reliably and accurately if they were to have a capability to wipe out the entire Minuteman force.

The U.S. started a two-year program to test first generation MIRVs for the Poseidon and Minuteman III missiles also in August 1968, and DOD officials have announced that the Minuteman III will begin to be fielded in June 1970 and the Poseidon become operational in January 1971. While U.S. officials have emphasized that the accuracy-yield combination of these first MIRVs will not be sufficient to provide a first strike counterforce capability, the Soviets may be concerned that the first U.S. systems might have such a capability. Fortunately the Soviets should be able to satisfy themselves that the U.S. was not deploying MIRVs in violation of a ban, since it is hard to conceive how the U.S., with its open society, could place MIRVs in a large part of its force without detection. Certainly we should not prejudge the decision for the Soviets and conclude that controls on MIRVs are unverifiable because the U.S. program has proceeded too far. There is still time, but maybe only a little, to prevent deployment of MIRVs if a ban on testing and deployment can be achieved soon.

What are the opportunities for the U.S. to verify a ban on MIRV and MRV testing? (MRV testing would probably also have to be banned to be confident that these were not confused with MIRVs). Since the type of MIRV which could threaten the fixed land-based missile force is one which has a reliable capability for destroying hardened ICBM sites, i.e., a MIRV with high accuracy and high yield, I believe verification is possible. In order to achieve such a capability it will be necessary to test at full range and at as near operational conditions as possible. Such tests can be monitored to determine the number of reentry vehicles. No nation would replace existing reliable missiles and consider initiating a nuclear war with a missile which had only been partially tested. Planners would demand high confidence on the reliability and accuracy of the full system before risking national suicide by carrying out a first strike.

Tests in which only one of the multiple warheads was allowed to separate would be useful for development but not satisfactory for proving out the complete system. Such tests would in any case probably raise suspicions. Likewise, simulated tests in space or, as has been suggested in analogy to the proposal for evading the Nuclear Test Ban Treaty, "tests behind the moon" would be equally unsatisfactory. Elaborate schemes for clandestine testing will undoubtedly be put forward as they were in the case of nuclear weapons testing, but even with much simpler systems than MIRVs, military planners like to see full operational testing before undertaking deployment. For example, even more than five years after development testing has been completed on the Polaris A3 MRV system, the military are claiming that additional firings of the complete system are essential to maintain confidence in the operational capability of the system. Based on past experience Soviet military are even more stringent in their requirements for full operational testing than the U.S. It is most unlikely that the Soviets could without U.S. knowledge violate a MIRV–MRV test ban to the extent that they would be in a position to deploy a MIRV system which would be sufficiently reliable and accurate to threaten to destroy the entire Minuteman force.

LONG-RANGE BOMBERS

The Soviets have no known present program for deploying a new truly intercontinental bomber. If they were to undertake such a deployment in violation of a ban it is almost certain that the force would be detected before it had reached a significant size. Bombers are not easy to conceal, and U.S. authorities have known with confidence and publicly reported the size of the Soviet bomber force since the mid-fifties. Suggestions have been made that they would masquerade such a force under the guise of a supersonic transport which could be rapidly converted to a bomber. Both Generals LeMay and Power have frequently emphasized that a bomber force which does not train and carry out realistic simulated operations is of almost no value. It is inconceivable that the Soviets could create secretly an operationally capable bomber force which could provide any serious additional threat to U.S. security.

ABMS

Finally, going to strategic defensive systems, I shall concentrate on ABMs, since they pose the most serious potential threat to our confidence in our strategic deterrent forces and since they are the system of most interest in any strategic arm limitation agreement. In 1966 Secretary McNamara publicly announced that we had clear evidence that the Soviets were building an ABM system around Moscow, and the progress of this system has been reported on since at regular intervals. Secretary Laird has recently reported that a number of the complexes in this system were only brought to operational status this past year. Furthermore both Secretaries Clifford and Laird were even able to report that the deployment had been reduced in scope from that originally planned but that the Soviets are continuing to press forward with R & D on a more advanced system. Secretary Laird also referred to large Soviet phased array radars for tracking and warning. I am confident, and these statements are a public substantiation, that we are now capable of verifying a freeze on the deployment of ABM systems and that any violation could be detected well in advance of their becoming operational.

ABMs to cope with the sophisticated type threat of which the U.S. is capable are complicated and large systems. They require large radars which have a high visibility, have a long lead time for construction and which, furthermore, must radiate energy continuously if they are to be of any value. In addition, an ABM system requires large numbers of high performance defensive missiles if it is not to be saturated. Extensive training exercises must be carried out to develop operational competence. All these factors greatly facilitate the verification of a freeze on ABMs.

The greatest problem in this area could be the confusion between systems designed for defense against aircraft with those for defense against ballistic missiles of the former were not controlled. For example, during the early construction period there was some doubt as to whether the so-called Tallinn air defense system was for ABM purposes or not. However, as deployment proceeded, it became more and more clear that it was for defense against aircraft.

Nevertheless, fears still exist that the Tallinn or other air defense systems might be upgraded to provide an ABM capability without our knowledge. In evaluating this risk it is important to realize that any air defense system may have some limited capability to shoot down an incoming missile. To be a threat to a retaliatory attack of which the U.S. is capable and thereby erode the deterrent it must, however, have an extremely high capability. Its radars must be able to handle rapidly large numbers of incoming targets and must also be defended. The missiles must have a high acceleration to avoid the necessity of committing the defense before the radar has determined the nature of the incoming objects. President Nixon has stated when the Safeguard decision was first made that the heaviest defense system considered, an ABM system designed to protect cities from a Soviet type threat, could not prevent a catastrophic level of U.S. fatalities. Clearly a Soviet system to cope with the even larger U.S. threat cannot be built by clandestinely upgrading existing air defense systems. New or large numbers of greatly improved radars, new missiles, new command and control systems and new radar defense systems would be required if the Soviet anti-aircraft systems were to be turned into even a partially effective ABM. Extensive troop training would be needed to develop operational effectiveness. Such a program would undoubtedly be detected with plenty of lead time to incorporate counter-measures to permit penetration of such a system. The U.S. already has developed and tested MIRVs capable of penetrating an ABM system, and these could be deployed in an emergency much more rapidly than a Soviet ABM.

Thus it would appear that the limitations on ABMs to low or zero levels can be adequately verified by national means. While some fears might arise about the upgrading of Soviet defense systems, it is believed that the risk to our security from such a secret program would be less than if there were no limitations on ABMs. It would be preferable to ban ABMs or restrict them to very low levels, since in these instances, radar deployments could be limited and thus facilitate verification.

In summary: Quantitative limitations on the deployment of the key strategic weapons systems can be adequately verified by national means.

Limitations on the testing of all multiple reentry vehicles can be adequately verified by national means and should be sought immediately together with a ban on MIRV deployment if MIRVs are to be controlled. It is not yet too late to achieve such limitations since MIRV systems which are sufficiently reliable and accurate to threaten hardened ICBM sites are not yet fully tested and deployable and since the U.S. could not secretly deploy MIRVs.

ABM deployment limitations at zero or low levels can also be verified. Any upgrading of existing air defense systems which could escape detection would not provide an ABM capability which could seriously degrade the U.S. deterrent.

In light of existing national verification capabilities, the large numbers of weapons on each side, and the insensitivity of each side's deterrent to relatively large force changes, I am confident that an agreement can be designed which would significantly limit strategic armaments and in fact increase real security.

REFUGEES AND CIVILIAN WAR CASUALTIES IN LAOS

Mr. KENNEDY. Mr. President, one of the more distressing aspects of the war in Laos is the plight of the Laotian people, who, like their neighbors elsewhere in Indochina, are paying a heavy toll not only from insurgent attack, but also from the nature of our own military activities. As chairman of the Judiciary Subcommittee on Refugees, there is little doubt in my mind that the escalation of these military activities is following the familiar pattern of Vietnam in the destruction of the countryside, the generation of refugees, and the occurrence of civilian war casualties. The subcommittee is pursuing this significant aspect of our involvement in Laos, and, as I suggested last week, will, it is hoped, hold hearings within the very near future.

Some recent press articles detail the current situation among the people in Laos. Because of the broad congressional and public interest in this matter, I ask unanimous consent that articles from the March 14 issues of the Christian Science Monitor and the Manchester Guardian weekly, from the New York Times of March 15, from the Washington Post of March 26, from the Washington Evening Star of March 27, from Life magazine of April 3, and from the Washington Sunday Star of April 19, be printed in the RECORD.

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

[From the Christian Science Monitor, Mar. 14, 1970]

WHAT U.S. BOMBING FEELS LIKE TO LAOTIANS

(By Daniel Southerland)

BAM NOM XAY, LAOS.—The old woman said she had been through several wars but that this was the most destructive and terrifying—because of the bombing.

"In the other wars, I didn't have to leave my home," she said.

"When the soldiers came on the ground to fight, I wasn't so afraid," she said. "But when they came in airplanes, it was terrible."

The 70-year-old Lao woman was one of some 14,000 refugees evacuated from the Plain of Jars prior to the Feb. 21 recovery of that area by North Vietnamese forces and the Lao rebels, the Pathet Lao.

Few civilian inhabitants, if any, were left in the Plain of Jars following the evacuation of the refugees.

In 1960, the plateau itself and its surrounding ridges and valleys had supported an estimated 150,000 people. But a decade of war has taken its toll.

The old woman and some 750 other persons from her native village were moved by plane and then by truck last month to this refugee camp with its bamboo-and-straw huts, about 40 miles east of Vientiane.

AIR POWER REDIRECTED

The correspondent visited four refugee camps and talked with refugees from six different locations in and around the Plain of Jars.

After questioning a large number of them, it was possible to get a picture of the devastation unleashed by American fighter-bombers in northeastern Laos over the past two years, and it is not a pretty one.

After the United States halted its bombing of North Vietnam on Nov. 1, 1968, it stepped up as much as 10-fold its bombing raids—support which started on a minor scale in mid-1964—against Pathet Lao-occupied northeastern Laos. The number of bombing sorties by United States Air Force and Navy jets rose to as many as 300 a day.

This bombing campaign, code-named Barrel Roll, is separate from the other, more-publicized campaign. The latter, code-named Steel Tiger, is directed against the Ho Chi Minh Trail in southern Laos.

The refugees said about 9 out of 10 of the bombing strikes flown over the past two years in the Plain of Jars area were carried out by American jets and the rest by propeller-driven Royal Lao Air Force T-28s.

In most areas of the plain, the bombing forced the people to move out of their homes and into trenches, caves, and bunkers where they lived for the most part for two years.

HIDDEN BY DAY

They threw corrugated iron over the trenches and covered it with dirt, topped with branches for camouflage. Many said they ventured out to farm only at night because of the bombing.

By all accounts, the situation has been somewhat similar for the estimated 192,000 people living in Houa Han, or Sam Neua Province to the northeast of the Plain of Jars, although information is more difficult to come by on that area.

One Western diplomat reported, however, that in some areas of that province "whole communities are living underground."

It has been a similar story also for villagers living in the vicinity of the Ho Chi Minh Trail in southeastern Laos, where refugees and North Vietnamese prisoners and defectors say many villages have been destroyed.

In all of these places, the bombing stepped up greatly after the cessation of the attacks against North Vietnam.

In the Plain of Jars area, the bombing destroyed the main towns of Xien Khouang, Khang Khay, and Pmongsavan. The refugees said the bombs flattened many villages in and around the plain and heavily damaged others. They said no villages they knew of escaped the bombing.

The refugees said they were sometimes forced to leave their villages and bunkers to do porterage—carrying rice and ammunition—for the Pathet Lao and North Vietnamese. But they added that in many bombing raids there were no Pathet Lao or North Vietnamese troops near their villages.

RAIDS DAILY OR OFTENER

As the bombing increased, they said, the troops moved farther away from the populated areas.

In 1969, they said they saw the bombers every day when the weather was clear, sometimes so often they could not count the number of raids. The planes tended to fire at anything that moved, they said.

For the most part, however, the attackers apparently spared their buffaloes and cows, although some refugees felt that even these were sometimes targets.

One man said he narrowly escaped being blasted to pieces on six separate occasions when bombs fell near his hole, several times knocking him unconscious. But while he escaped death, there was one thing he could not escape—fear. It stalked him day in and day out.

CIVILIAN TERRORS DESCRIBED

Some refugees said they moved four or five times, each time farther away from their villages, to escape the bombing. But the bombs always followed them. Even at night the bombers came, and finally, even the rice fields were bombed.

"There wasn't a night when we went to sleep that we thought we'd live to see the morning," said one refugee. "And there wasn't a morning when we got up and thought we'd live to see the night."

"It was terrible living in those holes in the ground," said another. "We never saw the sun. Our hair was falling out."

'My wife and three children were killed," said a man in his thirties. "There were no troops [Pathet Lao or North Vietnamese] anywhere near our village."

All this raises some basic questions about the bombing in northeastern Laos. What has been its purpose?

It is impossible to get the United States Government side of the picture in any detail because American officials refuse to discuss except in the vaguest generalities the activity in Laos.

PILOTS PLEDGED TO SECRECY

The pilots who fly the raids from air bases in Thailand and South Vietnam and from carriers in the Gulf of Tonkin are under instructions not to discuss the details of their missions.

For years, the United States maintained the fiction that it was only flying "armed reconnaissance" missions over northern Laos.

The most candid official acknowledgment that something other than "reconnaissance" was going on came in President Nixon's March 6 statement when he said for the first time that the United States had been flying "combat support missions" in northern Laos when requested to do so by the Royal Lao Government.

"The level of our air operations has increased only as the number of North Vietnamese in Laos and the level of their aggression has been increased," the President said.

BUILDUP ADMITTED

On this point, there is no question that there has been a continuing North Vietnamese buildup in northeastern Laos. This buildup has been in direct violation of the 1962 Geneva accords and has allowed the Pathet Lao, heavily supported by the North Vietnamese, to solidify their control there.

But has the bombing been a justifiable or effective response? A number of well-qualified military sources feel the bombing's effectiveness in cutting enemy supply lines and slowing down the North Vietnamese has been in general greatly exaggerated, just as it so often had been in both North and South Vietnam.

BOOMERANG EFFECT?

According to the refugees from the Plain of Jars, the bombing may even have had a boomerang effect in some areas.

One refugee said that as the bombing increased, the Pathet Lao forces in his district started getting more volunteers, whose attitude was "better to die a soldier than to stay at home waiting for the the airplanes to kill you."

He also said the bombing tended to heighten the fighting spirit of the Pathet Lao—no mean achievement given the Lao propensity for avoiding battle.

Whatever the effects of the bombing on enemy military forces in Laos—still a subject for much debate—there is no doubt as to its effectiveness in completely disrupting civilian life.

TRANSPORTATION HALTED

Whereas the North Vietnamese and the Pathet Lao soldiers are capable of moving into the protection of the forests and living off supplies shipped in from neighboring North Vietnam, the civilians are tied to their rice fields, their livestock, and the rest of their belongings and are thus exposed more constantly to the bombing than the soldiers.

A refugee from Phongsavan said the bombing put a halt to all civilian motorized transportation in his district and caused markets to open only in the predawn darkness and to close before sunrise. Schools were destroyed, and there was a general shortage of everything from clothing to bicycle parts.

Sometimes it took some prodding and a lot of patience to get the refugees to talk

about all this, and it appeared to me, in fact, that some of them had been told not to talk about it.

Many of the wounded, the refugees said, had chosen to stay behind with the Pathet Lao and not to come south with them.

Although the bombs no longer are falling on these people, pieces of the war are still with them. They have taken the debris cast down by the warplanes and turned it into tools and implements.

How do they feel about the bombing now?

It is difficult to say. One refugee said the Pathet Lao had told them: "America is very far away, and the Americans have come to kill the people of Laos and colonize our country. You should be very angry with the Americans."

REFUGEES ARE FRIENDLY

But if you go into their crowded camps, the refugees will be friendly and fairly open after a while, providing there are no government officials or soldiers around. They are attractive and intelligent people, quick to laugh at a joke, naturally polite and hospitable, and they will share their fish, rice, and tea with you.

But they have a list of grievances.

They complain that the Central Intelligence Agency-supported army of Gen. Vang Pao conscripted many of their only remaining sons. There are few young and able men in these refugee camps, and many, of course, are still with the Pathet Lao.

They complain that the stifling lowland climate is too hot for them, and that the farmland they now are clearing, given by the Laotian Government, is not as good as the land they left behind in the plateau.

And there is a problem of money.

The only currency many of the refugees had when they came out of the Plain of Jars was Pathet Lao money, and it is worthless now. On the back of the 500-kip notes they carry there is a scene showing Pathet Lao antiaircraft gunners shooting down American planes.

[From the Manchester Guardian, Mar. 14, 1970]

THE LAOTIANS CAUGHT IN THE CROSSFIRE

(By Ian Wright)

People write about Laos as if it were a sort of comic kingdom, a fun-loving Ruritania-on-the-Mekong, a never-never land where generals prefer to make love not war, and where none of the parties in the conflict really wishes to press for conclusions. If this is half the truth (and sometimes in sleepy Vientiane it seems so), then the other half—the life lived in that part of the country controlled by the Pathet Lao, the Communist-inspired insurgents—is a less jolly story.

The Pathet Lao do not encourage reporters to visit them. And so not much is read about life in their areas. But with the forced evacuation last month of Lao villagers from the Plain of Jars, thousands of people who used to be governed by the Pathet Lao have been shifted west in the teeth of the North Vietnamese advance.

A couple of thousand of these people are living in one of several camps not far from Vientiane, and until last September they lived under Pathet Lao rule. To say they are now happy would be an overstatement, but they appear to be profoundly relieved. In effect, they have come out of hell: their hell was not the overweening Pathet Lao regime, which they found onerous enough and disliked, but the continuous hell of the bombing—most of it by American jet aircraft.

They lived on the east side of the Plain of Jars, and since 1965 have been subject to raids. In 1967 and 1968 the raids got worse. In the last months before they were "liberated" they were compelled to live in caves, hardly daring to come out into the daylight for fear of the bombing.

This refugee village was chosen at random. The people were conservative and somewhat reluctant to blame the Laotian Government who were now their guardians and only source of livelihood. Bit by bit, with the help of a Laotian interpreter who spoke carefully and with much kindness—and a tape recorder so that we could make sure we understood what people were telling us—the people spoke about their life during the past five years.

What they said does not differ much from the accounts of other refugees. They are profoundly apolitical, but heartily glad to be alive. For the past three weeks they have lived under the easy eye of the Laotian Government in five long terraces of bamboo huts. The huts are nothing special—a bit like long battery houses on stilts as is the Laotian custom—but there is land nearby which they will work when the rain comes.

The other morning, before the sun made the place like an oven, straggling groups of hefty, thick-set peasant women were transferring 200 lb sacks of Government rice into storehouses that were half-finished, while up and down the lines of huts other women were beginning to prepare food on bamboo trestles—literally, field kitchens. Most people seemed to have brought a few domestic objects with them: only several dozen spanking new metal buckets were evidence of their recent, but hardly pressing institutionalization.

Apart from the mothers of families, it is a collection of very young or very old people. There are no young men and the children do not seem much older than 10 or 12 at most. The Pathet Lao were indefatigable recruiters: sons went to the army, daughters to training as nurses or teachers and were sometimes sent as far away as North Vietnam. Losing touch with them was part of the price of living in safety.

The old spoke with much distaste of the Pathet Lao and their revolutionary ways. "At first nothing changed much when the PL took control of the Plain of Jars from the neutralists in 1964, but we weren't very happy with the new people," said a fine-looking old man, who had been chief of the Village under both regimes. He later had a Pathet Lao "counterpart" to keep an eye on him and get things done.

The old also hated the way they had been pressed—often by psychological means—to "go back to school." Under the Pathet Lao, they said, everybody's role seemed to change and no one gave any good reasons for it. They had been forced to give up their sons and daughters; even the poor had to contribute to the upkeep of teachers, agricultural instructors, and health officials. The old people had been made into babyminders or sent to tend the buffalo, while the young did other more useful jobs.

While the young went for training, the old were harried into a new and uncomfortable life. "We had so much trouble," said one old woman, "we couldn't count it on our fingers." The authorities took 15 per cent of their rice, but worse than that "were forever preaching about more production and what we ought to do for the nation." Significantly, they saw no North Vietnamese soldiers. But on occasions North Vietnamese advisers came to their school.

In spite of these gripes, most people spoke longingly of their former homes, about their fields on the lower slopes of the mountains, and their village which was surrounded by a stream and shaded by orange, peach, and grapefruit trees. On the flat land they grew good rice, although the Pathet Lao had called for more production while there were progressively fewer hands to till the soil.

The first bombing had come in 1965. Throughout the village the people built shelters: these were usually trenches between 6 ft. and 9 ft. deep, covered with logs and earth. "If you didn't want to die," said the old village chief, "you had to dig your trench as deep as you could. Even that was no good for a big explosion, but it saved you from flying bits of metal."

Other precautions they took—at the instance of the Pathet Lao, who seemed very knowledgeable in military matters—included wearing dark clothes. The chief said they never wore bright colours, particularly working in the fields, because of the planes. Lately said the villagers, anything that moved was hit. "Even if they saw a dog moving," they insisted incredibly, "it was likely to be bombed," and they showed with their hands how the plane would come in.

Towards the end, the villagers took to farming at night when there was sufficient moon. But that could be dangerous, too. "Planes came and dropped illuminating flares and then dropped flares and then dropped bombs." They had no warning system. When they heard the noise of aircraft they simply dived for cover into the nearest trench. "We lay there and waited for the end," one man said, "Now at least we feel safe and no longer have to think about being killed."

It is hard to establish exactly how far the villagers were the target they obviously supposed themselves to be. In the ambivalent way of most refugees, they take care what they say to strangers. Occasionally they stopped in a half-hearted and even illogical way to defend the bombing. "Maybe," said one man, "the planes suspected we had North Vietnamese soldiers with us and they were not really trying to hit the people. Most of us did manage to stay alive."

After 1967 the raids seem to have become heavier and more frequent. The villagers talk about the use of anti-personnel bombs for the first time. These they called by their French name, "bombs a bilies" and they appear to be the same pellet bombs which figured so prominently in North Vietnamese protests. They are dropped, say the refugees, in canisters which explode in the air covering a large area with "hundreds and thousands of little bombs."

The numbers are probably exaggerated, for the villagers were terrified of this weapon. After a raid, they said, the bomblets, each a bit bigger than a man's fist, might go on exploding for two days. When detonated they shot out hundreds of little ball bearings and casualties could be serious. After a while, Pathet Lao soldiers learned how to remove the fuses of the bombs. The villagers put a wick in them and turned them into paraffin lamps—a trick picked up probably from the North Vietnamese.

The Pathet Lao also taught them to recognise aircraft. The villagers showed a knowledge of weaponry and offensive air techniques that would do credit to a war correspondent. They listed some of the types of fighter-bombers which had attacked them: F–4 (Phantom); F–105 (Thunderchief); as well as propeller-driven aircraft (among them the Royal Lao Air Force's T–28).

They can describe very accurately how small planes (forward air control) fly 'round looking for targets, and how they fire smoke rockets to mark the spot for the bombers. They also showed the different formations made by the planes. The Pathet Lao had on occasions tried to shoot at the bombers, they said, but they had never seen one of them hit.

By 1969 the bombing had become so heavy, with planes arriving by night and by day, that they had had to abandon their village altogether. An old man told very movingly of its destruction, how bit by bit it had been burned "with fire bombs"—presumably phosphorus. "First the houses and the fruit trees were burned," he said, "then the fields and the hillside and even the stream was on fire."

This seems to have coincided with the air offensive which culminated last September in General Vang Pao's strike into the Plain of Jars: it was part of the aerial "softening up." As one of the villagers put it: "The bombs fell like a man sowing seed." No one quite knew how many people were dead; some of the injured were in the new camp but obviously very few of the men had come west in the Government evacuation.

Perhaps a couple of things should be appended to the villagers' story. What they say completely blows the long-maintained U.S. Government's fiction that its aircraft only fly "armed reconnaissance flights at the request of the Royal Lao Government" which are authorised to attack only if fired on. Rather, it suggests that at least since 1967 American planes have regarded Pathet Lao administered areas—more than half the country—as possible free-fire zones, where anything and anybody may be a target on the flimsiest of pretexts.

None of the villagers chose to live under the Pathet Lao and many of them object to the ways of the Communist cadres, the upsetting of traditions, the hard work, and the privations. But whatever their feeling about the Pathet Lao or their North Vietnamese friends, they all knew that it was American bombs which were falling on them with such appalling regularity.

While some of the bombing can be justly represented as a military affair, it seems that much of the American effort is being aimed—it is still going on—at the physical destruction of society as organised by the other side. This fact is not often realised. The wonder is the resilience of the people and their survival.

[From the New York Times, Mar. 15, 1970]

BETWEEN FRIENDS AND FOES, LAOS IS BEING DESTROYED

(By Henry Kamm)

BANGKOK, THAILAND.—All the tragedy of Laos is contained in the events that swirled within and around that little nation last week.

The North Vietnamese continue to make war on a country that has not provoked it. The United States feels it must continue its aerial pounding until North Vietnam sues for peace. The mighty Soviet Union repeats faithfully what North Vietnam says, and indicates that despite its crucial role as supplier of most of Hanoi's needs it has no influence over its policies. The rest of the world makes dutiful and futile gestures.

Meanwhile, Laotian boys in their teens are dying in uniforms too big for them. Uncounted thousands of fatherless families shuffle in rags about the country as permanent flotsam of war. And sad resignation to a fate that they feel has never been theirs to shape is the attitude of that small minority of Laotians whose education has equipped them to think about such things as the present and future of their country.

SEEK CONCESSIONS

By limited application of their military superiority, the North Vietnamese and their Pathet Lao proteges apparently hope to force political concessions from Prince Souvanna Phouma, the Premier of the Laotian Government. The Communists want him to agree to reconstitute a tripartite rightist-neutralist-leftist government, one which would be stacked in their favor. The peace talks proposed earlier this month by Prince Souphanouvong, the Pathet Lao chief and Prince Souvanna Phouma's half-brother, pursue the same goal.

The Government's position, already weak, was further weakened last week by mounting indications that its best fighting force, the clandestine American-backed army of Maj. Gen. Vang Pao, is at a low ebb. Sam Thong, one of the Government's two principal bases in northern Laos, had to be rapidly evacuated. The second base, Long Cheng, was endangered. The low morale of the general and his man-and-boy soldiers was plainly in evidence.

Prince Souvanna Phouma is entering negotiations on whether to negotiate for peace with few options open. He is facing a determined enemy with one main card in his deck. It is American air power.

FAILURE OF AIRPOWER

It is generally conceded that air power cannot be decisive in Laos. Its use makes North Vietnamese ground advances in the north costly, and it causes them losses estimated uncertainly at 10 to 20 per cent of the reinforcements and supplies they move down the Ho Chi Minh trail. But they keep advancing, and the supplies keep moving.

In view of the failure of air power to deter the enemy from doing what he wants to do, observers in Vientiane—Laotians, Americans and other diplomats—suggest that its principal use may be political, as a bargaining counter. Now that President Nixon has admitted American bombing of Laos while the North Vietnamese still deny the presence of their invading army, the observers say, the United States could publicly offer North Vietnam a cessation of bombing in return for a ceasefire.

Failing such a settlement, the observers say, Laos is doomed to a continuation of a war that is devastating its population. How long can a nation of less than 3 million survive, they ask, when it has reached an average estimate of 300 killed and seriously wounded a week on the Government side alone and when it has reached a stage where much of the fighting and dying on both sides is being done by boys?

"WE WILL FIGHT"

"They will let us die," a high-ranking right-wing Laotian officer said the other day. "We know the world doesn't really care about Laos, because we have no petroleum, or gold, or uranium. But we will fight to the last breath and die."

Most educated Laotians of less military outlook share the officer's pessimism but reject his program of action. They don't want to die and refuse to ask others to do so.

They hate the North Vietnamese and reject the feeble Laotian Communists. They are aware, sometimes gratefully, that the United States acted to halt aggression when no other nation did. But they believe that the war must be stopped if Laos is to live, free or unfree.

This is neither cowardice nor defeatism, they say. If there were a chance of winning they would not feel this way. But they see no chance of winning. They know the United States is withdrawing from an Asian ground war and no other nation will take its place. They understand America's course of action and sympathize, but they wish that American "liberals" would not feel so virtuous about leaving a small country to a fate it does not wish after having been encouraged by the United States to resist.

And if, after all, they are doomed to defeat, they ask, has anyone the right to send the children of peasants to die in a lost cause?

[From the Washington Post, Mar. 26, 1970]

LAOTIAN REFUGEES WANT A SANCTUARY

(By Laurence Stern)

MAK HIEO, LAOS, March 24.—The war in Laos ceases to be a geopolitical abstraction in this muddy rural camp where 900 refugees from the Plain of Jars are waiting.

Their place of origin is Moung Koun on the southwest corner of the plain. It has been traded back and forth between the government and the Pathet Lao time and time again in the past decade.

Finally, on Feb. 5, the refugees were evacuated in C–130 transports, flown by Air America, which is under contract to the U.S. government. They carried their possessions in their hands and on their backs. Now they are starting anew in this camp, 16 miles east of Vientiane.

The mementos of Moung Koun's agony are everywhere. A kerosene stove has been fashioned from the fins of one of the cluster bombs that used to rain down on the six villages of Moung Koun.

PARACHUTE CURTAINS

Flare parachutes, which used to signal an impending night bombing, are now curtains for several of the 6-by-4-foot straw hutches in which families sleep.

Some of the villagers have their life savings in Pathet Lao money, which is worthless in government-controlled territory.

The spokesman for the group was Khan Sing, an engaging man of 36 who looks ten years younger. Three American visitors surprised him in his undershirt and olive drab undershorts, a suitable costume for the heat.

As he spoke, Khan consulted a read diary in which he inscribed the history of Moung Koun. He was the tasseng, or elected district chief, of the 900 homeless men, women and children in Mak Hieo camp.

The people of Khan Sing's group barely realize they are pawns in a great power battle involving the North Vietnamese, American pilots from Vietnam and Thailand, the Pathet Lao and the government army. As Khan tells it, the intense doses of indoctrination administered when they were under Communist control hardly rubbed off on his people.

NO MORE GUNS

"We are glad to be here because we no longer hear the sound of guns" Khan said. "But we have no way to make money and we are not familiar with this country."

The women, children and elderly men who make up the majority of the camp's population live in straw and bamboo longhouses. The young men of fighting age were conscripted either by the Pathet Lao or by Gen. Vang Pao, commander of the Meo guerrilla army that has borne the brunt of the government's battle in the Plain of Jars.

"Vang Pao took as many men as he could to fight. The Pathet Lao were interested in the young—like him." Khan pointed to a boy of 13 who looked 8.

For the last two years that Muong Koun was controlled by the Pathet Lao, the villagers were attacked from the air by heavy American and Lao government bombing sorties.

"There were many kinds of bombs," he recalled. Khan described the "little bomb's" which he said showered pellets of steel over wide areas. He spoke also of the big bombs, which dug huge craters in the earth.

There were also incendiary bombs that "come down and break open in great sheets of flame." It was not clear in translation whether he was describing napalm or phosphorous bombs.

A young man walked into the straw longhouse where Khan and I were talking. He was hobbling on crutches.

HIT BY SHRAPNEL

"I was walking to the store where the Vietnamese sell salt when a jet came over the village so fast that I could not take cover," he said. "I was hit by the shrapnel before I could get into a hiding place."

The villagers learned the identity of the different attack aircraft with remarkable precision. They could name the F–4H, the F–104 and the prop-driven T–28 by letter and number.

The Pathet Lao taught them the identity of the aircraft and the North Vietnamese showed them how to dig foxholes and shelter caves in the sides of the mountains.

The North Vietnamese soldiers stayed apart from the villagers and let the local Pathet Lao govern. But it was the North Vietnamese

who conducted the brunt of the fighting while the Pathet Lao were "behind them."

Which side did he prefer to live under? Khan paused and asked for the question to be repeated. Then he replied quickly:

"We prefer the government's side. There was never any help from the Pathet Lao. They imposed a 15 percent rice-for-the-fatherland tax and then put the rice in a separate warehouse. It never went to the people. It probably was given to the soldiers."

Do the people of Muong Koun want to go back to their villages on the Plain of Jars?

"If things are secure we would like to go back. But what we want most of all is security. Here there is not the sound of guns."

[From the Washington Star, Mar. 27, 1970]

MEO REFUGEES LIMP TO AIRSTRIP FOR U.S. FOOD

(By Tammy Arbuckle)

MUONG PHOUN, LAOS.—Some 85,000 refugees are flocking along the narrow mountain trails to tiny grass or dirt airstrips such as the one here following Communist capture of Xieng Khouang, Sam Thog and the assault against Long Chien.

American AID officials said 9,300 refugees already have left this tiny valley and its airstrip, surrounded by mountains, 16 miles southwest of fallen Sam Thong.

To reach here the people, mostly Meo tribesmen, have walked for two to six days.

Many of them are wracked by malaria and dysentery.

Two valleys with muddy paths lead into this valley. Today reporters watched the Meo men in black and the women in bright green and pink sashes carrying babies and their household goods on their backs as they walked down these valleys into Muong Phoum.

Some were astride tiny horses, others carried umbrellas and kettles. The men still carried carbines and pistols. Muong Phoum and other airstrips like it are their goal because they know food and necessities are brought in by AID.

On the 1,200-yard airstrip two Air America helicopters are unloading blankets made in Thailand and plastic sheets to provide cover from showers of driving rain.

Two single-engined American aircraft brought in medical supplies, or circled to spot bands of refugees still walking into the area.

Overhead an Air America transport dropped sacks of rice onto a hill.

As soon as the rice sacks slammed into the hillside and the aircraft turned away, groups of Meo women and children picked up the rice.

The drop is like Saturday morning at the supermarket for them. The rice was stacked in an enclosure and doled out in order according to strips torn from a cardboard box and numbered.

Some local Laotians from nearby villages tried to get into the act although they are not refugees. Around the airstrip refugees huddled under their plastic sheeted-roofs draped over bushes.

Blia Vu, a roly poly Thong Meo chief reckoned about 600 Sam Thong townspeople fell into Communist hands. All the villagers from around Sam Thong escaped.

The thing he remembers about the attack was the sound of North Vietnamese voices on his radio. He imitated a Vietnamese high-pitched cackle to the amusement of watching Meos.

Fighting, meanwhile, continued at Long Chien south of here.

The Associated Press said royal Laotian forces backed by U.S. bombers, launched a counter-offensive north of Long Chien and gained several positions.

Sources reported government forces captured Phou Pa Sai, a mountain top 10 miles northeast of Long Chien. The government troops reportedly cleared Skyline Ridge, from which North Vietnamese had been launching ground probes against Long Chien, five miles to the south.

[From Life magazine, Apr. 3, 1970]

THE PENDULUM OF WAR SWINGS WIDER IN LAOS

(By Hugh D. S. Greenway)

VIENTIANE.—Sam Thong has fallen. The North Vietnamese are in the town. The American bungalows around the airstrip, until just a few days ago the headquarters for U.S. aid and refugee relief, are now only burned-out ruins. Long Cheng, which holds the secret CIA base, the headquarters of General Vang Pao's clandestine army and the center for the entire American-Laotian effort in northern Laos, may soon be next.

The Americans at Sam Thong have been evacuated to the south. Thousands of civilians—Meo tribesmen, wearing elaborate wrought-silver necklaces and carrying their handmade flintlock muskets—are trudging south with all their belongings on their backs. The silver airplanes of Air America, the CIA contract airline, are flying in low over the jungle-covered hills and limestone outcroppings, so ironically reminiscent of placid classical Chinese landscape paintings, to drop 100-pound bags of rice to feed the fleeing Meos.

The annual North Vietnamese dry-season offensive is in its seventh week and already the troops from the northeast have penetrated deeper than in previous years, bloodying the nose of the dispirited Royal Laotian army and dealing the government's morale and prestige a heavy blow.

For years the Laotian war ran on in the wings of the larger Vietnam theater, with neither side pushing the other too hard. In the last two years the pendulum of war in Laos has been swinging harder and wider, and each wet-season dry-season offensive has mounted a little higher than before. There are two months of dry season left. The fear now in both Washington and Vientiane is that, this time, the North Vietnamese might be tempted to push on into the Mekong River valley—which would upset the balance of power in Indochina. If they did, it might put the Nixon Doctrine of limited involvement in Asia to its severest test.

There are several reasons why the U.S. presence in Laos has been kept secret. Like the North Vietnamese presence, it is a violation of the Geneva accords. And, U.S. officials argue privately, a clandestine operation doesn't risk prestige in case of setbacks, and is thus less likely to commit the U.S. to Vietnam-scale involvement. Aside from the fact that most Americans find the idea of a secret war abhorrent, the lack of reliable information has led to gross exaggeration of the U.S. role in Laos. President Nixon's recent speech was meant to take the wind out of some of the exaggerations, but unfortunately the President was less than totally candid. While he admitted the bombing of Laos, he did *not* mention the CIA operation or the full role of the American advisers in the Laotian war. The President's estimate of North Vietnamese troop strength in Laos was at least 17,000 higher than the highest reliable estimate in Vientiane, including the estimates of the Americans themselves. His denial that there have been any American combat deaths in Laos was quickly proven false as well.

Laos is an improbable place for the U.S.—or anybody, for that matter—to become involved. Except for a brief moment of glory in the 14th Century, when Lan Xang (the Kingdom of the Million Elephants) held sway over what is now Laos as well as parts of Thailand and Cambodia, Laos has been a prisoner of geography, fought over and plundered repeatedly by its more powerful neighbors. The country as now constituted dates only from 1946 when the French assembled three kingdoms under their control and called it the Kingdom of Laos. Today there are fewer than three million people in the entire country, two million of them in government-controlled areas near the Mekong.

Perhaps losing so often and being subjugated by so many masters does something to a race for the Lao answer has been to drop out. They are among the most charming people in Asia—and the most otherworldly and least martial as well. Consequently, Lao troops have sometimes fired over the heads of the enemy rather than hurt anybody, much to the despair of American advisers. Most of the effective fighting on the government side is done by General Vang Pao's warlike Meo tribesmen who live in the hills of northeastern Laos.

The bitterness that divides Laotians is not so deep as the bitterness that divides the Vietnamese. The two opposing leaders in Laos, Prime Minister Prince Souvanna Phouma and Pathet Lao leader Prince Souphanouvong, are half-brothers. In Saigon, a mere whisper in favor of coalition government will land you in jail. The Vientiane government, however, has always advocated a return to the tripartite coalition of 1962, and the cabinet posts which the Communist Pathet Lao abandoned then are still being kept open for them should they return. Both sides advocate coalition.

The pipe-smoking, French-educated Souvanna Phouma, who seems more a French bourgeois than a prince, is the indispensable man in Laotian politics because he is the only figure who could be acceptable to both sides. His acceptability to the Communists, however, lessens as the war in Laos heats up.

The present escalation began in November 1968, when the Americans decided to increase the bombing of Laos three-, four- and then fivefold. The decision was not made in response to increased North Vietnamese aggression in Laos, as President Nixon indicated in his speech. The U.S. military did not think it could afford to give up bombing North Vietnam unless it increased the bombing of Laos. At first the air escalation was restricted to the Ho Chi Minh Trail network, but soon it spread to include close American air support of Laotian ground troops in western Laos as well.

When the North Vietnamese continued their offensive into the rainy season and took the strategic government garrison at Muong Soui in June of last year, the Royal Laotian army's morale ebbed. Perhaps to restore their confidence, the U.S. last summer encouraged, helped plan and supported General Vang Pao's brilliant capture of the Plain of Jars (so called because it is dotted by hundreds of man-size cinerary urns). Militarily, the maneuver was a huge success. Lightning helicopter assaults, flown by American pilots, put Vang Pao's Meo deep into enemy territory to the east of the Plain of Jars, severing North Vietnamese supply lines. The plain fell with very little resistance, and the retreating North Vietnamese and Pathet Lao abandoned huge stores of food and ammunition.

But this was in effect another escalation of the conflict, because for prestige and political reasons the North Vietnamese would inevitably move to retake the plain this dry season, to revenge last year's humiliation. Then, although they are unlikely to attempt to occupy all Laos, their continuing military pressure might force Souvanna Phouma to ask the U.S. to halt bombing. Under the circumstances it is difficult to understand why the U.S. is not doing its best to cool down the war, by discouraging such provocative government adventures as well as by limiting air activity, since both could be done without endangering either Souvanna Phouma's government or American troops in Vietnam. A Pathet Lao representative arrived in Vientiane from Hanoi recently, carrying peace proposals from Prince Souphanouvong to his

half-brother Souvanna Phouma. The letters follow a five-point Pathet Lao peace proposal which is obviously timed to coincide with the present offensive. The proposal calls for a cease-fire and a provisional coalition government to be followed by elections and a withdrawal of foreign forces. Such terms might be unacceptable in Saigon, but they are not entirely so in Vientiane. Souvanna Phouma knows that the North Vietnamese will not give up the Ho Chi Minh Trail while the war in Vietnam continues. He has said he does not consider that wild, uninhabited region vital to Laotian sovereignty. He would gladly give the North Vietnamese a free hand there in return for peace in western Laos.

But Hanoi has made clear it will not negotiate until there is a bombing halt. And this is one thing the Americans almost surely will not concede.

As the war goes on, so does the misery inflicted on the Laotian people. Refugees from the Pathet Lao zone all tell harrowing tales of entire villages living in caves and holes in the ground, farming their rice by night in order to escape the bombing. From all reports the wholesale bombing of civilian centers in the Pathet Lao areas goes beyond anything the North Vietnamese have experienced. When Pathet Lao or the North Vietnamese troops were in the area, even young children were forced to carry rice and arms for days on end. As for the Meo in the mountains to the north, sons will shoot their parents rather than let them fall into North Vietnamese hands.

For Vang Pao, the guerrilla leader of the Meo—the most effective fighting force the government has—the situation has become desperate. In the last six months he has lost more men than in any comparable period in the last 10 years. His people have become discouraged, and only Vang Paos leadership keeps them going. There are no longer enough young men left for the Meo girls to marry, and some of Vang Paos troops are mere 12- or 13-year-old children.

At least one American in Laos—the near-legendary Edgar "Pop" Buell—is darkly pessimistic about the outcome. A retired Indiana farmer, he heads U.S. Agency for International Development efforts in northern Laos, and has been a kind of Lord Jim to the tribes there. But just before he was evacuated from Sam Thong, Pop Buell, his clothes rumpled and his eyes red from lack of sleep, wondered aloud how much longer Vang Pao and his Meo could keep up the fight. Maybe a couple of years more, he thought, but eventually the Meo would just have to make some accommodation with the North Vietnamese. This is Buell's 10th year with the Meo, and he put his leathery face in his hands and said: "It's all been running and dying, just running and dying."

[From the Washington Star, Apr. 19, 1970]

LAOTIANS ARE PLAGUED BY DIET DEFICIENCIES

(By Tammy Arbuckle)

VIENTIANE.—Refugees in Laos are not facing a malnutrition crisis now, American and Lao officials said yesterday, contradicting recent reports from Washington.

AID officials are not claiming there is no malnutrition in Laos. They said, in fact, that malnutrition is a permanent state of affairs here. But they said in results not so much from a lack of food as from chronic diet deficiencies.

(Sen. Edward M. Kennedy, D-Mass., said in Washington last week that the refugee situation in Laos is nearing "a serious crisis." Sen. Mark O. Hatfield, R–Ore., said that at least 70,000 to 100,000 Lao refugees now face "serious malnutrition.")

Officials for the U.S. Agency for International Development said they have counted a total of 700,000 refugees since the Laos war heated up in 1964. About 200,000 of these are refugees from this year's battles in northern Laos.

U.S. SUPPLIES HELP

Most of these 200,000 people have walked over the northern mountains to reach government-held airstrips. AID supplies the refugees immediately with rice, meat supplements, fish meal and tinned milks. Blankets and shelter equipment are also supplied.

A top AID officials said: "The people grow enough food in their villages to sustain them, but lack proteins. When they become refugees and have to walk over the mountains in the rain and cold, their bodies lack vitamins to resist disease, and they succumb to ever-present malaria, various forms of diarrhea, fevers and, recently, measles."

He said that "their condition depends on how far they have walked over what kind of terrain and what life was like in their homes. They are mostly all suffering from malnutrition in the form of diet deficiencies which we try to make up with meats and fish meal and milk."

The AID official said these deficiencies "are not the result of being refugees but of lifetime malnutrition."

HARDSHIPS CITED

Officials said there is enough rice for everybody. But the diet causes malnutrition, and the hardship imposed on weak bodies by refugee life does the rest.

AID officials said that 85 of a group of 122,000 refugees died from disease this year.

The official description of the state of the refugees has been confirmed by reporters after visits to the mountain airstrips where the refugees are arriving.

Everybody appears to have rice; American aircraft were dropping sacks of it to the refugees. Tins of meat were embedded in the rice.

REFUGEES ATTACKED

The walking refugees are often attacked by the Communists. The attacks make it difficult to get food to refugees while they are moving. On one occasion, North Vietnamese were said to have killed over a thousand refugees in one escape column.

AID tries to get food to the refugees, however. American fliers, at great risk, search for walking refugees in the mist-covered mountains. When they find them, planes are called in to drop rice if no enemy troops are near.

Two weeks ago, one old man told a reporter he had walked for a month to escape the advancing North Vietnamese. His daughters had built a house after their escape, using plastic sheets provided by AID. And they were cooking AID-supplied rice.

The refugees who are worse off are those already cut off by North Vietnamese troops. I recently flew into one tiny valley where 300 people were huddled about; North Vietnamese troops were reported some 2,000 yards away.

The people had malaria, worms and scabies. Some children had swollen stomachs, not from a lack of food, according to a doctor who came along on the trip, but from split intestines.

Even these people hiding in the jungles received rice by airdrops—and were visited by an American refugee officer who made the trip despite great risk.

One group of women had goiters in their throats. Refugee officers said their illnesses were the result of a lack of salt in the village from which they had fled.

MANY ITEMS SUPPLIED

AID supplies everything from salt to pots and pans and, in the view of observers here, cannot be held responsible for refugee conditions.

A refugee is kept on the AID books, officials said, till he has had three successful harvests.

Some 20,000 refugees are still on the move south as the fighting in Laos continues.

Some of the 700,000 who have become refugees since 1964 have entered the refugee rolls several times as the Communists made territorial gains, AID officials said. U.S bombing is largely responsible for the recent influx of 200,000 refugees.

Some refugees said jets bombed their villages even though Communist troops were off hiding in the forest. Well-informed sources said the United States is pursuing a "scorched earth" policy to force the people to move into government areas—and thus deprive the Reds of information, recruits and porters.

As the fighting continues in northern Laos, more refugees are expected.

The only item AID lacks right now is tinned milk. Although milk is available from welfare organizations, the high cost of transporting it through Thailand—where the Thai government holds a transport monopoly—is holding up deliveries.

DEATH OF LAURENCE S. BURTON, PROMINENT UTAH LEADER

Mr. BENNETT. Mr. President, on April 10, my home State of Utah sustained a significant loss in the death of Laurence S. Burton, of Oregon, an outstanding church and civic leader.

Since his death at 74 occurred while I was serving as an official observer delegate sent by the Senate to meetings of the Asian Development Bank in Seoul, Korea, I have not previously had the opportunity to comment on Mr. Burton's passing.

Laurence S. Burton's death is especially significant to this body, since he was the father of our Utah colleague in the House of Representatives, LAURENCE J. BURTON.

The senior Mr. Burton had been president of the Ogden Stake of the Church of Jesus Christ of Latter-day Saints for 22 years. He was Stake patriarch at the time of his death.

Mr. Burton was a gifted civic as well as spiritual leader, and was one of those rare individuals whose whole life was devoted to the service of others. He was a member of the board of trustees of the Thomas D. Dee Memorial Hospital; on the Lake Bonneville Council, Boy Scouts of America; and had served as PTA president, cochairman of a well-known pioneer theatrical presentation, "All Faces West," on the Weber County American Red Cross executive committee, and had worked with USO and Community Chest.

Laurence S. Burton will truly be missed by his community, church, State, and Nation, and by his wonderful family, to whom my deepest sympathy is extended.

I ask unanimous consent that an article relating to his death be printed in the RECORD.

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

DEATH TAKES LDS CHURCH LEADER AT 74

Laurence S. Burton, prominent LDS Church and civic leader of 1137 Rue Ann Court, died in a local hospital early today after a three-month illness. He was 74.

Mr. Burton had been president of the Ogden LDS stake for 22 years and was stake patriarch at the time of his death.

He was the father of Utah Congressman Laurence J. Burton.

LIFELONG RESIDENT

A lifelong resident of Ogden, he was born Oct. 14, 1895, a son of Thomas Walton and Berendina Schat Burton.

On March 10, 1926, he married Marguerita Roghaar in the Salt Lake City LDS Temple.

Mr. Burton was associated with the George A. Lowe Co. for 55 years. At the time of his retirement in July 1969, he was secretary, a director and assistant manager of the company.

Active in the LDS Church, he also had been a member of two ward bishoprics, member of two high councils, a ward clerk and in an MIA presidency.

He was a member of the LDS Northern Utah Welfare Region executive committee and had served as chairman of the Weber County LDS Stake Presidents Committee.

OTHER ACTIVITIES

Mr. Burton's other church and civic activities included membership on the Thomas D. Dee Memorial Hospital board of trustees, the Lake Bonneville Council, Boy Scouts of America, PTA president, co-chairman of All Faces West, Weber County American Red Cross executive committee, the USO and Community Chest.

Surviving are his widow; three sons, Rep. Laurence J. Burton, Dr. Thomas R. Burton and Richard R. Burton of Ogden; a daughter, Mrs. Darold H. (Kathleen) Chambers of Pocatello; a sister, Mrs. Fred J. (Violet) Christensen of Hawthorne, Calif., and 14 grandchildren.

Funeral services will be conducted Monday at 1:30 p.m. in the Ogden Stake Center at 21st and Jefferson with Bishop Clarence P. Bathke of the 13th Ward officiating. Harold B. Lee of the LDS First Presidency will speak.

Friends may call at the Larkin Mortuary Sunday after 7 p.m. and Monday after 11:30 a.m.

AMBASSADOR ARTHUR GOLDBERG STRONGLY URGES U.S. ACTION TO PROTECT HUMAN RIGHTS ON AN INTERNATIONAL BASIS

Mr. PROXMIRE. Mr. President, it is now more than 20 years after the United Nations ratified the Universal Declaration of Human Rights. The United States has taken no significant action to implement the ideals of this important document.

Mr. Arthur Goldberg, the U.S. Ambassador to the U.N., has carefully presented the problems resulting from the lack of American action in this vital area. Testifying in 1967 before a Senate Foreign Relations subcommittee, Mr. Goldberg stated:

> In my experience now of almost 20 months at the United Nations, I can say that failure on our part to ratify conventions which do no more than put into the international area commitments which the United States is bound by its own Constitution and laws is very difficult to justify, and this is not a light task for a representative of the United States as I am sure all my colleagues who have participated in the U.N. can testify to.

One of the U.N. conventions to which Ambassador Goldberg referred was the Convention on the Political Rights of Women. This measure basically guarantees the rights of women to vote and to hold office, and protects these fundamental freedoms on an international basis. This principle has long been an important concept in American government.

The Political Rights of Women Convention was passed by the U.N. in March of 1953. Over 40 nations have added their signatures to this vital treaty. And yet, no action has been taken by the United States to voice support of this basic human right as it applies to women throughout the world.

Our failure to ratify the Convention on the Political Rights of Women, as well as other human rights conventions, can lead to the impression that we care little about human rights, except when applied to our own citizens. This, of course, is not true. There is absolutely no reason then, for us to deny support to other world citizens with respect to the very privileges which we hold sacred.

I urge immediate action by the United States on the many important human rights conventions now pending in the Senate.

Ambassador Goldberg has forcefully set forth the need for this role of responsible leadership which the United States must assume:

> I said at the outset that these treaties were important for the foreign policy of the United States. I say that because it is my very profound conviction that whatever the views of experts may be or anybody may be upon the limitations and exercise of American power, we stand for something in the world. It is an interesting thing that when our Declaration of Independence was written, we proclaimed certain unalienable rights, and the drafters of this great document proclaimed them not just for Americans, but for all men, and I recall the observation that our great President Lincoln made. He said there was something in the Declaration giving liberty, and I am quoting him, "not alone to the people of this country but the hope for the world for all future time.

MARIHUANA—A STEP TOWARD TRUTH

Mr. SMITH of Illinois. Mr. President, a preliminary report by the Surgeon General on the health consequences of using marihuana may be available late this summer as a result of the action taken by the Senate on April 7.

I refer to the Dominick amendment, which was adopted as a rider to H.R. 11102, the bill extending and expanding the hospital construction program. Since the hospital program expires June 30, that bill is expected to go to a House-Senate conference very shortly.

In addition to the preliminary report due 90 days after enactment, the Dominick amendment requires an annual report on the current state of knowledge about the health effects of marihuana.

On April 8, 1970, KOSI, a Denver radio station, broadcast an editorial on the amendment entitled "The Marihuana Matter—A Step Toward Truth." As the editorial writer so amply noted:

> There are two main parts of truth, as Bacon put it, first, the inquiry, which is the wooing of it; and secondly, the knowledge of it, which is the presence of it.
>
> May I only add, we need more people like Senator Dominick in search of it.

Senators will, I believe, be interested in any indications of how the amendment is being received, so I ask unanimous consent that the editorial be printed in the RECORD.

I am delighted to be a cosponsor of the amendment and am convinced it is a vital step toward bringing a sense of order to the marihuana debate. I urge the House-Senate conferees to accept it.

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

THE MARIJUANA MATTER—A STEP TOWARD TRUTH

(By Tony Larson)

"It's clear that, depending on the dose, the active ingredient found in Marijuana may have substantial detrimental effects on both the mental and physical well-being of the user."

That's a sentence clipped from President Nixon's Task Force Report on Narcotics, Marijuana, and Dangerous Drugs, issued in September of last year (1969). It was quoted by U.S. Senator Peter Dominick in his opening statement September 29th at a Hearing in Denver before the special Subcommittee on Alcoholism and Narcotics. And he prefaced the quote by saying he was more concerned "at this juncture, about the health aspects" of Marijuana smoking than with criminal laws covering its use. As the ranking Republican on the Senate Health Subcommittee, Senator Dominick has continued this concern and has constantly battled for more research into the dangers of Marijuana use, or the absence of danger if that research finds Marijuana relatively safe.

The main point is, that Senator Dominick is keenly aware of perhaps the most important fact in the Marijuana matter; the truth of "Pot" must be learned. Those who make laws must be more knowledgeable. They must know what they're dealing with. Lawmakers must have factual information before they can make logical law. That's why more research on Marijuana is so vital.

At the Denver inquiry last September, Senator Dominick raised two important questions: "What danger does (Marijuana) raise to the health of the user?" And, "Is the casual experimenter risking serious impairment to his health?" While common sense says nothing foreign (like smoke of any kind) taken into one's body can be any good, commonsense is not an answer. It's not logical, and it will do little good to harp on the wise use of it to answer the plight of Marijuana.

Senator Dominick wants answers! And within his congressional power he's doing everything he can to find them. His latest try is an amendment to the Hill-Burton Hospital Construction Bill. Under the amendment, the Secretary of Health, Education and Welfare will be required to report every January 31st on any information he has gathered on the effects of Marijuana on health. In the Senator's words, "What I'm asking for is an authoritative decision, regularly updated, on whether Marijuana can be given a clean bill of health."

Another facet of the amendment is the due date of the first report. The first one, by the Surgeon General, must be available ninety days after the measure is signed into law by President Nixon.

Th amendment is a good one, and Senator Dominick should be applauded for his untiring efforts in taking steps toward truth in the Marijuana matter.

A final note: There are two main parts of truth, as Bacon put it, "first, the inquiry, which is the wooing of it; and secondly, the knowledge of it, which is the presence of it."

May I only add, we need more people like Senator Dominick, in search of it.

That's "Candid Comment." I'm . . . Tony Larson. Good night.

CONTINUED OPERATION OF COAST GUARD RESERVE

Mr. HOLLINGS. Mr. President, I have received from the South Carolina General Assembly a concurrent resolution, introduced by my home county delegation, and passed by the general assembly, memorializing Congress to enact suitable legislation to insure that the U.S. Coast Guard Reserve shall continue in operation.

I share their opinion that this valuable arm of the Coast Guard should continue to exist, and I ask unanimous consent that the resolution be printed in the RECORD.

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

A CONCURRENT RESOLUTION TO MEMORIALIZE CONGRESS TO ENACT SUITABLE LEGISLATION TO INSURE THAT THE U.S. COAST GUARD RESERVE SHALL CONTINUE IN OPERATION

Whereas, there is at this time every indication that the United States Coast Guard Reserve shall in the near future be discontinued; and

Whereas, the Coast Guard Reserve has contributed greatly to the military preparedness and the protection of the coastal areas of this country; and

Whereas, in the event of an emergency or national disaster it would still add greatly to the protection of our coastal areas. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That Congress be memoralized to enact without delay suitable legislation which shall ensure the continued operation of the United States Coast Guard Reserve.

Be it Further Resolved that copies of this resolution be forwarded to the President of the United States, to each United States Senator from South Carolina, each member of the House of Representatives of Congress from South Carolina, the Senate of the United States and the House of Representatives of the United States.

UNFAIR OIL IMPORT PROGRAM

Mr. PROUTY. Mr. President, we New Englanders have too long been the captive victim of an unfair system, the oil import program. The Senators from our six-State region have brought to their colleagues' attention compelling evidence of our region's plight.

Today I would like to bring to the Senate's attention a succinct and compelling analysis of our region's problem as presented on April 7 by the distinguished Senior Senator from New Hampshire (Mr. COTTON) in testimony before the Small Business Subcommittee of the Banking and Currency Committee.

I ask unanimous consent that Senator COTTON'S testimony be printed in the RECORD.

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

STATEMENT OF SENATOR COTTON

Mr. Chairman: First, I would like to take this opportunity to commend you and your colleagues on this subcommittee for the attention you have given this matter. You and I have constantly fought for cheaper oil and I know the people of the section of the country which we represent will appreciate all that you are doing in their behalf.

Like yourself, I have supported the project of a free trade zone and an oil refinery at Machiasport. I shall say I am keenly disappointed that after the President's Cabinet committee recommended a reduction in import restrictions the President postponed action awaiting the report of a newly created oil policy committee. We've had too much fact-finding, too many commissions and committees, too many studies. These will never keep us warm in the winter.

The position of New England is unique and requires special treatment.

New England with nine percent of the country's population uses twenty-one percent of the home heating oil consumed in the country. Some 70% of the homes in our sector are heated with oil. New Englanders pay top dollar to their oil man, and yet can never be certain their will be enough oil to last the winter.

Threats of fuel shortages are not uncommon. On February 3rd an emergency allocation bailed New Englanders out of a heap of trouble. It was the second instance within the past three years when our delegation has had to plead hardship to insure our people against a fuel shortage. At best, such emergency measures offer only a glimmer of relief. It falls short of meeting the central issue, an adequate supply of fuel oil and at a reasonable cost.

Since the oil import program was established in 1959 following Suez, we have been on the short end of the stick. Not only is there the constant threat of shortages, but in 1968 New Englanders paid nine percent more to heat their homes than the national average.

I am fully aware of the broad question of our national oil policy and the national security implications, and prefer to leave that to the oil policy committee and to zero in on what I consider to be the major concern of we New Englanders. Namely, it is fairer consideration for our region from the Federal government's oil policy. Only a few weeks ago, a top Defense Department official, Barry Shillito, testified before a House Committee that this country could have more imported oil and still not jeopardize security. If this is so why not give New England the fair shake we have been seeking all these years.

Recently, my colleague from Vermont, Senator Prouty, introduced the New England Fuel Oil Act. I believe this bill meets the issue head-on and I was pleased to sponsor the measure with him. Our bill simply removes import controls in New England. I hope that your committee will consider similar legislation that will attack the problem squarely and remove this heavy economic burden on our residents.

Again let me thank you for this opportunity. I look forward to working with you in the interest of the eight and one-half million fuel consumers in the New England sector.

THE OIL LEAK IN THE GULF OF MEXICO

Mr. MOSS. Mr. President, the Subcommittee on Minerals, Materials, and Fuels of the Committee on Interior and Insular Affairs has been trying to obtain the facts on the recent oil spill in the Gulf of Mexico with a view to determining whether amendment to the Outer Continental Shelf Lands Act is indicated.

So far, I regret to report, our efforts have met with little success. Secretary of the Interior Hickel, after making public announcement twice of a—quote—"report"—unquote which he said he himself carried over to the Department of Justice on March 20, has told the subcommittee that the report is not yet ready.

The Chevron Co., on whose production platform the fire which resulted in the oil leak started, feels it should not make any public statements at this time in view of the investigation by a grand jury now underway in New Orleans.

However, I have obtained a copy of a letter-report that the chairman of the board of the Standard Oil Co. of California, of which Chevron Oil is a subsidiary, has made to the stockholders of the Standard Oil Co. The board chairman is O. N. Miller.

Solely for the purpose of making as complete a record as possible on the oil spill and having all the facts as seen from the point of view of the parties directly concerned brought out, I ask unanimous consent that the letter of Mr. O. N. Miller to the stockholders of the Standard Oil Co. of California, dated April 11, 1970, be printed in the RECORD.

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

STANDARD OIL CO. OF CALIFORNIA,
San Francisco, Calif., April 11, 1970.

DEAR SHAREHOLDER: In February, a fire of unknown origin broke out on an offshore platform of Chevron Oil Company in the Gulf of Mexico.

The Company quickly assembled massive amounts of equipment and materials and the large number of expert personnel needed to extinguish the fire, to bring the wells under control, and to minimize the oil spill. I can now report to you that these efforts have been successful.

I do want you to know that earlier reports of the magnitude of the oil spill, and the magnitude of its potential damage, were greatly exaggerated. There was no injury to marine, bird or other wildlife, or to oyster beds or shrimp fishing grounds. The slick never reached beaches or other mainland areas, and touched only a portion of Breton Island—a small uninhabited body of land—which was promptly and thoroughly cleaned.

The origin of the fire remains unknown. As far as can be determined, it broke out in the area of the production facilities, some distance from the wellheads, and was out of control before an adequate number of fire fighting personnel and equipment could be brought to the platform. Fire spread to the wellhead area, started leaks in some of the wells below their surface controls, and ignited the leaking oil and gas.

There has been considerable discussion about "storm chokes" and their function.

A storm choke is a type of valve which is installed at depth in a well. Its function is to shut off production automatically in the event there is a sudden surge in rate of flow—for example, if surface controls are destroyed by hurricane or violent storm, permitting the well to flow unchecked.

A storm choke will not shut down a well which flows at a rate lower than that at which the valve is designed to close. As long as the flow is below this rate, the choke will not close, even though the surface controls are rendered inoperative, such as by fire at the surface. This is what occurred in the Chevron Oil Company accident. Some wells, equipped with storm chokes, caught fire—they continued to flow oil and gas after the fire was extinguished, because the flow did not increase enough to close the storm chokes.

It has been a long-standing practice of the Company to install or have readily available—at all times—storm chokes or similar subsurface safety devices for all wells, and

to have such devices in place in all wells under threat of a hurricane or storm.

Under Federal Government regulations, there are circumstances under which a storm choke is not required to be in place in a well. A common circumstance is when the well produces sand along with oil or gas, and the storm choke causes the sand to plug the tubing of the well, or the sand makes the storm choke inoperative. The latter happens because sand carried along with the flowing production cuts and erodes these valves.

When storm chokes are not required to be in place, regulations provide that wells shall be equipped with an automatic surface safety shut-in device at or near the wellhead—and all of Chevron's wells in the Gulf were and are so equipped.

When circumstances in a particular well are such that the storm choke may be removed, Federal regulations permit a waiver of the storm choke requirement. The Chevron Oil Company on numerous occasions in the past has requested waivers of this kind, and they have always been granted.

Just which wells in the field had storm chokes in them on the date the fire broke out which ones did not, and which ones without chokes had waivers, is under investigation by a Federal Grand Jury in New Orleans. In view of the Grand Jury's pending investigation of the procedures of Chevron and those of the industry, it would be inappropriate for me to comment further on this particular aspect.

It has also been alleged that Chevron violated regulations pertaining to other safety devices on its platforms. We have not received a list of these alleged violations. After the outbreak of the fire, our platforms in the field were inspected, and we were given a new directive to install certain additional safety devices. This has been done, but these devices were not required by any applicable regulation or order in existence prior to the fire.

I do want to stress that Chevron did not violate any safety regulations—Company, State or Federal—observance of which would have prevented the fire, or extinguished it before it spread to the wellheads. Also, in all of its efforts, Chevron has cooperated to the fullest extent with both State and Federal authorities.

Chevron Oil Company has been operating in the Gulf of Mexico for more than 30 years, and has never before had a significant offshore mishap. It is staffed and run by experienced and competent people.

The practices of Chevron Oil Company reflect our policies of long standing to preserve and, wherever possible, to improve the environment in which we carry on our business. You can be certain that there will be no deviations in adherence to those policies.

Sincerely,

O. N. MILLER.

SENATOR HRUSKA REVIEWS CONSTITUTIONALITY OF PRETRIAL DETENTION

Mr. PROUTY. Mr. President, an issue of great current controversy is whether pretrial detention of defendants who pose a serious threat to public safety would be either practical or constitutional.

The prominence of this issue is due to the various legislative proposals that have been introduced which would establish pretrial detention procedures in our Federal law enforcement system.

There are now five legislative proposals pending before the Senate Constitutional Rights Subcommittee. More than 2 dozen proposals have been made in the House, and the House Judiciary Committee has been conducting extensive hearings on these bills. All of these proposals would establish pretrial detention systems in all of our Federal district courts.

Similarly, the District of Columbia Court Reform and Criminal Procedures Act of 1969, as passed by the House, contains a section creating a pretrial detention system, but only for the Federal courts of the District of Columbia. This bill is now before a conference committee, on which I serve, and this issue is a source of difference between the House and the Senate versions of the bill.

The Senator from Nebraska (Mr. HRUSKA), the ranking Republican on the Judiciary Committee, was the primary sponsor of S. 2600, the amendments to the Bail Reform Act which were proposed by the Nixon administration. Senator HRUSKA has written a scholarly article on the constitutionality and practicability of Federal pretrial detention, which was recently published in the law review of his alma mater, Creighton University Law School, in Omaha, Nebr.

Mr. President, I ask unanimous consent that Senator HRUSKA's excellent article be printed in the RECORD. It should aid Senators in their consideration of the many questions surrounding Federal pretrial detention proposals.

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

PREVENTIVE DETENTION: THE CONSTITUTION AND THE CONGRESS

(By Hon. ROMAN L. HRUSKA*)

I. INTRODUCTION

The system of bail in the federal courts of the United States remained basically unchanged from its statutory origin in 1789 [1] until the recent decade. Then, while reform by statute and judicial decision was pressing rapidly forward in other areas of federal criminal law enforcement, serious attention was also turned to the inadequacies of the federal bail system.

In 1963, after reviewing federal bail practices, the Attorney General's Committee on Poverty and the Administration of Federal Criminal Justice [2] concluded:

[T]he bail system administered in the federal courts, relying primarily on financial inducements to secure the presence of the accused at the trial, results in serious problems for defendants of limited means, imperils the effective operation of the adversary system, and may even fail to provide the most effective deterrence of non-appearance by accused persons.[3]

This conclusion drew the immediate attention of bench, bar, law enforcement agencies, and the Congress to the problems in the federal bail system. Such widespread attention had not previously existed, although the findings of the Committee were not wholly new.

In 1954, Professor Caleb Foote directed a field study of the operation of the bail system in Philadelphia. Conducted by students of the University of Pennsylvania School of Law, the study determined that the money bail system permitted unnecessary and prolonged periods of pretrial detention and had serious effects on the administration of justice.[4]

Another study was conducted by the Vera Foundation. Established in 1961, the Foundation was directed to conduct research into the problems of indigency and the criminal law. As a first project, the Foundation sponsored the Manhattan Bail Project [5] to study bail practices in New York City. Results of this research, published in 1963,[6] showed that the money bail system resulted in widespread discrimination against the impoverished defendant.[7]

A concurrent study of bail in the District of Columbia was conducted by the Junior Bar Section of the District of Columbia Bar Association. Begun in 1962, this study led to the publication of a comprehensive report [8] which prompted the Judicial Conference of the District of Columbia Circuit to initiate, in 1963, a local bail project, similar to the Manhattan Bail Project, which operated for three years.

Significantly, these early studies reached conclusions similar to that expressed by the 1963 Attorney General's Commission Report. The dominant trait in the national bail pattern was readily discernible: when pretrial release depends entirely on the ability to pay a bondsman, those who cannot pay stay in jail.[9]

The public interest generated by these studies and the statistical groundwork they provided made congressional review propitious. The Senate Constitutional Rights Subcommittee, which had been studying federal bail since 1961, conducted extensive hearings after the Attorney General's Commission Report was available. Between 1964 and 1966, two rounds of hearings were held in the Senate and one in the House of Representatives. Various bills were introduced to reform the bail system. Finally, the Senate Constitutional Rights Subcommittee prepared and introduced an omnibus bill in the 89th Congress on March 5, 1965,[10] and President Johnson signed the bill into law on June 22, 1966, as the Bail Reform Act.[11]

The Bail Reform Act adopted as public policy the conclusion of the Attorney General's Commission Report. Its stated purpose is:

[T]o revise the practices relating to bail to assure that all persons, regardless of their financial status, shall not needlessly be detained pending their appearance to answer charges, to testify, or pending appeal, when detention serves neither the ends of justice nor the public interest.[12]

Following passage of the Act, the Constitutional Rights Subcommittee continued its review of federal bail practices and gathered evidence showing that the purpose of the Act was not being wholly served. As the American Bar Association's Advisory Committee on Pretrial Proceedings revealed in its recent review of state and federal bail practices.

[M]any judges, when faced with a defendant whom they fear will commit "additional crimes" if released, feel compelled to set bail beyond his reach. In effect, bail is used to deny rather than to facilitate pretrial release.[13]

Other eminent bodies which studied the area of federal bail practices reached the same conclusion.[14]

These disclosures led the Senate Constitutional Rights Subcommittee to hold hearings in 1969 on the gains made and the defects discovered in the Bail Reform Act of 1966.[15] Many witnesses testified that the Act's purpose to discourage money bail was being largely ignored by the courts. Rather than used only as a last resort to prevent flight, high money bail was being commonly used to protect the community from possibly dangerous defendants, although ostensibly, to prevent flight.[16] Obviously, this invisible system of preventive detention contravenes the purpose of the Bail Reform Act, subverts our system of justice by preventing judicial review in specific cases, casts doubt on the good faith and honesty of our judicial system, contradicts our due process notions of fair play, and prevents the de-

Footnotes at end of article.

velopment of objective standards of dangerousness.

Nevertheless, the judicial instinct to consider the possible danger of the defendant during pretrial release deserves our attention. If danger to persons or the community does exist from certain defendants and there is substantial reason to expect harm to occur, then serious consideration should be given to a system of preventive detention. Judges should be able to forthrightly protect the public from recidivist criminals by detaining them prior to trial. Danger from abuse of this judicial discretion can be limited by providing clear standards and procedural safeguards, including the right of review and appeal. Certainly this would be far superior to the invisible hand that now shadows the use of high money bond.

The foregoing view has gained broad bipartisan support in both Houses during this first Session of the 91st Congress. Five bills related to the problems of preventive detention have been introduced in the Senate [17] and 22 bills in the House.[18]

In light of the growing interest in pretrial preventive detention, this article is written to review the relevant statutory and constitutional history of bail, to advance some notions of public policy, and to advocate the need for congressional action.

II. THE CONSTITUTION

Bail is an ancient custom. Its practice began in medieval England and evolved in a series of later English statutes including the English Bill of Rights of 1688 which specifically provided protection against excessive bail.[19] Sheriffs of old England would release the defendant upon a third person's promise that the defendant would appear for trail. If the defendant did not appear, the third person, known as a surety, surrendered himself to suffer the penalty of the defendant. This early practice of bail was described by one study as follows:

In the period during the first thousand years A.D. in England, a bail system like the American system in use today began to develop, charted by the necessities of the times. Land was held in vast feudal baronies. Justice was administered by traveling judges whose visits to an area on the circuits of the realm were intermittent, often several years apart. The local sheriffs, who represented the Crown in their respective areas, were responsible for the custody of prisoners. Prison conditions were atrocious. Prison facilities were insecure and inadequate. They served no one, and they were a financial burden.

The sheriffs, executives for the administration of criminal justice until the judges arrived, were happy to have someone else assume the responsibility of maintaining custody of defendants. If someone would assume the personal responsibility of presenting a defendant for future trial, the sheriffs were happy to shift the responsibility to them. As the custodian of all those accused, sheriffs frequently relinquished defendants provisionally into the custody of a surety, usually a friend or relative of the accused.[20]

Today in England, the system of bail continues to be based on the ancient concept of a surety relationship between the defendant and a third person, although the system has evolved to permit the surety to surrender a sum of money rather than himself when the defendant fails to appear.[21] The English system has also retained a flexibility which permits the magistrate to deny bail when the defendant appears likely to tamper with the evidence or commit new offenses if released.[22]

Bail in the federal courts of the United States followed a somewhat different course than the English tradition, evolving from four basic sources: the Judiciary Act of 1789, the Eighth Amendment to the United States Constitution, the Fifth Amendment to the United States Constitution, and most recently the Bail Reform Act of 1966.

Enacted by the First Congress, the Judiciary Act of 1789 was the first break with English tradition and laid the groundwork for distinctly American bail institutions and for limited judicial discretion. That act provided that "upon all arrests in criminal cases, bail shall be admitted, except where the punishment may be death. . . ." and made bail in capital cases discretionary, depending upon the "nature and circumstances of the offense, and of the evidence, and usages of law." [23]

The House Judiciary Committee has described the American development of bail institutions as follows:

Since the Judiciary Act of 1789 . . . Congress has provided that persons shall be admitted to bail upon arrest in criminal cases except where the punishment may be death. It also provided that bail is discretionary in capital cases depending upon the nature and circumstances of the offense and of the evidence and usages of law. The practice of providing a private surety who would personally guarantee to produce a bailee proved inadequate. Eventually, the posting of bail became the function of a professional bondsman who in return for a money premium guaranteed the appearance of the defendant at the time of trial. It was also in this manner that the posting of bail bonds became a commercial venture.[24]

Basis for the discretion of federal courts to deny bail in noncapital cases was regarded as nonexistent. This tradition in turn spawned the notion that the right to bail in noncapital cases was absolute in the federal system. Justice Vinson expressed this view quite clearly in *Stack* v. *Boyle*.[25]

From the passage of the Judiciary Act of 1789 . . . to the present Federal Rules of Criminal Procedure . . . federal law has unequivocally provided that a person arrested for a noncapital offense shall be admitted to bail. This traditional right to freedom before conviction permits the unhampered preparation of a defense, and serves to prevent the infliction of punishment prior to conviction. . . . Unless this right to bail before trial is preserved, the presumption of innocence, secured only after centuries of struggle, would lose its meaning.[26]

Despite its statutory tradition of being absolute, the right to bail in noncapital cases must be considered in a constitutional context to determine what exceptions exist, and, if so, whether the Constitution might permit preventive detention in noncapital cases as well.

III. THE EIGHTH AMENDMENT

Following the Judiciary Act of 1789, the Bill of Rights was added to the Constitution in 1791.[27] The Eighth Amendment specifically addresses the issue of bail by providing that "excessive bail shall not be required," but the Amendment does not explicitly guarantee a right to bail. Nor has the United States Supreme Court decided whether the Amendment confers an absoluate right to bail. Since the Judiciary Act provided for that right in noncapital bases, the constitutional issue never had to be reached. *Stack v. Boyle* considered the meaning of the word "excessive" under the Eighth Amendment but did not determine the extent of the constitutional right to bail.[28] It has been argued, however, that the history of bail and the language of the Eighth Amendment necessarily imply an absolute right to bail.

The historical argument is that the Bill of Rights was based without change on the 1776 Virginia Declaration of Rights, drafted by the distinguished scholar and public figure, George Mason. Regarding Mason's draftsmanship, Professor Caleb Foote has stated:

The bail language he included was taken from the second half of the English Bill of Rights of 1689, but whether from inadvertence, or from the fact that he did not have his references at hand when he wrote . . . or from the fact that he was not technically trained as a lawyer, he omitted critical language which is in the preamble of the English Bill of Rights, which clearly spells out the basic right to bail and makes the prohibition of excessive bail merely a dependent clause upon an existing nondiscretionary statutory right to bail. Thus, Mason's English source combined both the right to bail, drawn together from enactments which in England went back to 1275, and the protection against abusive denial of that right through the judicial imposition of excessive bail. Unaccountably and apparently unnoticed by everybody, when this protection came into our Constitution, one of its essential two legs was missing.[29]

Doubt exists as to whether the omission mentioned by Professor Foote was as critical or inadvertent as he suggests. Professor Foote himself admits that the omited language was in the preamble of the English Bill of Rights and not part of the body.[30] Also, the language of the preamble is not as clear as he contends. More importantly, the United States Supreme Court, when confronted with this historical source, stated in *Carlson* v. *Landon:* [31]

The bail clause was lifted with slight changes from the English Bill of Rights Act. In England that clause has never been thought to accord a right to bail in all cases, but merely to provide that bail shall not be excessive in those cases where it is proper to grant bail. When this clause was carried over into our Bill of Rights, nothing was said that indicated any different concept. The Eighth Amendment has not prevented Congress from defining the classes of cases in which bail shall be allowed in this country. Thus in criminal cases bail is not compulsory where the punishment may be death. Indeed, the very language of the Amendment fails to say all arrests must be bailable.[32]

It is also argued that it would be meaningless to interpret the Eighth Amendment to forbid the judge to detain a defendant by setting unreasonably high bail, while still permitting the judge to deny bail altogether. This would allow the judge to do directly the very thing that he is forbidden to do indirectly. Also, as stated by Justice Black in dissent in *Carlson v. Landon*, under this view, "the Amendment does no more than protect a right to bail which Congress can grant and which Congress can take away." [33]

Some federal courts have adopted the foregoing reasoning and declared the right to bail in noncapital cases to be an inviolable feature of our legal system.[34] These cases are not conclusive, however, because they either refer to the right of bail as statutory in origin or rely upon other cases which were decided on the basis of the statutory right.

On the other hand, the courts have not decisively disposed of these arguments. Although the language in *Carlson v. Landon* appears to be final on the subject, the nature of the case raises questions. The case involved the denial of bail to alien communists pending deportation proceedings. Although the distinction today between civil and criminal proceedings has become increasingly obscured,[35] it was considered a valid distinction in 1952, and the language of *Carlson v. Landon* seems to recognize the distinction.[36]

Other valuable precedents exist that buttress the concept that right to bail, although secure from unreasonable denial, is not absolute. Discussing the application of the bail provision of the Eighth Amendment to states through the due process clause of the Fourteenth Amendment, the Eighth Circuit in *Mastrian v. Hedman* [37] concluded that:

Neither the Eighth Amendent nor the Fourteenth Amendment requires that every-

Footnotes at end of article.

one charged with a state offense must be given his liberty on bail pending trial. While it is inherent in our American concept of liberty that a right to bail shall generally exist, this has never been held to mean that a state must make every criminal offense subject to such a right or that the right provided as to offenses made subject to bail must be so administered that every accused will always be able to secure his liberty pending trial.[38]

Whether the Eighth Amendment applies to only federal criminal cases, or in addition to state criminal cases as well, the breadth of the right to bail thereunder would be the same. The *Mastrian* case, by clearly denying an absolute right to bail under the Eighth Amendment in state cases, carries equal weight as precedent on the extent of the right to bail in federal cases.

Equally compelling precedents exist in cases involving only federal rights unaided by the application of the Fourteenth Amendment to the states. Justice Douglas, sitting as Circuit Justice on an application for bail appeal, explained that:

In my view the safety of witnesses, should a new trial be ordered, has relevancy to the bail issue. . . . Keeping a defendant in custody during the trial "to render fruitless" any attempt to interfere with witnesses or jurors . . . may, in the extreme or unusual case, justify denial of bail.[39]

Justice Frankfurter, also sitting as Circuit Justice on an application for bail pending appeal, reached a similar conclusion:

The granting of bail certainly presupposes confidence that a defendant will respond to the demands of justice. In fixing the amount of bail, Rule 46 (c) explicitly adverts to the trustworthiness of a defendant . . . . Impliedly, the likelihood that bail within tolerable limits will not insure this justifies denial of bail.[40]

No mention was made in either of these cases of any constitutional right to bail. Rather, the public policy of preserving the integrity of the trial process during an appeal, where the case may have to be retried, was the primary consideration.[41] This could involve either protecting witnesses or insuring the presence of the defendant. Although bail on appeal can be distinguished from pretrial release,[42] it would seem to be a meaningless distinction where the ends sought to be obtained are the same.

In addition to the judicial decisions denying a specific constitutional right to bail, other factors support the argument that Congress has the power to define categories of defendants for whom pretrial release may be denied based on certain judicial findings. These factors are: (1) present statutory exceptions of defendants who are denied pretrial release; (2) the changing nature of capital offenses; and (3) public policy needs.

A. Statutory exceptions

Present statutory exceptions where the defendant has been denied an absolute right to pretrail release are: where the defendant is charged with a capital crime rather than noncapital crime; [43] where the defendant is a deportable alien; [44] and where the defendant is mentally incompetent.[45]

A distinction between capital and noncapital cases is not drawn in the Eighth Amendment. Consequently, if there were an absolute right to bail under that Amendment, the right should extend to both types of cases. However, the Judiciary Act of 1789,[46] the Federal Rules of Criminal Procedure,[47] and the Bail Reform Act of 1966 [48] recognize a difference: in noncapital cases the defendant has a right not to be detained but in capital cases the decision is left to the discretion of the judge. The federal courts have never found these statutes to be unconstitutional.

The deportation of aliens can reasonably be construed as another exception to the theory that the Eighth Amendment grants an absolute right to bail. Although deportation hearings have been considered as civil proceedings, alien defendants have the same essential rights to fair proceure as United States citizens.[49] Although recognizing these rights, the Congress was not dissuaded from enacting the Internal Security Act of 1950 which gave the Attorney General discretion to retain an accused alien in custody or to release him on bail or conditional parole.[50] Sustaining this power, the Supreme Court in *Carlson v. Landon* stated:

The refusal of bail in these cases is not arbitrary or capricious or an abuse of power. There is no denial of the due process of the Fifth Amendment under circumstances where there is reasonable apprehension of hurt from aliens charged with a philosophy of violence against this Government.[51]

Mental incompetency is the third exception to the theory of bail as an absolute right. The Congress has provided that a defendant who is unable to understand the proceedings against him or to assist properly in his own defense may be subject to commitment at a suitable institution [52] until he is mentally competent to stand trial or until the charges are disposed of according to law.[53] In this instance the defendant is detained pending trial to preserve the integrity of the trial process by insuring the competence of the defendant to defend himself. This policy has been sustained by the Supreme Court.[54]

B. Changing nature of capital offenses

The changing nature of capital offenses is another relevant factor which militates in favor of the legislative power to define categories of defendants for whom bail may be denied for reasons of public safety. The express right to bail in noncapital cases as found in the federal statutes, as well as in many state constitutional provisions, probably was based on the assumption that only capital offenses involved threats to public safety or strong risk of flight.[55] The fact that neither the dangerousness nor the risk of flight of the noncapital defendant was considered can be readily explained. Almost all serious felonies in our early history were capital crimes for which bail could be denied.[56] Consequently, the courts were not faced with a duty to grant possibly dangerous defendants, nor defendants with little to lose by flight, their freedom pending trial.

But, as the range of capital offenses has diminished for reasons unrelated to the seriousness of the offenses, and more defendants therefore have become eligible for pretrial release, the inability to protect public safety has increased. Where the public safety is seriously affected by felons on pretrial release, who in earlier years would have been detained on capital charges, the traditional distinction between capital and noncapital offenses, for purposes of bail, becomes less meaningful.

C. Public policy

If the life of the law is experience, and not logic, as Justice Oliver Wendell Holmes once declared, then pubic policy is the expression of our experience. A consideration of the power of the Congress to deny bail in limited situations must recognize that in addition to the policy of preserving the integrity of the trial process, other public interests, such as public safety, may justify detention. As has been well stated:

Even the explicit guarantee of the right to free speech contained in the first amendment is subject to restriction when required by public necessity; the undefined right to bail implicit in the eighth amendment might also be subject to such restriction.[57]

Public policy should be able to protect the public by denying pretrial release to dangerous felons, just as public policy has always insured the integrity of the judicial process by denying bail in capital cases to prevent flight.

IV. FIFTH AMENDMENT

Even though pretrial release cannot reasonably be considered an absolute right under the Eighth Amendment, pretrial detention must still comply with the notions of fair play and justice held in our society [58] and embodied in the Fifth Amendment to the Constitution.[59]

Pretrial detention of any person based on future criminal conduct violates the Fifth Amendment, it is argued, because: it denies the defendant the protection of the presumption of innocence;[60] it discriminates against the defendant's opportunity to obtain a fair trail; [61] and it assumes, prior to a final judicial judgment, that the defendant has committed a crime and will probably commit others if released.[62]

A. Presumption of innocence

The presumption of innocence, as a traditional notion of Anglo-Saxon criminal justice, has been claimed as the basic underpinning for pretrial release. This argument has been stated as follows:

[A]ny pretrial incarceration assumes the guilt of the accused and is, therefore, in conflict with the presumption of innocence; thus the presumption has no real vitality unless it is supported by the accused's liberty prior to trial.[63]

According to another view, however, the presumption of innocence of an accused is a fundamental right which accrues at the time of trial but does not require that the accused be treated as innocent in every way prior to trial.[64] Based on this theory, the presumption of innocence would not operate during the pretrial process or outside the courtroom in a criminal case.[65] If this were not so, it is argued, persons could not be arrested and held for fingerprinting and questioning, nor indicted by grand juries for probable cause. As just another stage of pretrial procedure, preventive detention would not, under this theory, contravene the presumption of innocence. The fact that defendants have always been subject to detention during trial where there is strong risk of flight or a threat to the trial process supports this theory [66] as does the denial of bail for capital offenses.[67]

Moreover, nearly 75 years ago the Supreme Court pointed out that "[d]etention is a usual feature of every case of arrest on a criminal charge, even when an innocent person is wrongfully accused; but it is not imprisonment in a legal sense." [68]

Since our system of justice is based on the eliciting of truth through competent advocacy, the conviction of innocent men is abhorrent to the system. The presumption of innocence is most meaningful in this context as a trial measure. That is why the presumption of innocence, unlike other legal presumptions, requires more than prima facie evidence to be overcome and unanimous agreement of the jury that the evidence of guilt has been established beyond a reasonable doubt. If the presumption of innocence is respected during the trial process and honored by the jury in its finding, then it has served its purpose.[69]

B. Denial of fair trial

The possibility that the restriction of a detained person's opportunity to prepare for trial will result in a deprivation of due process of law is further argument for pretrial release. While being detained an accused may have difficulty communicating with his counsel and seeking witnesses and evidence for his defense, thereby jeopardizing his Sixth Amendment right to trial. Justice Jackson made this point in *Stack* v. *Boyle:*

The practice of admission to bail, as it has evolved in Anglo-American law, is not a device for keeping persons in jail upon mere

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accusation until it is found convenient to give them a trial. On the contrary, the spirit of the procedure is to enable them to stay out of jail until a trial has found them guilty. Without this conditional privilege, even those wrongly accused are punished by a period of imprisonment while awaiting trial and are handicapped in consulting counsel, searching for evidence and witnesses, and preparing a defense.[70]

The test of due process, however, is one of reasonableness.[71] It will permit a balancing of an individual's freedom with the orderliness of society, so long as the essential elements of fair procedure are not abused.[72] Just because there is a risk of unconstitutionality surrounding the hard choices to be made in constructing a preventive detention system, the concept of preventive detention is not thereby rendered contrary to due process of law. Properly made and supported by an overriding public interest, the hard choices can stand the test of due process.

Chief Judge Bazelon, speaking for the United States Court of Appeals for the District of Columbia Circuit, recently expressed this view in an appeal from the dismissal of a habeas corpus petition:

It may be that in some circumstances preventive detention is in fact permissible. If so, such detention would have to be based on a record that clearly documented a high probability of serious harm, and circumscribed by procedural protections as comprehensive as those afforded criminal suspects.[73]

The central issue would seem not to be whether pretrial preventive detention deprives a person temporarily of his liberty, but rather, whether the detention procedure is reasonable and justified and permits the defendant his full rights to a fair trial on the criminal charge against him.

To achieve the goal of a fair trial, the defendant who is detained should have, as nearly as possible, the same opportunities as the defendant who is at liberty. He should have every reasonable opportunity to communicate with his lawyer fully and to prepare his defense,[74] even if it requires limited, though supervised, periods of release.[75] When the defendant appears in court for trial, to prevent any prejudice in the minds of the jury, no evidence should be admitted which would indicate that the defendant had been detained and there should be no physical signs of detention such as prison uniform or handcuffs.[76]

Moreover, there should be proper review and appeal procedures, so that the defendant has ample opportunity to seek relief if the preparation of his defense is being seriously impaired by his detention. Such evidence could reasonably justify a change in the detention order, and possibly, under unusual circumstances, could even permit strict conditions of limited release. The various conditions, or combinations of conditions, already available to judicial discretion under the Bail Reform Act of 1966 might presently provide the needed authority for a judge to act in such a case.[77]

C. Deprivation of liberty

The idea that a person should not be deprived of liberty without due process of law derives from the English common law. Incorporated into our Bill of Rights in 1791, it has come to mean in our courts of law, that a defendant must not only have a fair trial, but, moreover, that he cannot be imprisoned until he is found guilty of committing a crime clearly defined by law.[78] It is argued that preventive detention violates this latter concept because it causes the imprisonment of a person before a judgment of guilty has been rendered for the crime charged and is based on the prediction, and not certainty, that further criminal conduct would occur if the defendant were on pretrial release.[79] The classic statement of this view was that of Justice Jackson, sitting as Circuit Judge:

Imprisonment to protect society from predicted but unconsummated offenses is so unprecedented in this country and so fraught with danger of excesses and injustice that I am loath to resort to it, even as a discretionary judicial technique to supplement conviction of such offenses as those of which defendants stand convicted.[80]

As previously suggested, however, due process is not a fixed notion. The need for flexibility to meet the changing demands of society was recently set forth by the Supreme Court of the United States:

[T]he fact that a liberty cannot be inhibited without due process of law does not mean that it can under no circumstances be inhibited.

The requirements of due process are a function not only of the extent of the governmental restriction imposed, but also of the extent of the necessity for the restriction.[81]

This inherent flexibility in due process is evident from the classes of persons presently deprived of freedom either prior to a final judicial judgment of guilty or, in other instances, even without a formal charge of crime against them. The federal system of criminal justice presently permits restraint on liberty prior to judicial judgment of guilty by permitting pretrial detention in capital cases,[82] by permitting defendants to remain in jail who cannot meet the conditions of release,[83] and by committing to suitable institutions those defendants who are mentally incompetent to stand trial.[84]

A defendant need not even be charged with a crime, however, to be subject to detention. For example, a prisoner who is considered insane or mentally incompetent and who, if released when his sentence expires, will probably endanger the safety of the officers, property, or other interests of the United States, can be committed to a suitable institution after his term expires.[85] A person who is mentally ill, and who because of his illness is likely to injure himself or others, may be confined without commission of a crime.[86] Also, a defendant subject to deportation may be detained because of his potential danger.[87] The latter cases are generally proceedings considered civil in nature, but since the essential features of the Fifth Amendment guarantee of due process apply to both civil and criminal proceedings,[88] the distinction is not relevant.

In all of these instances, the defendant is detained because of his potential acts and not as punishment for his commission of a crime. Whether the potential act be flight from the jurisdiction of the court, commission of an additional crime, or behavior of a dangerous nature, the fact of detention is based on prediction. Such predictions are common, however, in other areas of our judicial system as well. Judges must make predictions of future behavior when they impose or suspend sentences, grant probation, order detention of defendants during trial, and even when they set bail. Also, parole boards make predictions of future behavior when they grant paroles.

The predictive nature of the preventive detention process will not, therefore, render such a process constitutionally unsound. The practice of predicting future behavior to make judgments about present liberty is too prevalent in the system to be wholly contrary to our legal traditions. The objection must, therefore, be made on relative grounds, asserting that prediction of future criminal conduct is so imprecise that adequate standards cannot be devised.[89]

Such a view is unduly pessimistic. Identifying persons who are risks to public safety should be no more difficult than identifying persons who may flee the jurisdiction of the court. Nor is such a broad condemnation meaningful without reference to a particular system of preventive detention. That prediction of future behavior requires clear standards cannot be denied, however.

One suggestion has been made that preventive detention hearings should be civil in nature with a more informal proceeding.[90] This theory envisions that the only persons to be detained would be those so unresponsive to the deterrence provided by the threat of criminal sanctions that it would be unfair to deal with them through ordinary criminal law procedures. Due to some mental or emotional abnormality, detention of these persons would presumably be akin to the detention of mental incompetents. Certainly some of the defendants whom society would judge to be dangerous, if released prior to trial, are driven by compulsions. Could not a deeply embedded sense of alienation and hatred of society compel a defendant to inflict harm indiscriminately on society? Might not an acute sense of inferiority compel a defendant to seek recognition through violent crime? It is by no means clear, however, that all dangerous defendants would fit such molds. Furthermore, since there would be no secondary purposes to pretrial preventive detention, such as treatment or cure, it is highly doubtful that the Supreme Court would accord such proceedings the denomination of civil.[91]

When the public interest in community safety from dangerous defendants on pretrial release is substantial, the solution is not to refuse to take the constitutional risks of preventive detention or to obscure them through civil proceedings but rather to recognize and meet them with proper criminal procedures. It should be possible to devise a system which provides the necessary safeguards to assure a full judicial hearing and detains only persons who pose a serious risk to public safety.

The hard test for preventive detention was well stated by the ABA Pretrial Release Report of the American Bar Association Project on Minimum Standards for Criminal Justice:

It seems more probable that the constitutional defects in preventive detention, if they in fact exist, lie in due process limitations on predicting future criminal conduct. At the heart of the problem is the inherent difficulty in making such predictions with sufficient accuracy. Where the consequences of a mistaken prediction is unwarranted detention, due process of law may be violated.[92]

To meet this test, all of the basic criminal law protections should be required of any preventive detention system. Detention proceedings, according to Chief Judge Bazelon, should be "circumscribed by procedural protections as comprehensive as those afforded criminal suspects."[93] The basic rights of a defendant in a criminal proceeding, the right to counsel, to testify, and to present and cross-examine witnesses, should be provided at a minimum.[94]

Next, the judge should be required to make findings as specific as possible to limit the exercise of discretion on the issue of dangerousness.[95] Specific findings would strengthen a defendant's right of appeal and review and would reduce the opportunity for initial abuse of the detention power. The judicial instinct for predicting human behavior may in many cases be highly developed but such instinct alone would not be adequate to prevent abuses.[96]

The judge should also be required to make his findings in writing with a statement of facts and reasons. The findings should be based on the weight of the evidence, certainly greater than probable cause on which a person may be arrested but less than beyond a reasonable doubt on which conviction must rest during trial.[97]

Finally, in determining which defendants should be subject to detention, the Congress in enacting legislation, and the judge in considering defendants before him, must

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be guided by the evidence of greatest danger to society. If the risk posed by a category of defendants is great, that category should be clearly identified for purposes of preventive detention. Evidences of such risk that have been suggested are prior pattern of vicious antisocial behavior, the nature of the offense charged, threats made against persons or property, and any compulsions to commit serious crime, such as serious drug addiction.[98] Certain categories of defendants who pose a serious threat or danger to society may be more easily identified if they are considered from the standpoint of public policy objectives.

One major area in which preventive detention is currently practiced with clear legal sanction relates to the protection of the integrity of the trial process. Threats against witnesses, attempts to destroy evidence, and other disruptive practices can presently constitute grounds for revoking bail and detaining the defendant. Mr. Justice Harlan has stated:

District Courts have authority, as an incident of their inherent powers to manage the conduct of proceedings before them, to revoke bail during the course of a criminal trial, when such action is appropriate to the orderly progress of the trial and the fair administration of justice.[99]

The public policy behind this theory is that our society has a system of law which presumes men to know the difference between right and wrong, and that when a person commits a crime in our society, he should be responsible for his act and be punished accordingly. This threat of punishment is expected to deter men from committing crime. Since this system cannot operate if the penalties are not imposed, and since the penalties can only be imposed after a trial and adjudication of guilt, the trial process must be protected and its integrity and effectiveness preserved.[100]

Preserving the integrity of the trial process is not the only concern, however, relevant to pretrial detention. Another is the protection of society. Persons who are not responsible for their acts, or who have clearly demonstrated their inability or unwillingness to consciously and consistently function on the basis of norm of right and wrong as required by our ciriminal law, have rejected the system of law on which our social order is founded. A person charged with a serious crime, who is released, might not be expected to flee the jurisdiction because of his community ties.[101] For the same reason, he might be expected to choose a lawful course of conduct in the hopes of early probation if convicted. But, if regardless of his community ties, there is strong evidence that the defendant poses a threat to the public safety and, therefore, refuses to be adopted back into society, society should not be needlessly exposed to his depredations pending trial.

The Eighth Circuit in discussing bail on appeal, expressed this same principle:

Bail should not be granted where the offense of which the defendant has been convicted is an atrocious one, and there is danger that if he is given his freedom he will commit another of like character.[102]

V. THE CONGRESS

The Congress of the United States has enacted only two basic statutes concerning the federal system of bail. The first statute was the Judiciary Act of 1789,[103] which was previously discussed in detail. The second statute, coming 177 years later, was the Bail Reform Act of 1966.[104]

The Bail Reform Act was enacted to insure that no one would be needlessly detained in the federal law enforcement system pending trial because of his financial condition. Breaking through the unequal restraints of money bonds, the Act required release of all accused persons in noncapital cases on their own recognizance or upon certain nonfinancial restrictions when release on recognizance was not sufficient to deter flight. Money bail still remained but only as a last resort. Pretrial detention could be ordered under the Act but only in capital cases on grounds of risk of flight or danger of the defendant to the community. Prior to this Act, too many defendants, unable to post bond, languished in jail until tried; regardless of the seriousness of the charges against them and regardless of the risk of flight. Many of those defendants were subsequently acquitted of the charges.

The Senate Constitutional Rights Subcommittee held investigative hearings on the Bail Reform Act in January, 1969, to survey, fully and intensively, the gains made and the defects discovered in the operation of the Act. The hearings revealed the need for further legislative reform to permit the additional consideration of public safety in pretrial release proceedings.[105]

A. Support for reform

As previously discussed, a number of bills have been introduced in Congress which would amend the Bail Reform Act of 1966 by including, among other things, standards and safeguards for detention of certain categories of defendants prior to trial. Five bills are pending in the Senate Judiciary Committee before the Constitutional Rights Subcommittee,[106] and 22 bills are pending before the House Judiciary Committee.[107]

Due to the number of House bills, only the Senate bills, found in appendix "B," will be discussed in this article.

The Senate bills do not deal solely with authority for preventive detention. Four of the proposed bills[108] would also authorize federal judges to establish conditions of release based on public safety considerations as well as risk of flight; two would authorize revocation of release when conditions of release were violated;[109] and two would impose mandatory penalties for the commission of a crime during pretrial release.[110] Widespread support exists for these last three measures. Not only do these proposals have bipartisan support in the Congress, they also have received endorsement from the President's District of Columbia Crime Commission,[111] the American Bar Association Pretrial Release Committee,[112] a District of Columbia Judicial Council Committee,[113] and many witnesses appearing before the Constitutional Rights Subcommittee.[114]

Although further hearings will be held by Congress[115] and close examination will be given to the details of the varying proposals, the widespread agreement indicates that the constitutionality of the nonpreventive detention features of these proposals is probably not a major issue. However, when the question of preventive detention is reached, the agreement of the varying organizations and of the witnesses who appeared before the Constitutional Rights Subcommittee in January of 1969 quickly vanishes. Since much of the controversy surrounds the constitutionality of those sections of the Senate bills concerned with preventive detention, the analysis which follows in this article will focus attention on those provisions only.[116] The minority view of the Judicial Council Committee Report clearly expresses the wide divergence of opinion in the Senate concerning the subject of preventive detention:

The Bail Reform Act enacted the theory, which has not yet been converted into fact, that defendants could be released into the Community to await trial with an assurance of effective supervision. Last year we urged an amendment to allow for consideration of dangerousness in setting release conditions, and for revocation where conditions were violated. These procedures would fit into a fundamental pattern of American justice: no punishment without a finding of guilt. Preventive detention would totally violate that principle.[117]

However, as the majority view of the Judicial Council Committee points out and as this article discussed in the Fifth Amendment section, preventive detention is a historically recognized principle and is not a novel method of protecting the interests of society. It is only necessary that the statute provide appropriate standards and adequate due process safeguards to be constitutional. The vital features which must be examined and refined by the Congress are: (1) the categories of defendants to be subject to detention; (2) the procedural safeguards; and (3) the flexibility to permit a detained person the opportunity to prepare his own defense.

B. Need for reform

There are approximately 30,000 bail settings each year in all federal courts in the United States, of which 20,000 alone are in the District of Columbia.[118] This high rate of bail settings in the District is due to the fact that all criminal violations there are federal crimes. Over 40 percent of all federal crimes are committed in the District. Also, more criminal cases are tried before federal courts in the District than in any other metropolitan federal jurisdiction.[119] Therefore, in considering categories of defendants to be subject to pretrial preventive detention, it must be remembered that the need is most critical in the District of Columbia. Under the four Senate bills, many of the violations which would subject the accused to detention are federal crimes only in the District of Columbia.

A number of studies have been conducted to determine the extent of crime committed by recidivist defendants while on pretrial release in the District.[120] Each has a different statistical base and each reaches somewhat different results. Nevertheless, these studies, if not conclusive, are persuasive.

Although the figures vary, the studies have revealed, at the least, that there is a sufficient percentage of defendants charged with serious offenses while on bail or release who have records of committing previous serious offenses to be cause for public and official concern. In the District, estimates of defendants who allegedly commit additional crimes while on bail range from 6 percent to 70 percent.[121] One reason for the disparity is, again, that different statistical bases are used to arrive at these figures. The Judicial Council Committee report considered the 6 percent figure[122] to be very conservative.[123] The considerations for this view are that many arrests do not result in indictments, indictments are never brought in misdemeanors, and many crimes go undetected. These factors must be given reasonable weight in judging the relevance of the reindictment figures.

For purposes of legislation, however, the categories of defendants must be carefully delineated. A general showing that a sizeable percentage of defendants commit additional crimes while on bail is not enough. It must also be determined whether defendants who commit certain types of felonies are more likely to commit additional crimes while on bail and what kinds of additional background information on a defendant will indicate a serious threat to public safety.

The nature of the alleged crime is a reasonable factor to consider. Crimes that involve serious harm or threat of harm to persons or property evidence a destructive attitude of the offender toward his society. Where there is a rejection of the fundamental norms of society by the commission of a serious crime, there is a greater likelihood that an offender will commit other depredations if free. Examples of such crimes might be murder, rape, arson, robbery, assault with a deadly weapon, and housebreaking. A Department of Justice study in 1967 supports this view.[124] A sample day was cho-

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sen, November 25, 1966, to compile case studies of all defendants appearing on bail hearings before one judge in the District Court for the District of Columbia. The judge heard bail motions on behalf of 17 defendants in connection with 15 separate felony cases: 10 robberies, 2 homicides, 2 rapes, 1 concealed deadly weapon charge, 1 narcotics violation, and 1 forgery violation. In almost every case the defendants had extensive criminal arrest records, including several charges still pending at the time of arrest for the present offenses.[125] These defendants had a total of 173 prior arrests against their records. Of the 17 defendants, 13 were released on varying conditions. After release and before trial, 8 of the 13 defendants were rearrested for 18 subsequent offenses, 8 of which were felonies.[126] Other instances could be cited.[127]

The President's District of Columbia Crime Commission found that accused felons tend to commit felonies of the same type as the original offense; in fact, more than 80 percent of those studied committed crimes on release as serious or more serious than the original offense.[128] The more serious categories of crimes repeated while on bail were robbery, housebreaking, and narcotics offenses. The study also showed that murder charges against persons on bail who were originally charged with serious felonies were not uncommon.[129] The high degree of repeat crime while on bail by robbers, housebreakers, auto thieves, and narcotics offenders was similarly documented through a study of the dockets and criminal case files of the United States District Court for the District of Columbia.[130]

Other studies of repeat crime by accused felons during release support these findings. A study by the District of Columbia Metropolitan Police Department determined that 31.6 percent of persons indicted for armed robbery in fiscal year 1967 were reindicted for subsequent offenses while on bail.[131]

The largest study, by the United States Attorney's office in the District of Columbia, gathered data on persons indicted for robbery in calendar year 1968 in the United States District Court for the District of Columbia and measured the rearrests among those persons. It found that about 70 percent of the persons indicted for robbery and released on bail were rearrested.[132]

Studies also show that narcotics addicts are likely to commit additional crimes if released on bail. The narcotic habit has become so costly for many addicts that it can only be supported by serious crime. A study by the United States Attorney's office for the District of Columbia found reindictment among narcotic offenders to be the second highest category of offense.[133] Also, testimony received during the Constitutional Rights Subcommittee hearings in 1969 supports the high probability of additional crime by narcotic addicts.[134]

In addition to the nature of the offense committed, another important criterion for determining whether a defendant should be detained prior to trial is the defendant's past record. The President's District of Columbia Crime Commission found in its study of persons who allegedly committed offenses while on bail that 88 percent had adult arrest or conviction records before release on bail.[135]

The Stanford Research Institute study showed that 81 percent of convicted felons had prior adult records.[136] Studies made by the United States Attorney's office for the District of Columbia similarly showed a substantially higher rate of prior convictions among persons who allegedly committed offenses while on bail.[137]

The foregoing studies indicate that the commission of crime by the recidivist criminal is a problem of growing significance in our society. Preventive detention may offer a reasonable solution to that problem.

VI. PROPOSED PREVENTIVE DETENTION LEGISLATION

A. Categories of defendants

As previously mentioned, the Senate is presently considering four pieces of legislation concerning preventive detention. Of the four, S. 2600 defines more specifically the categories of defendants who should be subject to pretrial detention where release conditions would not adequately protect the public safety. Due to the high recidivist rate shown by existing studies of dangerous crimes, S. 2600 makes a defendant charged with any one of the specified crimes subject to pretrial detention. In brief, these crimes are: robbery with the use of force or threat of force, burglary of premises used for dwelling or business, rape and related dangerous sex offenses, arson of premises used for dwelling or business, and sale of narcotic or depressant or stimulant drugs. The crimes included stress the danger element of the offense and are not tied to past conduct.

A second category of the bill, more broadly defined, includes the full range of violent offenses. Under these provisions the defendant must have allegedly committed at least two crimes of violence to be subject to pretrial detention. If he is charged with a crime of violence while on release, probation, or parole for committing such a crime, or if he is charged with a crime of violence and has a prior conviction of such a crime, he can be detained under the bill.

A third category covers narcotic addicts who are charged with a crime of violence. Under the bill's definition, an addict supporting his habit by petty larceny is excluded but when it appears he has graduated to serious crimes, he may be subject to detention. A final category covers those persons, who, irrespective of the offense charged, obstruct justice by threatening witnesses or jurors.

S. 289, the least specific of the Senate bills, would authorize detention of all defendants charged with crimes of violence who have previously been convicted of similar crimes.

S. 546 does not make a distinction between dangerous crimes and crimes of violence as does S. 2600 but is more specific than S. 289. It permits detention of persons who allegedly committed felonies while on release for prior felony charges or pending appeal of such charges. Also permitted under S. 546 is the detention of persons charged with felonies involving serious bodily harm or the threat of harm. However, the government must file an affidavit alleging that the defendant will harm another person or pose a substantial danger of harm to other persons or to the community due to his prior pattern of antisocial behavior. Finally, persons charged with armed robbery or other similar crimes involving the use of force may be detained. In all categories of defendants under this bill, except that of armed robbery or other similar crimes, there must be evidence of past dangerous conduct by the defendant to justify his detention. Persons who threaten witnesses or jurors can be detained under this bill only if they qualify for detention on one of these separate grounds as well. Moreover, neither narcotic addicts involved in serious crime nor narcotic pushers are included under specific categories even though the evidence would appear to be substantial that these categories of defendants are clear threats to public safety. By comparison, any defendants who threaten witnesses or jurors, addicts involved in serious crime, and narcotic pushers can be detained under S. 2600.

S. 2920 is also more limited in the categories of defendants subject to detention than S. 2600. This bill would authorize detention of a person charged with or convicted of a felony who, during release on bail, probation, or parole is charged with a second felony of the same kind. Both charges must involve the use of a dangerous weapon or deadly physical force resulting in serious bodily injury to another. Therefore, persons without prior records who are charged with dangerous crimes cannot be detained under this bill whereas they can be under S. 2600 and S. 546. Thus, S. 2920 is similar to S. 289 in that both require a previous offense, although S. 289 requires conviction for that previous offense and S. 2920 only requires a pending charge. This class of defendants, with past records or pending charges, is much more fully covered under S. 2600 by its "crimes of violence" category.

The category most common to these bills is that which permits pretrial detention where the defendant has been charged with a serious offense while on release, probation, or parole. Both this category and the category which allows detention where there is a prior conviction of a violent crime are based on a similar theory. Where there is substantial evidence that if a person has established a continuing pattern of serious antisocial behavior, he will continue such behavior. Recidivism statutes are based on the same principle. This parallel was drawn by the Judicial Council Committee Report, which stated:

> These [recidivism] statutes contain an element of an attempt to predict future conduct: namely, that the individual, if released, will probably commit another crime. These statutes also embody a judgment that balances the rights of the individual to be free against the rights of society to be protected from probable criminal activity, and, under specified circumstances, permit deprivation of freedom based upon the individual's likelihood to commit criminal activity of some nature.[138]

Only S. 546 and S. 2600 extend their coverage to permit detention without requiring evidence of the individual's past criminal conviction or antisocial behavior. These additional categories are based on evidence from extensive studies that certain types of serious felons, regardless of past record, pose a serious danger to the community. Where there is strong evidence that a defendant is such a felon, it may be necessary to detain him pending trial to protect the public from the high probability of harm.

B. Procedural safeguards

In order to protect the rights of the defendant and the integrity of the judicial process, a hearing must be held before any pretrial detention is ordered. During the hearing, the advocacy process can best be preserved and the defendant's rights to due process best protected if the defendant has the right to counsel, to testify, and to present and cross-examine witnesses. Three of the bills, S. 2600, S. 546, and S. 2920 specify such defendant rights.

To avoid undue judicial discretion to detention orders to perfect the right of appeals of those orders, the judge's finding of fact and his reasons should be set forth in writing. Again S. 2600, S. 546, and S. 2920 permit appeal of such orders and also require that findings of fact and reasons be set forth by the judge.

S. 2600 requires a full pretrial detention hearing which may be held on the judge's own motion or on that of the government. The judicial officer must make the determination with differing quantiums of proof for three issues. There must be clear and convincing evidence that the person has committed a dangerous crime, crime of violence, or an offense interfering with the administration of justice. Also, as provided in the bill, there must be reasonable evidence that conditional release will not protect the public and substantial probability that the person committed the offense for which he is

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charged. The last finding is an added protection for the defendant and prevents detention in weak cases.

S. 546 provides that a full evidentiary hearing be held on motion of the government. The judge is required to make a determination based upon clear and convincing evidence. Two findings must be made; that the defendant would, if released, interfere with the administration of justice, harm a person, or commit a robbery or other serious crime; and that conditional release would not protect the public.

S. 289 adopts the existing hearing provision in the Bail Reform Act of 1966. That Act does not require a separate detention hearing nor does it provide any procedural standards. Therefore, detention under S. 289 would be a matter for judicial discretion at the time of defendant's initial appearance before the judge.

S. 2920 provides for a full evidentiary hearing upon motion of the government. The hearing is to be held before a three-judge panel of the district court and the determination must be based on clear and convincing evidence. Two primary findings are required: that the pretrial release of the defendant will pose a danger to any person or to the community; and that there is strong likelihood that the person charged committed the crime.

C. Fair trial

As previously mentioned, in some cases, a defendant who is detained in jail pending trial may be effectively denied the assistance of counsel required by the Sixth Amendment to the Constitution because he cannot aid in the preparation of his defense.[139] Detention might, it is argued, prevent him from seeking witnesses who may aid his defense or from gathering evidence. It has also been recognized that the simple problem of arranging meetings between a defendant and his lawyer may substantially interfere with the right to effective counsel.[140] Neither S. 546 nor S. 289 addresses itself directly to this issue. However, S. 2600 and S. 2920 consider the implications of the Sixth Amendment and make provisions to accommodate them.

Under S. 2600, anyone who is detained would be able to effectively assist in the preparation of his case, consult with his lawyer, and even secure release, for good cause, for limited periods, to obtain evidence or witnesses. The defendant is also to be placed in separate facilities where practicable.

S. 2920 permits the defendant to be committed civilly rather than in a jail. Also, he must be given reasonable opportunity to consult with counsel, and he may, for good cause, be released under supervision to prepare his defense.

Three of the bills, S. 2600, S. 546, and S. 2920, also recognize that the trial of the detained person should be expedited to lessen individual loss of freedom and to insure that the defendant does not lose his ability to defend himself due to any psychological pressures of detention while awaiting trial.[141] Moreover, as the ABA Advisory Committee on the Criminal Trial in its 1967 Report on Standards Relating to Speedy Trial suggested, "[f]rom the point of view of the public, a speedy trial is necessary to preserve the means of proving the charge . . . [and] to maximize the deterrent effect of prosecution and conviction . . . ." [142]

Along with recommending speedy trials, three of the bills limit the actual period of detention. S. 546 provides for a 30-day limit; S. 2600 a 60-day limit; and S. 2920 a 30-day limit, with a possible 10-day extension for good cause shown.

If there is to be a reasonable relationship between the period of detention for a dangerous defendant and the time of his trial, the 60-day detention period is more appropriate. According to testimony at the Senate Constitutional Rights Subcommittee hearings in January, 1969, trial of serious felony cases cannot realistically begin until 45 to 60 days following arrest.[143]

VII. CONCLUSION

In light of the appalling increase in the rate of crime since 1960 [144] and the growing evidence that recidivism among criminals is high,[145] it is time for Congress to make some basic policy changes in our system of criminal law.

Extensive studies have been conducted concerning the problem of crime committed by persons accused of felonies while on bail for previous charges. It has been found that certain categories of defendants, such as those accused of armed robbery, show a high propensity to commit similar crimes while on bail. Since a number of robberies are being committed by defendants on bail for similar offenses, there is substantial reason to protect society from the depredations of such recidivist criminals, rather than releasing them pending their trial.

The judicial instinct to protect society from defendants who pose an obvious danger cannot continue to operate without restraint. It can and must be channeled into constructive procedures which limit the range of the judge's discretion and protect the rights of the defendant.

The statutory and constitutional history of federal bail establishes that the Eighth Amendments of the Constitution does not guarantee an absolute right to bail. Too many exceptions exist which have stood the test of time and Supreme Court review. Just as bail has been traditionally denied in capital cases, so it can properly be denied in noncapital cases if the standards and guidelines of the Congress are carefully drawn.

Further, the Fifth Amendment's guarantee to due process of law can be adequately protected in detention hearings by providing procedural safeguards and the right to judicial review.

Based on this history and on the existing studies of defendants in the federal bail system, the reform of the federal bail system begun in 1966 can reasonably be extended to include the dangerousness of the defendant as a consideration in setting conditions of pretrial release and by providing for pretrial detention when the public safety demands it.

Such further reforms can serve the highest of public policy objectives: speeding the administration of justice, strengthening the deterrent effect of the criminal law system for serious crimes, aiding law enforcement, and protecting the public safety.

Preventive detention will continue to be a controversial issue in the Congress. The exact form of a bill which can be approved cannot be predicted with certainty. It will have to contain, however, the basic safeguards outlined in S. 2600 and some of the other pending legislation.

Congress is in a position to move ahead rapidly on this legislation. It is my hope that carefully drawn amendments to the Bail Reform Act of 1966 can be enacted before the close of the 91st Congress.

APPENDIX "A"

Senate bills S. 288, S. 289, S. 546, S. 2600, and S. 2920 (see Appendix "B" *infra*) would amend the following provisions of Title 18, Chapter 207 of the United States Code:

§ 3146. Release in noncapital cases prior to trial.

(a) Any person charged with an offense, other than an offense punishable by death, shall, at his appearance before a judicial officer, be ordered released pending trial on his personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the judicial officer, unless the officer determines, in the exercise of his discretion, that such a release will not reasonably assure the appearance of the person as required. When such a determination is made, the judicial officer shall, either in lieu of or in addition to the above methods of release, impose the first of the following conditions of release which will reasonably assure the appearance of the person for trial or, if no single condition gives that assurance, any combination of the following conditions:

(1) place the person in the custody of a designated person or organization agreeing to supervise him;

(2) place restrictions on the travel, association, or place of abode of the person during the period of release;

(3) require the execution of an appearance bond in a specified amount and the deposit in the registry of the court, in cash or other security as directed, of a sum not to exceed 10 per centum of the amount of the bond, such deposit to be returned upon the performance of the conditions of release;

(4) require the execution of a bail bond with sufficient solvent sureties, or the deposit of cash in lieu thereof; or

(5) impose any other condition deemed reasonably necessary to assure appearance as required, including a condition requiring that the person return to custody after specified hours.

(b) In determining which conditions of release will reasonably assure appearance, the judicial officer shall, on the basis of available information, take into account the nature and circumstances of the offense charged, the weight of the evidence against the accused, the accused's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and his record of appearance at court proceedings or of flight to avoid prosecution or failure to appear at court proceedings.

(c) A judicial officer authorizing the release of a person under this section shall issue an appropriate order containing a statement of the conditions imposed, if any, shall inform such person of the penalties applicable to violations of the conditions of his release and shall advise him that a warrant for his arrest will be issued immediately upon any such violation.

(d) A person for whom conditions of release are imposed and who after twenty-four hours from the time of the release hearing continues to be detained as a result of his inability to meet the conditions of release, shall, upon application, be entitled to have the conditions reviewed by the judicial officer who imposed them. Unless the conditions of release are amended and the person is thereupon released, the judicial officer shall set forth in writing the reasons for requiring the conditions imposed. A person who is ordered released on a condition which requires that he return to custody after specified hours shall, upon application, be entitled to a review by the judicial officer who imposed the condition. Unless the requirement is removed and the person is thereupon released on another condition, the judicial officer shall set forth in writing the reasons for continuing the requirement. In the event that the judicial officer who imposed conditions of release is not available, any other judicial officer in the district may review such conditions.

(e) A judicial officer ordering the release of a person on any condition specified in this section may at any time amend his order to impose additional or different conditions of release: *Provided*, That if the imposition of such additional or different conditions results in the detention of the person as a result of his inability to meet such conditions or in the release of the person on a condition requiring him to return to custody after specified hours, the provisions of subsection (d) shall apply.

(f) Information stated in, or offered in

Footnotes at end of article.

connection with, any order entered pursuant to this section need not conform to the rules pertaining to the admissibility of evidence in a court of law.

(g) Nothing contained in this section shall be construed to prevent the disposition of any case or class of cases by forfeiture of collateral security where such disposition is authorized by the court.

§ 3147. Appeal from conditions of release.

(a) A person who is detained, or whose release on a condition requiring him to return to custody after specified hours is continued, after review of his application pursuant to section 3146(d) or section 3146(e) by a judicial officer, other than a judge of the court having original jurisdiction over the offense with which he is charged or a judge of a United States court of appeals of a Justice of the Supreme Court, may move the court having original jurisdiction over the offense with which he is charged to amend the order. Said motion shall be determined promptly.

(b) In any case in which a person is detained after (1) a court denies a motion under subsection (a) to amend an order imposing conditions of release, or (2) conditions of release have been imposed or amended by a judge of the court having original jurisdiction over the offense charged, an appeal may be taken to the court having appellate jurisdiction over such court. Any order so appealed shall be affirmed if it is supported by the proceedings below. If the order is not so supported, the court may remand the case for a further hearing, or may, with or without additional evidence, order the person released pursuant to section 3146(a). The appeal shall be determined promptly.

§ 3148. Release in capital cases or after conviction.

A person (1) who is charged with an offense punishable by death, or (2) who has been convicted of an offense and is either awaiting sentence or has filed an appeal or a petition for a writ of certiorari, shall be treated in accordance with the provisions of section 3146 unless the court or judge has more reason to believe that no one or more conditions of release will reasonably assure that the person will not flee or pose a danger to any other person or to the community. If such a risk of flight or danger is believed to exist, or if it appears that an appeal is frivolous or taken for delay, the person may be ordered detained. The provisions of section 3147 shall not apply to persons described in this section: *Provided*, That other rights to judicial review of conditions of release or orders of detention shall not be affected.

§ 3150. Penalties for failure to appear.

Whoever, having been released pursuant to this chapter, willfully fails to appear before any court or judicial officer as required, shall, subject to the provisions of the Federal Rules of Criminal Procedure, incur a forfeiture of any security which was given or pledged for his release, and, in addition, shall (1) if he was released in connection with a charge of felony, or while awaiting sentence or pending appeal or certiorari after conviction of any offense, be fined not more than $5,000 or imprisoned not more than five years, or both, or (2) if he was released in connection with a charge of misdemeanor, be fined not more than the maximum provided for such misdemeanor or imprisoned for not more than one year, or both, or (3) if he was released for appearance as a material witness, shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

§ 3152. Definitions.

As used in sections 3146–3150 of this chapter—

(1) The term 'judicial officer' means, unless otherwise indicated, any person or court authorized pursuant to section 3041 of this title, or the Federal Rules of Criminal Procedure, to bail or otherwise release a person before trial or sentencing or pending appeal in a court of the United States, and any judge of the District of Columbia Court of General Sessions; and

(2) The term 'offense' means any criminal offense, other than an offense triable by court-martial, military commission, provost court, or other military tribunal, which is in violation of an Act of Congress and is triable in any court established by Act of Congress."

APPENDIX "B"

The pertinent provisions of the Senate bills discussed in the preceding article are as follows:

S. 288

A bill to amend section 3146 of title 18, United States Code, in order to provide greater discretion to judicial officers in connection with the release of certain individuals charged with noncapital offenses when their release would post a danger to other persons or to a community

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (a) and (b) of section 3146 of title 18, United States Code, are amended to read as follows:

"(a) Any person charged with an offense, other than an offense punishable by death, shall, at his appearance before a judicial officer, be ordered released pending trial on his personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the judicial officer, unless the officer determines, in the exercise of his discretion, that such a release (1) will not reasonably assure the appearance of the person as required, or (2) will pose a danger to other persons or to the community. When such a determination is made, the judicial officer shall, either in lieu of or in addition to the above methods of release, impose the first of the following conditions of release which will reasonably assure the appearance of the person for trial or provide the necessary protection against such danger, as the case may be, or, if no single condition gives that assurance, any combination of the following conditions:

"(1) place the person in the custody of a designated person or organization agreeing to supervise him;

"(2) place restrictions on the travel, association, or place of abode of the person during the period of release;

"(3) require the execution of an appearance bond in a specified amount and the deposit in the registry of the court, in cash or other security as directed, of a sum not to exceed 10 per centum of the amount of the bond, such deposit to be returned upon the performance of the conditions of release;

"(4) require the execution of a bail bond with sufficient solvent sureties, or the deposit of each in lieu thereof; or

"(5) impose any other condition deemed reasonably necessary to assure appearance or to provide such protection, as required, including a condition requiring that the person return to custody after specified hours.

"(b) In determining which conditions of release will reasonably assure appearance or provide such protection, the judicial officer shall, on the basis of available information, take into account the nature and circumstances of the offense charged, the weight of the evidence against the accused, the accused's family ties, employment, financial resources, character, and mental condition, the length of his residence in the community, his record of convictions, and his record of appearance at court proceedings or of flight to avoid prosecution or failure to appear at court proceedings."

S. 289

A bill to amend section 3148(1) of title 18, United States Code, in order to authorize the denial of bail to certain individuals who are charged with crimes of violence and who have previously been convicted of similar crimes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3148(1) of title 18, United States Code, is amended to read as follows: "(1) (i) who is charged with an offense punishable by death or (ii) who is charged with a crime of violence other than an offense punishable by death and who previously was convicted by a court of competent jurisdiction of the United States or of any State of any crime of violence and such previous conviction has not been reversed or set aside, or"

(b) Such section is further amended by adding at the end thereof the following new sentence: "As used in this section, the term 'crime of violence' means voluntary manslaughter, murder, rape, mayhem, kidnaping, robbery, burglary, housebreaking, extortion accompanied by threats of violence, assault with a dangerous weapon, assault with intent to commit any felony, arson punishable as a felony, or an attempt to commit any of the foregoing."

S. 546

A bill to amend the Bail Reform Act of 1966 to authorize the conditional release or commitment to custody of certain persons charged with the commission of an offense punishable as a felony, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 207 of title 18, United States Code, is amended by inserting immediately after section 3146 the following new section:

"§ 3146A. Conditional release or commitment to custody in certain felony cases.

"(a) At the time of a person's appearance before a judicial officer for release in accordance with the provisions of section 3146 of this title or at any time after the person's release pursuant to section 3146 of this title, the Government may request a special evidentiary hearing for the purpose of imposing the conditions of release or commitment to custody provided for by subsection (e) of this section. The Government's application for such a hearing shall be granted only if (a) the person is charged with the commission of a felony involving the infliction of or threat to inflict serious bodily harm on another while released pending trial of a prior felony charge or pending appeal from a conviction of a felony; or (b) the person is charged with the commission of a felony involving the infliction of or threat to inflict serious bodily harm on another and the Government, by affidavit, alleges that, if released, the person will inflict serious bodily harm on another or pose, because of his prior pattern of behavior, a substantial danger to other persons or to the community; or (c) the person is charged with the commission of the offense of armed robbery or an offense punishable under the provisions of chapter 103 of this title. If the Government's application is granted, the person shall be committed to custody until after the special hearing and appellate review thereof have been concluded.

"(b) If the judicial officer grants the Government's motion for a special evidentiary hearing, such hearing shall be held within two days, unless the person or his attorney requests a delay of the hearing.

"(c) Upon granting the Government's motion, the judicial officer shall notify the per-

son and his attorney of the time and place of the hearing. If the person is without funds to provide for the assistance of counsel for the hearing, the judicial officer shall appoint counsel to represent the person at the expense of the United States.

"(d) In conducting a hearing under this section, the judicial officer shall receive and consider all relevant evidence and testimony which may be offered. The person shall have the right to present evidence, and present and cross-examine witnesses. No testimony of the person at this hearing shall be admissible in any other judicial proceeding, nor shall the person waive his privilege against self-incrimination in any future judicial proceeding by testifying at this hearing.

"(e) If the judicial officer conducting the hearing under this section determines that there is clear and convincing evidence that the person if released will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice, or cause the death of, or inflict serious bodily harm upon, another, or participate in the planning or commission of the offense of armed robbery or any offense punishable under the provisions of chapter 103 of this title, the judicial officer shall impose upon the person any condition or combination of conditions of release set forth in section 3146(a) of this title which will reasonably protect against the dangers set forth in this subsection. If the judicial officer finds that a conditional release of the person under section 3146 of this title would not provide the necessary protection against the dangers set forth in this subsection, the judicial officer shall order the person committed to custody for a period not to exceed thirty days prior to his trial. The judicial officer shall state on the record his reasons for imposing any order of commitment to custody or the conditions of release.

"(f) Any person committed to custody or conditionally released under subsection (e) of this section shall have the right of appeal as provided in section 3147 of this title and any other rights to judicial review as provided by law.

"(g) The judicial officer who conducts the special evidentiary hearing provided for in this section shall not sit in any trial of the person for the offense which was the basis for the hearing.

"(h) Any person committed to custody under subsection (e) of this section shall have his case placed on an expedited trial calendar and the handling of motions and other preliminary matters pertaining to the case shall also be expedited. Continuances shall be granted only upon a showing of extraordinary cause. If a continuance is granted upon motion of the defense or if the trial of the person has begun but not been completed before the expiration of thirty days after the order of commitment to custody of the person, the person shall remain subject to the commitment order until the conclusion of the trial.

"(i) Any hearing under the provisions of this section shall be taken down by a court reporter or recorded by suitable sound recording equipment. A copy of the record of such a hearing shall be made available at the expense of the United States to a person who was the subject of the hearing and who makes affidavit that he is unable to pay or give security therefor, and the expense of such copy shall be paid by the Director of the Administrative Office of the United States Courts."

S. 2600

A bill to amend the Bail Reform Act of 1966 to authorize consideration of danger to the community in setting conditions of release, to provide for pretrial detention of dangerous persons, and for other purposes,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3146 of title 18, United States Code, is amended as follows:

(a) by inserting in subsection (a) the words "or the safety of any other person or the community" (1) after "as required" in the first sentence and (2) after "for trial" in the second sentence;

(b) by adding the following sentence at the end of subsection (a): "No financial condition may be imposed to assure the safety of any other person or the community.";

(c) by amending subsection (b) to read as follows:

"(b) In determining which conditions of release, if any, will reasonably assure the appearance of a person as required and the safety of any other person or the community, the judicial officer shall, on the basis of available information, take into account such matters as the nature and circumstances of the offense charged, the weight of the evidence against such person, his family ties, employment, financial resources, character and mental conditions, past conduct, length of residence in the community, record of convictions, and any record of appearance at court proceedings or of flight to avoid prosecution or failure to appear at court proceedings."

(d) by deleting the period at the end of subsection (c), and adding ", and shall warn such person of the penalties provided in section 3150A of this title."; and

(e) by adding a new subsection:

"(h) The following shall be applicable to any person detained pursuant to this chapter:

"(1) The person shall be confined, to the extent practicable, in facilities separate from convicted persons awaiting or serving sentences or being held in custody pending appeal.

"(2) The person shall be afforded reasonable opportunity for private consultation with counsel and, for good cause shown, shall be released upon order of the judicial officer in the custody of the United States marshal or other appropriate person for limited periods of time to prepare defenses, or for other proper reasons.

SEC. 2. Chapter 207 of title 18, United States Code, is amended by adding after section 3146 the following new sections:

"§ 3146A. Pretrial detention in certain noncapital cases

"(a) Whenever a judicial officer determines that no condition or combination of conditions of release will reasonably assure the safety of any other person or the community, he may, subject to the provisions of this section, order pretrial detention of a person charged with:

"(1) a dangerous crime as defined in section 3152(3) of this title;

"(2) a crime of violence, as defined in section 3152(4) of this title, allegedly committed while on bail or other release, or probation, parole or mandatory release pending completion of a sentence, if the prior charge is a crime of violence, or if the person has been convicted of a crime of violence within the ten-year period immediately preceding the alleged commission of the present offense; or

"(3) an offense who, for the purpose of obstructing or attempting to obstruct justice, threatens, injures, intimidates, or attempts to threaten, injure, or intimidate any prospective witness or juror.

"(b) No person described in subsection (a) of this section shall be ordered detained unless the judicial officer—

"(1) holds a pretrial detention hearing in accordance with the provisions of subsection (c) of this section;

"(2) finds that—

"(A) there is clear and convincing evidence that the person is a person described in subsection (a) of this section;

"(B) based on the factors set out in subsection (b) of section 3146 of this title, there is no condition or combination of conditions of release which will reasonably assure the safety of any other person or the community; and

"(C) except with respect to a person described in subparagraph (3) of subsection (a) of this section, on the basis of information presented to the judicial officer, there is a substantial probability that the person committed the offense for which he is present before the judicial officer; and

"(3) issues an order of detention accompanied by written findings of fact and the reasons for its entry.

"(c) The following procedures shall apply to pretrial detention hearings held pursuant to this section:

"(1) Whenever the person is before a judicial officer, the hearing may be initiated on oral motion of the United States attorney.

"(2) Whenever the person has been released pursuant to section 3146 of this title and it subsequently appears that such person may be subject to pretrial detention, the United States attorney may initiate a pretrial detention hearing by ex parte written motion. Upon such motion the judicial officer may issue a warrant for the arrest of the person and such person shall be brought before a judicial officer in the district where he is arrested. He shall then be transferred to the district in which his arrest was ordered for proceedings in accordance with this section.

"(3) The pretrial detention hearing shall be held immediately upon the person being brought before the judicial officer for such hearing unless the person or the United States attorney moves for a continuance. A continuance granted on motion of the person shall not exceed five calendar days, in the absence of extenuating circumstances. A continuance on motion of the United States attorney shall be granted upon good cause shown and shall not exceed three calendar days. The person may be detained pending the hearing.

"(4) The person shall be entitled to representation by counsel and shall be entitled to present information, to testify, and to present and cross-examine witnesses.

"(5) Information stated in, or offered in connection with, any order entered pursuant to this section need not conform to the rules pertaining to the admissibility of evidence in a court of law.

"(6) Testimony of the person given during the hearing shall not be admissible on the issue of guilt in any other judicial proceeding, but such testimony shall be admissible in proceedings pursuant to section 3150, 3150A, and 3150B of this title, in perjury proceedings, and as impeachment in any subsequent proceedings.

"(7) Appeals from orders of detention may be taken pursuant to section 3147 of this title.

"(d) The following shall be applicable to persons detained pursuant to this section:

"(1) To the extent practicable, the person shall be given an expedited trial.

"(2) Any person detained shall be treated in accordance with section 3146 of this title—

"(A) upon the expiration of sixty calendar days, unless the trial is in progress or the trial has been delayed at the request of the person; or

"(B) whenever a judicial officer finds that a subsequent event has eliminated the basis for such detention.

"(3) The person shall be deemed detained pursuant to section 3148 of this title if he is convicted.

"(e) The judicial officer may detain for a period not to exceed five calendar days a person who comes before him for a bail determination charged with any offense, if it appears that such person is presently on probation, parole, or mandatory release pending completion of sentence for any offense under State or Federal law and that such person may flee or pose a danger to any other per-

son or the community if released. During the five-day period, the United States attorney or the Corporation Counsel for the District of Columbia shall notify the appropriate State or Federal probation or parole officials. If such officials fail or decline to take the person into custody during such period, the person shall be treated in accordance with section 3146 of this title, unless he is subject to detention pursuant to this section. If the person is subsequently convicted of the offense charged, he shall receive credit toward service of sentence for the time he was detained pursuant to this subsection."

"§ 3146B. Pretrial detention for certain persons addicted to narcotics

"(a) Whenever it appears that a person charged with a crime of violence, as defined in section 3152(4) of this title, may be an addict, as defined in section 3152(5) of this title, the judicial officer may, upon motion of the United States attorney, order such person detained in custody for a period not to exceed three calendar days, under medical supervision, to determine whether the person is an addict.

"(b) Upon or before the expiration of three calendar days, the person shall be brought before a judicial officer and the results of the determination shall be presented to such judicial officer. The judicial officer thereupon (1) shall treat the person in accordance with section 3146 of this title, or (2) upon motion of the United States attorney, may (A) hold a hearing pursuant to section 3146A of this title, or (B) hold a hearing pursuant to subsection (c) of this section.

"(c) A person who is an addict may be ordered detained in custody under medical supervision if the judicial officer:

"(1) holds a pretrial detention hearing in accordance with subsection (c) of section 3146A of this title;

"(2) finds that—

"(A) there is clear and convincing evidence that the person is an addict;

"(B) based on the factors set out in subsection (b) of section 3146 of this title, there is no condition or combination of conditions of release which will reasonably assure the safety of any other person or the community; and

"(C) on the basis of information presented to the judicial officer, there is a substantial probability that the person committed the offense for which he is present before the judicial officer;

and

"(3) issues an order of detention accompanied by written findings of fact and the reasons for its entry.

"(d) The provisions of subsection (d) of section 3146A of this title shall apply to this section."

SEC. 3. Section 3147 of title 18, United States Code, is amended:

(a) by changing the title to read:

"§ 3147. Appeals from conditions of release or orders of pretrial detention"

(b) by adding after the phrase "the offense charged," in subsection (b) the phrase "or (3) a person is ordered detained or an order of detention has been permitted to stand by a judge of the court having original jurisdiction over the offense charged".

SEC. 4. Section 3148 of title 18, United States Code, is amended by striking out the last sentence and adding "The provisions of section 3147 shall apply to persons described in this section."

SEC. 5. Section 3150 of title 18, United States Code, is amended:

(a) by adding the letter "(a)" before the word "Whoever".

(b) by inserting the phrase "or prior to surrender to commence service of sentence" (1) after the word "chapter" and (2) after the word "certiorari";

(c) by deleting the phrase "or imprisoned not more than five years" and inserting in lieu thereof the phrase "and imprisoned not less than one year and not more than five years";

(d) by deleting the phrase "or imprisoned for not more than one year" and inserting in lieu thereof the phrase "and imprisoned not less than ninety days and not more than one year"; and

(e) by adding at the end thereof the following new subsections:

"(b) Any failure to appear after notice of the appearance date shall be prima facie evidence that such failure to appear is willful. Whether the person was warned when released of the penalties for failure to appear shall be a factor in determining whether such failure to appear was willful, but the giving of such warning shall not be a prerequisite to conviction under this section.

"(c) The trier of facts may convict under this section even if the defendant has not received actual notice of the appearance date if (1) reasonable efforts to notify the defendant have been made and (2) the defendant, by his own actions, has frustrated the receipt of actual notice.

"(d) Any term of imprisonment imposed pursuant to this section shall be consecutive to any other sentence of imprisonment."

SEC. 6. Chapter 207 of title 18, United States Code, is amended by adding after section 3150 the following new sections:

"§ 3150A. Added penalties for crimes committed while on release

"Any person convicted of an offense committed while released pursuant to section 3146 of this title shall be subject to the following penalties in addition to any other applicable penalties:

"(1) a term of imprisonment of not less than one year and not more than five years if convicted of committing a felony while released; and

"(2) a term of imprisonment of not less than ninety days and not more than one year if convicted of committing a misdemeanor while released.

"The giving of a warning to the person when released of the penalties imposed by this section shall not be a prerequisite to conviction under this section.

"Any term of imprisonment pursuant to this section shall be consecutive to any other sentence of imprisonment.

"§ 3150B. Sanctions for violation of release conditions

"(a) A person who has been conditionally released pursuant to section 3146 of this title and who has violated a condition of release shall be subject to revocation of release and an order of detention and to prosecution for contempt of court.

"(b) Proceedings for revocation of release may be initiated on motion of the United States attorney. A warrant for the arrest of a person charged with violating a condition of release may be issued by a judicial officer and such person shall be brought before a judicial officer in the district where he is arrested. He shall then be transferred to the district in which his arrest was ordered for proceedings in accordance with this section. No order of revocation and detention shall be entered unless, after a hearing, the judicial officer finds that—

"(1) there is clear and convincing evidence that such person has violated a condition of his release; and

"(2) based on the factor set out in subsection (b) of section 3146 of this title there is no condition or combination of conditions of release which will reasonably assure that such person will not flee or pose a danger to any other person or the community.

The provisions of subsections (c) and (d) of section 3146A of this title shall apply to this subsection.

"(c) Contempt sanctions may be imposed if, upon a hearing and in accordance with principles applicable to proceedings for criminal contempt, it is established that such person has intentionally violated a condition of his release. Such contempt proceedings shall be expedited and heard by the court without a jury. Any person found guilty of criminal contempt for violation of a condition of release shall be imprisoned for not more than six months, or fined not more than $1,000. or both.

"(d) Any warrant issued by a judge of the District of Columbia Court of general sessions for violation of release conditions or for contempt of court, for failure to appear as required, or pursuant to subsection (c)(2) of section 3146A of this title, may be executed at any place within the jurisdiction of the United States. Such warrants shall be executed by a United States marshal or by any other officer authorized by law."

SEC. 7. Section 3152 of title 18, United States Code, is amended by adding the following new paragraphs:

"(3) The term 'dangerous crime' means (1) taking or attempting to take property from another by force or threat of force, (2) unlawfully breaking and entering or attempting to break and enter any premises adapted for overnight accommodation of persons or for carrying on business with the intent to commit an offense therein, (3) arson or attempted arson of any premises adapted for overnight accommodation of persons or for carrying on business, (4) rape, carnal knowledge of a female under the age of sixteen, assault with intent to commit either of the foregoing offenses, or taking or attempting to take immoral, improper or indecent liberties with a child under the age of sixteen years, or (5) unlawful sale or distribution of a narcotic or depressant or stimulant drug, as defined by any Act of Congress and if the offense is punishable by imprisonment for more than one year.

"(4) The term 'crime of violence' means murder, rape, carnal knowledge of a female under the age of sixteen, taking or attempting to take immoral, improper or indecent liberties with a child under the age of sixteen years, mayhem, kidnaping, robbery, burglary, voluntary manslaughter, extortion or blackmail accompanied by threats of violence, arson, assault with intent to commit any offense, assault with a dangerous weapon, or an attempt or conspiracy to commit any of the foregoing offenses, as defined by any Act of Congress or any State law, if the offense is punishable by imprisonment for more than one year.

"(5) The term 'addict' means any individual who habitually uses any narcotic drug as defined by section 4731 of the Internal Revenue Code of 1954, as amended, so as to endanger the public morals, health, safety, or welfare."

SEVERABILITY

SEC. 8. If a provision of this Act is held invalid, all valid provisions which are severable shall remain in effect. If a provision of this Act is held invalid in one or more of its applications, the provision shall remain in effect in all its valid applications.'"

S. 2920

A bill to amend the Bail Reform Act of 1966 to authorize consideration of danger to the community in setting conditions of release, to provide for pretrial detention of dangerous persons, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3146 of title 18, United States Code, is amended—

(1) by deleting in subsection (a)(5) thereof the following: ", including a condition requiring that the person return to custody after specified hours";

(2) by deleting the third and fourth sentences of subsection (d) thereof; and

(3) by deleting in subsection (e) thereof the following: "or in the release of the person on a condition requiring him to return to custody after specified hours".

SEC. 2. (a) Chapter 207 of title 18, United States Code, is amended by adding immediately after section 3146 thereof the following new sections:

"§ 3146A. Pretrial detention in certain noncapital cases

"(a) Whoever, after having been admitted to bail on a felony offense involving the use of a dangerous weapon or deadly physical force resulting in serious bodily injury to another, or after having been placed on probation or parole following conviction of any such offense, is charged with another such offense committed subsequent thereto may be the subject of a pretrial detention order in accordance with the provisions of this section.

"(b) Upon motion of the United States attorney, the arraignment of any person described in subsection (a) of this section shall be referred to a three judge panel of the United States district court (hereinafter referred to as the 'court'), which shall make the determination required by section 3146 of this chapter, and shall hold a hearing in accordance with the provisions of subsection (c) of this section for the purpose of determining whether such person should be released conditionally or detained pending trial.

"(c) Any person may be ordered detained pending trial if it is determined by the court at a hearing that—

"(1) there is clear and convincing evidence that such person is a person described in subsection (a) of this section;

"(2) the pretrial release of such person will pose a danger to any person or to the community;

"(3) the nature and the circumstances of the offense charged dictate that conditional release pursuant to the provisions of subsection (d) of this section will not reasonably assure the safety of any other person or the community; and

"(4) there is clear and convincing evidence that the person charged committed the alleged offense.

"(d) (1) In lieu of pretrial detention as authorized by subsection (c) of this section, the court may impose any one or more of the following conditions on the release of such person—

"(A) a condition requiring that the person be placed in the custody of a designated person or organization agreeing to supervise him;

"(B) a condition placing restrictions on the travel, associations, activities, conduct, or place of abode of the person during the period of release;

"(C) a condition requiring that the person return to custody after hours; or

"(D) any other condition deemed reasonably necessary to assure that such person will, if released, not pose a danger to any other person or to the community.

"(2) A court in authorizing the release of a person under this subsection shall inform such person of the penalties applicable to violations of the conditions of his release and shall advise him that a warrant for his arrest will be issued immediately upon any such violation.

"(e) Whenever it is determined that a person shall be detained pending trial pursuant to subsection (c) of this section, or detained during specified hours pursuant to subsection (d) (1) (C) of this section, the court shall issue an order of detention which shall provide that—

"(1) such person be committed civilly to such place, other than a State or Federal prison or local jail regularly used for the incarceration of convicted offenders, as the court may deem proper;

"(2) such order will expire on the thirtieth day following its issuance, unless the trial on the charge is in progress or the trial has been delayed at the request of the person charged, or upon motion of the United States attorney, for good cause shown, the court in its discretion extends the order for an additional ten days; and

"(3) the person charged shall be afforded reasonable opportunity for private consultation with counsel and, for good cause shown, shall be released, upon order of any judge of the United States district court, in the custody of the United States marshal, or other appropriate person for limited periods of time to prepare defenses, or for other proper reasons.

"(f) A pretrial detention hearing held pursuant to the provisions of subsection (c) of this section shall be conducted in accordance with procedures designed to guarantee that—

"(1) the person charged is represented by counsel and allowed to present evidence, to testify, and to present and cross-examine witnesses;

"(2) evidence may be received without regard to the rules governing its admissibility in a court of law; and

"(3) testimony of the person charged given during the hearing shall be admissible in proceedings pursuant to sections of this chapter, in perjury proceedings, and as impeachment in any subsequent proceedings.

"§ 3146B. Pretrial conditional release in certain noncapital cases

"(a) Whoever is charged with a felony offense involving the use of a dangerous weapon or deadly physical force resulting in bodily injury to another shall, upon his initial appearance before a judicial officer, be subject to the provisions of subsection (b) of this section.

"(b) Whenever it is determined by a judicial officer that the pretrial release of a person described in subsection (a) may pose a danger to any person or to the community, the judicial officer may impose, for a period not to exceed sixty days, any or all of the following conditions upon the release of the person charged—

"(1) require that such person report to a probation or parole officer, to a United States marshal or to any other designated person, periodically, but not more than once in any twenty-four hour period, disclosing his activities, whereabouts, associations, conduct, travel, and place of adobe during the pretrial period;

"(2) require that such person be placed in the custody of a designated person or organization agreeing to supervise him: *Provided,* That such custody shall not involve total restraint or detention unless the person charged agrees to the same;

"(3) impose restrictions on the travel, associations, activities, conduct, or place of abode of the person during the period of release.

"(c) A judicial officer authorizing the release of a person under this section shall inform such person of the penalties applicable to violations of the conditions of his release and shall advise him that a warrant for his arrest will be issued immediately upon any such violation.".

(b) The analysis of chapter 207 of title 18, United States Code, is amended by adding immediately after

"3146. Release in noncapital cases prior to trial."

The following new items:

"3146A. Pretrial detention in certain noncapital cases.

"3146B. Pretrial conditional release in certain noncapital cases.".

SEC. 3. (a) Section 3147 of title 18, United States Code, is amended to read as follows:

"§ 3147. Appeals from pretrial detention and conditional release orders in lieu of bail and as an alleged dangerous offender

"(a) A person who is detained in lieu of bail after review of his application pursuant to section 3146(d) or section 3146(e), and a person who is determined to be an alleged dangerous offender and is released on a condition requiring him to return to custody after specified hours pursuant to section 3146A(d)(1)(C) of this chapter, by a judicial officer, other than a judge of the court having original jurisdiction over the offense with which he is charged or a judge of a United States court of appeals or a Justice of the Supreme Court, may move the court having original jurisdiction over the offense with which he is charged to amend the order. Said motion shall be determined promptly.

"(b) With respect to any person who is determined to be an alleged dangerous offender and is the subject of a pretrial detention order pursuant to section 3146A of this chapter, and any person who is detained in lieu of bail after (1) a court denies a motion under subsection (a) to amend an order imposing conditions of release, or (2) conditions of release have been imposed or amended by a judge of the court having original jurisdiction over the offense charged, an appeal may be taken to the court having appellate jurisdiction over such court. An order so appealed shall be affirmed if it is supported by the proceedings below. If the order is not so supported, the court may remand the case for a further hearing, or may, with or without additional evidence, order the person released pursuant to section 3146(a)."

(b) The analysis of chapter 207 of title 18, United States Code, is amended by deleting

"3147. Appeal from conditions of release."

and inserting in lieu thereof

"3147. Appeals from pretrial detention and conditional release orders in lieu of bail and as an alleged dangerous offender.".

SEC. 4. Section 3150 of title 18, United States Code, is amended to read as follows:

§ 3150. Penalties for failure to appear

"(a) Whoever, having been released pursuant to this chapter or prior to surrender to commence service of sentence, willfully fails to appear before any court or judicial officer as required, shall, subject to the provisions of the Federal Rules of Criminal Procedure, incur a forfeiture of any security which was given or pledged for his release, and, in addition, shall (1) if he was released in connection with a charge of felony, or while awaiting sentence or pending appeal or certiorari or prior to surrender to commence service of sentence after conviction of any offense, be imprisoned not less than one year or more than five years, or (2) if he was released in connection with a charge of misdemeanor, be imprisoned for not less than ninety days or more than one year, or (3) if he was released for appearance as a material witness, shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

"(b) Any failure to appear after notice of the appearance date shall be prima facie evidence that such failure to appear is willful. Whether the person was warned when released of the penalties for failure to appear shall be a factor in determining whether such failure to appear was willful, but the giving of such warning shall not be a prerequisite to conviction under this section.

"(c) The trier of facts may convict under this section even if the defendant has not received actual notice of the appearance date if (1) reasonable efforts to notify the defendant have been made and (2) the defend-

ant, by his own actions, has frustrated the receipt of actual notice.

"(d) Any term of imprisonment imposed pursuant to this section shall be consecutive to any other sentence of imprisonment."

SEC. 5. (a) Chapter 207 of title 18, United States Code, is amended by adding immediately after section 3150 the following new sections:

"§ 3150A. Additional penalties for crimes committed while on release

"Any person convicted of an offense committed while released pursuant to sections 3146, 3146A or 3146B of this title shall be subject to the following penalties in addition to any other applicable penalties:

"(1) a term of imprisonment of not less than one year and not more than five years if convicted of a felony committed by such a person while released; and

"(2) a term of imprisonment of not less than ninety days and not more than one year if convicted of a misdemeanor committed by such person while released.

"The giving of a warning to the person when released of the penalties imposed by this section shall not be a prerequisite to conviction under this section.

"Any term of imprisonment imposed pursuant to this section shall be consecutive to any other sentence of imprisonment.

"§ 3159B. Sanctions for violation of release conditions

"(a) A person who has been conditionally released pursuant to sections 3146, 3146A or 3146B of this chapter and who has violated a condition of release shall be subject to revocation of release and an order of detention and to prosecution for contempt of court.

"(b) Proceedings for revocation of release may be initiated on motion of the United States attorney. A warrant for the arrest of a person charged with violating a condition of release may be issued by a judicial officer and such person shall be brought before a judicial officer in the district where he is arrested. He shall then be transferred to the district in which his arrest was ordered for proceedings in accordance with this section. No order of revocation and detention shall be entered unless, after a hearing, the judicial officer finds that—

"(1) there is clear and convincing evidence that such person has violated a condition of his release; and

"(2) based on the factors set out in subsection (b) of section 3146 of this chapter there is no condition or combination of conditions of release which will reasonably assure that such person will not flee or pose a danger to any other person or the community.

"(c) Contempt sanctions may be imposed if, upon a hearing and in accordance with principles applicable to proceedings for criminal contempt, it is established that such person has intentionally violated a condition of his release. Such contempt proceedings shall be expedited and heard by the court without a jury. Any person found guilty of criminal contempt for violation of a condition of release shall be imprisoned for not more than six months, or fined not more than $1,000, or both.

"(d) Any warrant issued by a judge of the District of Columbia court of general sessions for violation of release conditions or for contempt of court, or for failure to appear as required, may be executed at any place within the jurisdiction of the United States. Such warrant shall be executed by a United States marshal or by any other officer authorized by law."

(b) The analysis of chapter 3 of title 18, United States Code, is amended by inserting immediately after

"3150. Penalties for failure to appear."

the following new items:

"3150A. Additional penalties for crimes committed while on release.

"3150B. Sanctions for violation of release conditions."

SEC. 6. Section 3152 of title 18, United States Code, is amended (1) by deleting the word "and" following the semicolon in paragraph (1); (2) by deleting the period at the end of paragraph (2) and inserting in lieu thereof a semicolon; and (3) by adding at the end thereof the following new paragraphs:

"(3) the term 'felony offense' means any offense for which a sentence to a term of imprisonment in excess of one year may be imposed;

"(4) the term 'dangerous weapon' means any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a knife, or blackjack, or any instrument, article or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable or [*sic*] causing death or other serious physical injury;

"(5) the term 'deadily physical force' means physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious bodily injury;

"(6) the term 'serious bodily injury' means physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ; and

"(7) the term 'bodily injury' means impairment of physical condition or substantial pain.".

SEC. 7. If any provision of an amendment made by this Act is held invalid, all provisions which are severable shall remain in effect. If a provision of any amendment made by this Act is held invalid in one or more of its applications, the provisions shall remain in effect in all of its valid applications.

FOOTNOTES

*United States Senator from Nebraska and ranking Republican member of the Senate Judiciary Committee. J.D., Creighton University 1929. Senator Hruska wishes to acknowledge the assistance in the preparation of this article of John A. Gale, University of Chicago Law School, J.D., Counsel to the Minority, Senate Judiciary Subcommittee on Constitutional Rights.

[1] Judiciary Act of 1789, ch. 20, § 33, 1 Stat. 73, 91.

[2] This Committee was appointed by Attorney General Robert Kennedy under the chairmanship of Professor Francis Allen, now Dean of the Michigan University Law School. The Committee was directed to make an extensive study of the federal criminal justice system, to consider the problems facing the indigent defendant, and to recommend solutions.

[3] Attorney General's Committee on Poverty and the Administration of Federal Criminal Justice, Report: Poverty and the Administration of Federal Criminal Justice 77 (1963).

[4] Foote, *Compelling Appearance in Court: Administration of Bail in Philadelphia,* 102 U. Pa. L. Rev. 1031 (1954).

[5] The Project was sponsored jointly by the Foundation, the New York University School of Law, and the Institute of Judicial Administration.

[6] Ares, Rankin & Sturz, *The Manhattan Bail Project: An Interim Report on the Use of Pre-trial Parole,* 38 N.Y.U.L. Rev. 67 (1963).

[7] *Id.* at 79.

[8] Junior Bar Section of the District of Columbia Bar Association Report: Bail System of the District of Columbia (1963).

[9] D. Freed and P. Wald, Report to the National Conference on Bail and Criminal Justice: Bail in the United States 21 (1964) (Hereinafter cited as Bail in the United States).

[10] The bill was designated S. 1357 and sponsored by Senators Ervin and Hruska. Cosponsors were Senators Bartlett, Bayh, Burdick, Dirksen, Dodd, Douglas, Fong, Hart, Inouye, Javits, Johnston, Kennedy (Mass.), Long (Mo.), Metcalf, Mondale, Ribicoff, Scott, Stennis, Tydings, and Williams (N.J.).

[11] 18 U.S.C. § 3146 (Supp. IV 1965–69). *See* Ervin, *The Legislative Role in Bail Reform,* 35 Geo. Wash. L. Rev. 429 (1967).

[12] 18 U.S.C. § 3148 (Supp. IV 1965–69).

[13] Advisory Committee on Pretrial Proceedings, Report to the American Bar Association Project on Minimum Standards for Criminal Justice: Standards Relating to Pretrial Release 6 (Approved Draft, 1968) (Hereinfater cited at ABA Pretrial Release Report).

[14] The President's Commission on Law Enforcement and Administration of Justice, Report: The Challenge of Crime in a Free Society 131 (1967); Task Force on Administration of Justice, Report: The Courts 40 (1967); the President's Commission on Crime in the District of Columbia, Report (1966).

[15] *Hearings on Amendments to Bail Reform Act of 1966 Before the Constitutional Rights Subcommittee of the Senate Judiciary Committee,* 91st Cong., 1st Sess. (January 21, 22, 23, 28, 29, 30, and February 4, 1969) (Hereinafter cited as *Hearings on Bail Reform Act Amendments*).

[16] *Hearings on Amendments to Bail Reform Act Amendments, supra note* 15 *See, e.g.,* Statement of Harry I. Stubbin, Associate Director of the Vera Foundation of Justice, at 225–226; Statement of James F. Hewitt, Attorney in Charge, Federal Criminal Defense Office, the Legal Aid Society of San Francisco, at 255.

[17] Bills introduced in the Senate during the 91st Congress, 1st Session (1969): S. 288 and S. 289 by Senator Byrd of West Virginia; S. 546 by Senator Tydings of Maryland; S. 2600 by Senators Hruska, Dirksen, and Thurmond; S. 2920 by Senator Goodell. *See* Appendix B.

[18] Bills introduced in the House during the 91st Congress, 1st Session (1969): H.R. 323 by Mr. Poff; H.R. 335 by Mr. Rogers (Fla.); H.R. 578 by Mr. Rogers (Fla.); H.R. 1033 by Mr. Cramer; H.R. 2781 by Messrs. McCulloch, Gerald R. Ford, Poff, Cahill, MacGregor, Hutchinson, McClory, Smith (N.Y.), Roth, Meskill, Sandman, Railsback, Biester, Wiggins, Taft, Conable, Cramer, Devine, Erlenborn, King, Wylie and Wyman; H.R. 4189 by Mr. Miller (Ohio) and Mr. Fish; H.R. 5213 by Mr. Michel; H.R. 5168 by Mr. Adair; H.R. 6253 by Mr. Mize; H.R. 6644 by Mr. Sebelius; H.R. 6744 by Mr. Collier; H.R. 7322 by Mr. Hunt; H.R. 7591 by Mr. Kleppe; H.R. 8194 by Mr. Steiger (Ariz.); H.R. 8616 by Mr. Meskill and Mr. Frey; H.R. 8782 by Mr. Gude; H.R. 10080 by Mr. Hogan; H.R. 10276 by Mr. Winn; H.R. 10083 by Mr. Hogan; H.R. 12628 by Mr. Collins; H.R. 12806 by Messrs. McCulloch, Gerald R. Ford, Anderson (Ill.), Poff, Cahill, MacGregor, Hutchinson, McClory, Smith (N.Y.), Meskill, Sandman, Railsback, Biester, Wiggins, Fish, Nelsen, Taft, Conable, Cramer, Devine, Erlenborn, King, Wylie, Wyman, and Roth; H.R. 13333 by Mr. Ruth.

[19] 1 W. & M.c. 2, § 10, at 68.

[20] Goldfarb, Ransom—A Critique of the American Bail System 23–24 (1965).

[21] Bail in the United States, *supra* note 9, at 2.

[22] *Bail and Bad Character,* 106 The Law Journal 22 (1956).

[23] Judiciary Act of 1789, ch. 20, § 33, 1 Stat 73, 91.

[24] H.R. Rep. No. 1541, 89th Cong., 2nd Sess (1966).

[25] 342 U.S. 1 (1951).

[26] *Id.* at 4.

[27] 1 Annaus of Congress 753 (1791).

[28] 342 U.S. at 5; *accord,* separate opinion of Jackson, J. at 9.

[29] *Hearings on Bail Reform Act Amendments, supra* note 15, at 358.

[30] 1 W. & M.c. 2, § 10, at 68: "And excessive bail hath been required of persons committed in criminal cases, to elude the benefit of the laws made for the liberty of the subjects."

[31] 342 U.S. 524 (1952).

[32] *Id.* at 545–46 (footnotes omitted).

[33] *Id.* at 556. *See Hearings on Bail Reform Act Amendments, supra* note 15, at 156.

[34] *See* Stack v. Boyle, 342 U.S. 1, 4 (1951); Hudson v. Parker, 156 U.S. 277, 285 (1895); United States v. Motlow, 10 F.2d 657, 659 (7th Cir. 1926); Trimble v. Stone, 187 F. Supp. 483, 484 (D.D.C. 1960). *Contra,* United States *ex rel.* Siegal v. Follette, 290 F. Supp. 632, 635 (S.D.N.Y. 1968).

[35] *See, e.g.,* Mempa v. Rhay, 389 U.S. 128 (1967); *In Re* Gault, 387 U.S. 1 (1967).

[36] 342 U.S. at 537: "Deportation is not a criminal proceeding and has never been held to be punishment. No jury sits. No judicial review is guaranteed by the Constitution."

[37] 326 F.2d 708 (8th Cir.), *cert. denied,* 376 U.S. 965 (1964); *accord,* United States *ex rel.* Covington v. Coparo, 297 F. Supp. 203, 205–06 (S.D.N.Y. 1969); United States *ex rel.* Fink v. Heyd, 287 F. Supp. 716 (E.D. La. 1968); Wansley v. Wilkerson, 263 F. Supp 54, 56–57 (W.D. Va. 1967); Pilkington v. Circuit Court, 324 F. 2d 45, 46 (8th Cir. 1963).

[38] 326 F. 2d at 710.

[39] Carbo v. United States, 82 S. Ct. 662, 668 (Douglas, Circuit Justice, 1962); *accord,* Painten v. Massachusetts, 252 F. Supp. 852 (D. Mass.), *aff'd,* 368 F.2d 142 (1st Cir. 1966), *cert. dismissed,* 389 U.S. 560 (1968).

[40] Ward v. United States, 76 S. Ct. 1063, 1065–66 (Frankfurter, Circuit Justice, 1956); *cf.* United States v. Nebbia, 357 F.2d 303 (2nd Cir. 1966).

[41] These factors as well as public safety are grounds for discretionary denial of release pending appeal under the Bail Reform Act of 1966, 13 U.S.C. § 3148 (Supp. IV 1965–69). The constitutionality of this provision has not been seriously questioned. When adopted, it was a codification of the holdings of five federal circuit courts that other factors besides risk of flight could be considered in granting or denying bail: Rhodes v. United States, 275 F.2d 78 (4th Cir. 1960); United States v. Wilson, 257 F.2d 796 (2d Cir. 1958); United States v. Williams, 253 F.2d 144 (7th Cir. 1958); Esters v. United States, 255 F.2d 63 (8th Cir. 1958); Christoffel v. United States, 196 F.2d 560 (D.C. Cir. 1951).

[42] In Pannell v. United States, 320 F.2d 698 (D.C. Cir. 1963), the circuit court remarked that: "[U]ntil appellant's conviction he was presumed innocent but that presumption is altered with guilty verdict and judgment."

[43] Judiciary Act of 1789, ch. 20, § 33, 1 Stat. 73, 91; 18 U.S.C. § 3148 (Supp. IV 1965–69).

[44] Internal Security Act of 1950, 50 U.S.C. 811 to 815 (1964).

[45] 18 U.S.C. § 4244 (1964).

[46] Ch. 20, § 33, 1 Stat. 73, at 91.

[47] FED. R. CRIM. P. 46(a) (1), (a) (2).

[48] 18 U.S.C. §§ 3146 to 3148 (Supp. IV 1965–69).

[49] The Supreme Court has held that the Constitution assures the alien the right to invoke the writ of habeas corpus to protect his personal liberty (Nishimura Ekiu v. United States, 142 U.S. 651, 660 (1892)); in criminal proceedings the alien must be accorded the protections of the Fifth and Sixth Amendments (Wong Wing v. United States, 163 U.S. 228, 238 (1896); Ng Fung Ho v. White, 259 U.S. 276, 284–85 (1922)). The Court in United States *ex rel.* Potash v. District Director, 169 F.2d 747, 752 (2d Cir. 1948), a case involving bail pending a deportation hearing, said: "If the Eighth Amendment to the Constitution is considered to have any bearing upon the right to bail in deportation proceedings, and this has been denied, it is our opinion that the provisions of that Amendment and any requirement of the due process provisions of the Fifth Amendment will be fully satisfied if the standards of fairness and reasonableness . . . are observed."

[50] Internal Security Act of 1950, 50 U.S.C. §§ 811 to 815 (1964).

[51] 342 U.S. at 542.

[52] 18 U.S.C. § 4244 (1964).

[53] 18 U.S.C. § 4246 (1964).

[54] Greenwood v. United States, 219 F.2d 376 (8th Cir. 1955, *aff'd,* 350 U.S. 366 (1956).

[55] BAIL IN THE UNITED STATES, *supra* note 9, at 2, 3, n.8.

[56] *Capital Punishment in the United States,* 8 THE LAW REPORTER, 481, 487 (1846) *See* The Crimes Act of 1790, ch. 9, 1 Stat. 112. In 1790, federal crimes punishable by the death penalty included: (1) murder, (2) treason, (3) robbery, (4) stealing a ship, (5) a seaman laying violent hands on the commander of a ship, (6) revolt on a ship, (7) piracy or robbery under false colors, (8) accessory before the fact of piracy or robbery, and (9) forgery, counterfeiting or altering of a public United States security.

[57] 79 Harv. L. Rev. 1489, 1500 (1966).

[58] The President's Commission on Law Enforcement and Administration of Justice, Report: The Challenge of Crime in a Free Society 125 (1967) (Hereinafter cited as President's Commission on Law Enforcement).

[59] U.S. Const. amend. V.

[60] The President's Commission on Crime in the District of Columbia, Report 520 (1966) (Hereinafter cited as President's Commission on D.C. Crime).

[61] *Id.* at 523. *See also* 36 Geo. Wash. L. Rev. 178, 184 (1967).

[62] President's Commission on D.C. Crime, *supra* note 60, at 523. *See also* Geo. Wash. L. Rev. 178, 184 (1967).

[63] President's Commission on D.C. Crime, *supra* note 60, at 520 (footnote omitted).

[64] 79 Harv. L. Rev. 1489, 1501 (1966).

[65] National Conference on Bail and Criminal Justice, Proceedings and Interim Report 177 (1965); *cf.* Terry v. Ohio, 392 U.S. 1, 26–27 (1968).

[66] Fernandez v. United States, 81 S. Ct. 642, 644 (Harlan, Circuit Justice, 1961); *accord,* California v. Alcorcha, 86 S. Ct. 1359 (Douglas, Circuit Justice, 1966); Carbo v. United States, 82 S. Ct. 662, 668 (Douglas, Circuit Justice, 1962); Dameron v. Harson, 255 F. Supp. 533, *aff'd,* 364 F.2d 991 (5th Cir. 1966).

[67] Judiciary Act of 1789, ch. 20, § 33, 1 Stat. 73, 91; 18 U.S.C. § 3148 (Supp. IV 1965–69).

[68] Wong Wing v. United States, 163 U.S. 228, 235 (1896).

[69] National Conference on Bail and Criminal Justice, Proceedings and Interim Report 177 (1965).

[70] 342 U.S. at 7–8.

[71] Zemel v. Rusk, 381 U.S. 1, 14 (1965).

[72] Miranda v. Arizona, 384 U.S. 436, 479–91 (1966).

[73] Cross v. Harris, No. 22,420, at 13 (D.C. Cir. April 16, 1969) (footnote omitted).

[74] Coplon v. United States, 191 F.2d 749, 757 (D.C. Cir. 1951), *cert. denied,* 342 U.S. 926 (1952).

[75] *See* 79 Harv. L. Rev. 1489, 1508 (1966).

[76] *See* 36 Geo. Wash. L. Rev. 178, 186 (1967).

[77] 18 U.S.C. § 3146 (Supp. IV 1965–69).

[78] President's Commission on Law Enforcement, *supra* note 58, at 125.

[79] President's Commission on D.C. Crime, *supra* note 60, at 523; *see* 36 Geo. Wash. L. Rev. 178, 183 (1967).

[80] Williamson v. United States, 184 F.2d 280, 282–83 (2d Cir. 1950).

[81] 381 U.S. at 14 (footnote omitted).

[82] 18 U.S.C. § 3148 (Supp. IV 1965–69).

[83] 18 U.S.C. § 3146(d) (Supp. IV 1965–69); *cf.* United States v. Nebbia, 357 F.2d 303 (2d Cir. 1966).

[84] 18 U.S.C. § 4244 (1964).

[85] 18 U.S.C. §§ 4247, 4248 (1964).

[86] D.C. Code Encycl. Ann. §§ 521 to 528 (1968).

[87] Internal Security Act of 1950, 50 U.S.C. §§ 811 to 815 (1964).

[88] *See* cases cited note 49 *supra.*

[89] Williamson v. United States, 184 F. 2d 280, 282–83 (2d Cir. 1950).

[90] *See* 79 Harv. L. Rev. 1489, 1504 (1966).

[91] In Cross v. Harris, No. 22,420, at 22 (D.C. Cir. April 16, 1969), Judge Bazelon, speaking for the court, stated:

"Non-criminal" commitments of so-called dangerous persons have long served as preventive detention, but this function has been either excused or obscured by the promise that, while detained, the potential offender will be rehabilitated by treatment. Notoriously, this promise of treatment has served only to bring an illusion of benevolence to what is essentially a warehousing operation for social misfits.

[92] ABA Pre Trial Release Report, *supra* note 13, at 70.

[93] Cross v. Harris, No. 22,420, at 13 (D.C. Cir. April 16, 1969) (footnote omitted).

[94] President's Commission on D.C. Crime, *supra* note 60, at 527–28.

[95] *See* Bitter v. United States, 389 U.S. 15, 16 (1967).

[96] *Hearings on Bail Reform Act Amendments, supra* note 15, at 174–75; *see* 77 Harv. L. Rev. 1489, 1507 (1966).

[97] President's Commission on D.C. Crime, *supra* note 60, at 527; *see* 79 Harv. L. Rev. 1489, 1506 (1966).

[98] *See* 36 Geo. Wash. L. Rev. 178, 187 (1967).

[99] Fernandez v. United States, 81 S. Ct. 642, 644 (Harlan, Circuit Justice, 1961).

[100] *See* 79 Harv. L. Rev. 1489, 1502 (1966).

[101] 18 U.S.C. § 3146(d) (Supp. IV 1965–69).

[102] United States *ex rel.* Estabrook v. Otis, 18 F. 2d 689, 690 (8th Cir. 1927) (footnote omitted); *accord,* Rehman v. California, 85 S. Ct. 8, 9 (Douglas, Circuit Justice, 1964); Leigh v. United States, 82 S. Ct. 994, 996 (Warren, Circuit Justice, 1962).

[103] Ch. 20, § 33, 1 Stat. 73, 91.

[104] 18 U.S.C. § 3146 (Supp. IV 1965–69).

[105] *See* note 15 *supra.*

[106] *See* note 17 *supra.*

[107] *See* note 18 *supra.*

[108] S. 288, 91st Cong., 1st Sess. (1969); S. 546, 91st Cong., 1st Sess. (1969); S. 2600, 91st Cong., 1st Sess. (1969); and S. 2920, 91st Cong., 1st Sess. (1969).

[109] S. 2600, 91st Cong., 1st Sess. (1969); S. 2920, 91st Cong., 1st Sess. (1969).

[110] S. 2600, 91st Cong., 1st Sess. (1969); S. 2920, 91st Cong., 1st Sess. (1969).

[111] President's Commission on D.C. Crime, *supra* note 60, at 525–27.

[112] ABA Pretrial Release Report, *supra* note 13, at 65–74.

[113] Judicial Council Committee To Study the Operation of the Bail Reform Act in the District of Columbia, District of Columbia Circuit Report 16–17 (1969) (Hereinafter cited as Judicial Council Committee Report).

[114] *Hearings on Bail Reform Act Amendments, supra* note 15.

[115] Hearings were held by the House Judiciary Committee on October 15 and 21, 1969.

[116] Since S. 288 only involves the consideration of public safety in setting conditions of release, it will not be included in the analysis.

[117] Judicial Council Committee Report, *supra* note 113, at 35.

[118] *Hearings on Bail Reform Act Amendments, supra* note 15, at 32.

[119] *Hearings on Bail Reform Act Amendments, supra* note 15, at 11.

[120] Judicial Council Committee Report, *supra* note 113, at 18 n. 1.

[121] Judicial Council Committee Report, *supra* note 113 at 18.

[122] The 6 percent figure results from use of rates of reindictment among persons on bail in all felony cases. The 70 percent figure results from use of rates of rearrest among persons indicted for robbery.

[123] Judicial Council Committee Report, *supra* note 113, at 20.

[124] *Hearings on Bail Reform Act Amendments, supra* note 15, at 631.

[125] *Hearings on Bail Reform Act Amendments, supra* note 15, at 632–33.

[126] *Hearings on Bail Reform Act Amendments, supra* note 15, at 634–35.

[127] *Hearings on Bail Reform Act Amendments, supra* note 15, at 3, 76, 320.
[128] President's Commission on D.C. Crime, *supra* note 60, at 517–18.
[129] President's Commission on D.C. Crime, *supra* note 60, at 517.
[130] Judicial Council Committee Report, *supra* note 113, at 24.
[131] *Hearings on Bail Reform Act Amendments, supra* note 15, at 670.
[132] Judicial Council Committee Report, *supra* note 113, at 20–21.
[133] Judicial Council Committee Report, *supra* note 113, at 24.
[134] *Hearings on Bail Reform Act Amendments, supra* note 15, at 121.
[135] President's Commission on D.C. Crime, *supra* note 60, at 518.
[136] President's Commission on D.C. Crime, *supra* note 60, at 518.
[137] Judicial Council Committee Report, *supra* note 113, at 25.
[138] Judicial Council Committee Report, *supra* note 113, at 33.
[139] *See* text at notes 70–77 *supra*.
[140] Coplon v. United States, 191 F. 2d (D.D.C. 1951), *cert. denied*, 342 U.S. 926 (1952).
[141] *See* 36 Geo. Wash. L. Rev. 178, 186 (1967).
[142] Advisory Committee on the Criminal Trial, Report to the American Bar Association Project on Minimum Standards for Criminal Justice: Standards Relating to Speedy Trial 10–11 (1967).
[143] *Hearings on Bail Reform Act Amendments, supra* note 15, at 10.
[144] Federal Bureau of Investigation, Uniform Crime Reports for the United States-1968, at 4 (1969).
[145] *Judicial Council Committee Report, supra* note 113, at 18.

SUBURBAN ACTION

Mr. RIBICOFF. Mr. President, the suburbs have been recognized as an important part of the solution to the problems of the cities in a perceptive article entitled "Suburban Action: Advocate Planning for an Open Society" in the January 1970 issue of the Journal of the American Institute of Planners.

Suburban Action is a nonprofit institute devoted to creating housing and employment opportunities for low and moderate income persons in the suburbs or the new America of the 20th Century.

Three members of the institute—Paul and Linda Davidoff and Neil Gold—write that:

If this nation is to provide for the housing and job needs of its minority citizens, the power of government must be used to break the land use barriers erected by suburban communities. This challenge may soon be recognized as the new frontier of the civil rights movement.

I commend this article to Senators and to all other citizens who are dedicated to building a new urban America.

I ask unanimous consent that the article be printed in the RECORD.

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

SUBURBAN ACTION: ADVOCATE PLANNING FOR AN OPEN SOCIETY

(By Paul and Linda Davidoff and Neil Newton Gold)

The suburbanization of population and jobs in the metropolitan regions is an accomplished fact. Rather than fighting this movement, urban development policy should work with it to assure equal access to suburban land and jobs for all citizens of the regions. Suburban Action is an advocate agency engaged in policy discussions with suburban employers, public officials, and private groups and in legal actions aimed at opening the suburbs to blacks and to low and moderate cost housing.

Advocate planning has been defined as the exercise of the planning function on behalf of specified individuals and groups, rather than on behalf of a broadly defined "public interest." From its beginning, the movement toward advocacy planning has stressed the need to plan with, and in the interests of, the formerly unrepresented groups in the planning process—the poor, the black, and the underprivileged. In many cases, this form of advocacy has involved planners working with neighborhood organizations of the poor and the black in order to create alternate plans for renewal relocation, Model Cities, or highway location. In the process of working for an with these neighborhood groups, advocates have often become aware of the difficulty of solving many of their clients' problems with planning that is limited to neighborhood physical areas. Out of this awareness has grown a sense of the need for regionwide and national approaches to planning for the needs of the black and the poor.

From the beginnings of advocacy planning it has been recognized that *ideological advocacy* in which the advocate represented his own point of view, rather than that of a client, could play an important role in the planning process. This article describes an ideological advocacy agency created to promote the use of suburban resources for solving metropolitan problems of race and poverty.

GHETTOS AND PUBLIC POLICY

Present efforts to solve the "urban crisis" tend to restrict solutions to inner-city ghetto areas. Ghetto and poverty areas have been the locus of nearly all the research and action programs undertaken by both public agencies and private nonprofit groups as part of the war on urban poverty and discrimination. Job programs have concentrated on finding employment opportunities for ghetto youth in declining areas. Industrial development programs have concentrated on bringing industry into the ghettos. Housing programs have tried to rehabilitate obsolete slum apartments or "renew" ghetto neighborhoods. The Model Cities program, while aimed at improving the lives of disadvantaged residents, has intended to restrict chances for such improvements to Model Cities areas.

What these programs have in common is an underlying strategy based on a false assumption: the assumption that because the problems of race and poverty are found in the ghettos of urban America, the solutions to these problems must also be found there. These ghetto-oriented programs largely ignore the geographic distribution of resources throughout the metropolitan regions. The resources needed to solve the urban poverty problem—land, money, and jobs—are presently in scarce supply in the inner cities. They exist in substantial supply in suburban areas but are not being utilized to solve inner-city problems or combat poverty and discrimination. As a result, ghetto residents are denied the income gains and improvements in housing quality that would result from freer access to suburban jobs and land.

The cities must create new opportunities in the ghettos; and they must create decent environments in areas that are now slums. But these goals cannot be achieved until there is effective utilization of all resources in metropolitan regions.

THE SUBURBAN SHIFT

One of the most striking aspects of American economic growth over the last two decades is the fact that 80 percent of the new jobs created in the nation's large metropolitan areas have been located in their suburban rings. The central cities of these metropolitan areas have not only failed to win a significant share of new urban employment, but, in some cases, they have experienced a net outflow of jobs.

In the tri-state New York area, for example, the central city gained only 111,000 new jobs between 1952 and 1966, compared with a gain of 888,000 jobs for the region as a whole. In the St. Louis area, employment in the central city actually declined in this period—by 50,000—compared with an employment increase of 193,500 in the St. Louis suburbs. In Philadelphia, central city employment also declined in this period; from 773,622 jobs in 1952 to 785,925 jobs in 1966. The Philadelphia suburbs, on the other hand, gained a total of 249,433 new jobs in these years. In San Francisco, to take a final example, the central city gained nearly 25,000 new jobs in this fifteen year period, roughly one-eighth of the employment increase that took place in the San Francisco suburbs (202,000).

In the face of the concentration of public attention on the urban crises, it is important that policymakers understand that this remarkable shift in the location of urban growth has taken place and that the process of industrial and commercial decentralization has had a transforming impact on the distribution of opportunities and rewards within urban areas.

Better known than the shift in location of new metropolitan employment is the shift in location of population growth within metropolitan areas. Here, too, the results are striking, and fateful, in their implications for urban policy. Between 1950 and 1966, the population of the nation's central cities increased by 7,400,000. In the same period, the population of their suburban rings increased by 36,500,000. By 1966, more Americans lived outside of central cities in our urban configurations, than inside central cities.

Not only have central cities been on the short end of urban population growth, but their share of future growth is destined to decline still further. According to the most reliable estimates of the distribution of future population growth, nearly all of the one hundred million additional persons who will live in the United States by the year 2000 will live in suburban areas. There will be little if any growth in central city (or rural) population during this period. In some central cities, in fact, the prognosis is for sustained population outflow to the suburban rings, depending upon availability of sufficient housing opportunities.

The nation's suburbs, then, have been the locus of the bulk of new jobs and new population growth in metropolitan areas. Not surprisingly, suburban areas also have experienced the greatest share of all new housing starts in urban areas, increasing from 60 percent in the 1950's to 70 percent and above in the 1960's. In some of the largest metropolitan areas such as St. Louis, Philadelphia, Detroit, the District of Columbia, Cleveland, Boston, and Baltimore, nearly 80 percent of new residential construction is taking place outside the central city.

Underlying the movement of jobs, housing, and population from central cities to their surrounding suburbs is the availability of a relatively vast supply of vacant land outside of central cities. Indeed, in the nation's twenty largest urban areas, 99 percent of the vacant land lies outside of core cities. The unavailability of vacant land within central cities necessarily sets reasonably firm limitations on the employment and population capacities of these areas. Conversely, the existence of a seemingly limitless supply of vacant land on the urban periphery practically insures that future urban growth will take place in the fringe areas.

In sum, the suburbs of the United States have become the New America of the twentieth century: the growth area of private economy, the locus of most of the nation's new jobs, housing, and population.

SUBURBAN DISCRIMINATION

Blacks and other minority groups have not moved out of central cities to the surrounding suburbs. Only the white population has benefited from the availability of suburban job and housing opportunities. By 1966, as a result of the suburbanization of the white population, only 42 percent of urban whites remained in central cities. Among nonwhites, on the other hand, more than 82 percent lived in central cities in 1966—a higher proportion than in 1950.

Still more significant, as an indication of recent demographic trends, is that fact that between 1960 and 1966, 100 percent of the urban white population growth of 10,152,000 occurred in the suburbs. The central cities lost white population during these years. Conversely, during the same period, 90 percent of the nonwhite population gain of 2,757,000 took place in central cities.

A striking piece of evidence from our preliminary research regards the movement of population between 1960 and 1965 in the northern section of suburban Westchester County, New York. The section studied comprises 68 percent of the county's area. In 1965, it contained 14 percent of the county's population and 4 percent of the county's nonwhite population. This area—most of the vacant land in Westchester—is zoned almost exclusively for large lot single family development. Between 1960 and 1965, the white population in this area increased by 20,000, the nonwhite population by one.

These remarkable population shifts have resulted in severely imbalanced population distribution in our metropolitan areas. The cities of the United States are rapidly becoming ghettos of the poor and the black, while the suburbs appear likely to remain affluent and white. We are well on our way to becoming the two nations: "one black, one white—separate and unequal," described in the Kerner Commission report. This growing separation of white and black in U.S. metropolitan areas is a direct result of the nation's acknowledged failure to insure that all social and racial groups are able to gain access to suburban land.

A second, and equally baleful, consequence of the decentralization of American economic life and the outward movement of population from central cities, is the maldistribution of jobs and workers in our urban areas. For nearly two decades, rural refugees, mainly black, Mexican-American, and Puerto Rican, have been arriving in the great cities of the nation to find that the jobs they were looking for have been disappearing—in part, because they have been relocated in the suburbs. While the suburban communities to which these jobs have been moved welcome new tax-paying industrial and commercial facilities, they are unwilling to permit their vacant land to be used for housing for employees who work in the new facilities. In effect, blacks and other minorities are unable to follow their jobs to the suburbs. Thus, these rural migrants are piling up in the overcrowded central cities, without jobs, without access to jobs, without access to information about suburban job opportunities, without decent housing, and without any prospect of overcoming their condition by further migration. At the same time, as if to mock the policies that have created our present crisis, suburban job opportunities remain unfilled for lack of adequate manpower.

Although no data is available on the number of unfilled jobs in suburban areas, census publications, particularly *County, Business Patterns*, and *Census of Manufacturers*, show clearly that in suburban areas many new unfilled jobs are in blue-collar occupations and at unskilled and semiskilled levels. For this reason—and in light of the fact that if present trends continue, 80 percent of future urban employment growth in large metropolitan areas will take place in the suburbs—appropriate linkages connecting the central city labor force and areas of expanding job opportunities must be created.

In lieu of governmental action to enable central city workers to compete for job openings in the suburbs, the private sector, in its own interest, prevailed upon the federal government to create the urban mass transit demonstration program to experiment with methods of aiding workers to get to suburban plant sites. In so doing, the private sector, particularly that portion in durable goods manufacturing, acknowledged that the present distribution of jobs and workers in urban areas constituted a significant drain on the nation's productive capacity and human resources.

Regrettably, interim results from the various urban mass transit demonstrations strongly suggest that transportation linkages are insufficient to overcome the barriers that separate the unemployed in central cities from suburban job areas. It seems clear that more substantial linkages must be created if the suburbs are to enter fully into the mainstream of American life. Preeminent amount these connections is the creation, reasonably close to suburban job sites, of a supply of widely dispersed moderate cost housing for working-class families. This is the challenge now confronting both government agencies and the private sector.

A FALSE ASSUMPTION—THAT BECAUSE THE PROBLEMS OF RACE AND POVERTY ARE FOUND IN THE GHETTOS OF URBAN AMERICA, THE SOLUTIONS TO THESE PROBLEMS MUST ALSO BE FOUND THERE

Restrictive zoning and land use controls in suburban areas constitute the principal barrier preventing development of job-linked moderate cost housing in the suburbs. Among the specific devices that suburban governments have used to prevent construction of such housing are: minimum lot size requirements, minimum house size requirements, restrictive subdivision regulations, and unduly expensive building standards. In addition to these devices, many suburban communities have adopted zoning ordinances that prohibit development of all forms of multifamily housing within their jurisdiction. Taken together, these restrictive zoning and land use controls have been remarkably effective in preventing low and moderate income families from penetrating suburban housing and land markets, in greatly limiting the matching of jobs and workers in urban areas, and in raising the cost of new housing in the suburbs to all homeseeking families. If this nation is to provide for the housing and job needs of its minority citizens, the power of government must be used to break the land use barriers erected by suburban communities. This challenge may soon be recognized as the new frontier of the civil rights movement.

POLICY ISSUES

A basic policy issue must be decided before the nation can embark upon a program of affirmative action in the suburbs. The issue is whether the expenditure of billions of dollars of public funds to rehabilitate the substandard housing stock of central cities and to encourage industry to locate within central cities—particularly, within the slums and ghettos of central cities, is justified in the face of the overwhelming trend toward decentralization of American economic life.

A corollary issue is whether problems and solutions in urban areas are place-limited; that is, whether the fact that the urban crisis is concentrated in the central city slums and ghettos requires that solutions to the urban crisis be limited in their geographic focus to these same slums and ghettos.

DECENTRALIZATION AND PUBLIC POLICY

The facts of suburbanization have long been recognized by planners, demographers, developers, and the general public. What has begun to change is the public policy stance adopted toward these facts. In the early 1950's, recognition of the decline of the central city led to a concern with stemming it and with "bringing back" the fleeing middle class family to live in renewed and rehabilitated downtown neighborhoods. In the mid-1950's, the failures of the renewal program—its displacement of black and poor familites, its failure to provide adequate relocation housing—brought a shift in policy toward rebuilding the ghettos for the benefit of their residents. This may be termed the "keep back" theory for ghetto residents.

Now there is a growing recognition that both the "bring back" and the "keep back" theories are inadequate efforts to stem the tide of movement to the suburbs. Urban development policy is moving toward acceptance of suburbanization. Seen in this context, urban development policy is not a set of demands for rearranging general trends of population movement. Instead, it is a set of demands for structural change in the society set against the backdrop of these movements.

In our view, the decentralizing forces of American economic life are not reversible. The absence of vacant land within central cities, coupled with the existence of an enormous supply of vacant land on the urban periphery, will not permit a major expansion of the employment capacity of central cities. Public programs that seek only to rebuild the central city housing stock and to encourage industry to locate within central cities and within ghettos run counter to the movement of the private economy.

While isolated examples of in-city plant location will occur, as in the case of the IBM plant in Bedford-Stuyvesant,[1] the private sector will continue to locate the bulk of its new plants and equipment outside central cities. In the same year in which IBM created 300 jobs in Bedford-Stuyvesant, the company created 3,000 jobs in the New York region as a whole. The blacks of Bedford-Stuyvesant did not have access to these 3,000 jobs.

The bulk of the central city substandard housing stock is found in areas considered ripe for urban renewal. These areas contain most of the nonwhite population of central cities. Increasingly, they are the locus of central city unemployment and underemployment. Land prices in central city urban renewal areas have been rising even more rapidly than have suburban land prices. This is occuring in spite of the fact that the level of land prices in suburban areas is markedly lower than the level of land prices in central city urban renewal areas.

The convergence of these factors gives some indication of the added cost involved in building low and moderate cost housing on developed land in areas characterized by a declining blue-collar job market. They suggest that substantial housing cost savings can be achieved by locating the bulk of new low and moderate cost housing stock outside central cities.

THE "URBAN CRISIS" AND PUBLIC POLICY

The second major public policy decision is whether the "urban crisis" is in fact an "urban" crisis at all, or a crisis of class and race in the nation as a whole. Public policy has tended to see the problems of slums and ghettos as problems of "renewal areas," "project areas," and "Model City neighborhoods." It is our view that the problems to be found in these areas are not problems of areas, but problems of allocation of public

Footnote at end of article.

and private resources, and that their remedy is to be found in the reallocation of resources. Public policy to aid ghetto and slum residents should be tested in terms of its ability to enlarge opportunities for blacks and for the poor. This recasting of policy does not imply ending planned improvement of urban spatial and structural conditions, rather, it makes these conditions the means for serving human needs. If neighborhoods are to be rebuilt in central city ghetto areas, it will be necessary in many cases for the population density in these areas to be reduced. Rebuilding at present densities raises impossible problems of cost and residential amenity. To renew the neighborhoods, we must open opportunities for out-migration to new, decent housing outside the ghetto. Once densities have been reduced in this way, clearance of dilapidated structures can take place without creating insoluble problems of relocation or temporary relocation while reconstruction goes forward.

In recent months we have seen a growing awareness, on the part of public and private groups, of the negative consequences of exclusive concern with the ghetto as the place for ending poverty. For example, three Presidential commissions have reported on the need to fashion metropolitan areawide solutions to urban poverty and blight.

In its December 1968, report, the President's Committee on Urban Housing (Kaiser Commission) concluded that: [2]

The location of one's place of residence determines the accessibility and quality of many everyday advantages taken for granted by the mainstream of American society. Among these commonplace advantages are public educational facilities for a family's children, adequate police and fire protection, and a decent surrounding environment. In any case, a family should have the choice of living as close as economically possible to the bread-winner's place of employment.

It makes little sense for Federally subsidized housing to be concentrated in and around the central cities' slums where social and environmental disadvantages can negate the uplifting qualities of decent housing.

The 1968 Report of the National Advisory Commission on Civil Disorders (Kerner Commission) presented the nation with three choices: [3]

We can maintain present policies, continuing both the proportion of the nation's resources now allocated to programs for the unemployed and the disadvantaged and the inadequate and failing effort to achieve an integrated society.

We can adopt a policy of "enrichment" aimed at improving dramatically the quality of ghetto life while abandoning integration as a goal.

We can pursue integration by combining ghetto "enrichment" with policies which will encourage Negro movement out of central city areas. . . .

To continue present policies is to make permanent the division of our country into two societies: one, largely Negro and poor, located in the central cities; the other, predominantly white and affluent, located in the suburbs and in outlying areas.

The second choice, ghetto enrichment coupled with abandonment of integration, is also unacceptable. It is another way of choosing a permanently divided country. Moreover, equality cannot be achieved under conditions of nearly complete separation. In a country where the economy, and particularly the resources of employment, are predominantly white, a policy of separation can only relegate Negroes to a permanently inferior economic status.

We believe that the only possible choice for America is the third—a policy which combines ghetto enrichment with programs designed to encourage integration of substantial numbers of Negroes into the society outside the ghetto.

The December 1968 report of the National Commission on Urban Problems (Douglas Commission) stressed the costs of maintaining large inner-city ghettos, both in terms of actual costs to governments of providing services to the ghetto populations and in terms of the socially explosive character of the ghettos. In discussing the employment problems of ghetto residents, the commission noted that: [4]

Available employment of the type for which slum adults might qualify is generally not available in the slum. In a recent year, 63 per cent of all construction permits for industrial buildings were issued for locations outside central cities. On the other hand, 73 per cent of office building construction permits were issued inside central cities. Central cities increasingly are becoming white-collar employment centers while the suburbs are becoming the job employment areas for new blue-collar workers. This is ironical in view of the fact that low-paid blue-collar workers, especially if they are Negroes, live in the central cities while the white-collar workers are increasingly living in the suburbs. Traveling to work becomes increasingly difficult for both.

Edward Logue, President of the New York State Urban Development Corporation, writing in *Look* magazine, said that: [5]

As the inner-city housing crisis worsens, we persist in the notion that the central city *by itself* must provide for the housing needs of ill-housed low-income families. We cling to this fallacy despite the reality that the central cities no longer have significant amounts of vacant land and no large supply of decent, available, low-cost relocation housing. We have, in short, adopted an approach to the city housing problem that is guaranteed to fail. But there are answers.

There is an ample supply of vacant land suitable for housing low-income families in a ten mile wide belt around just about every one of our cities, except possibly New York and Los Angeles, where it may be necessary to go 20 miles or farther. Yet access to this land . . . has been denied to low-income families. (Italics in original.)

The Center for Community Change in Washington, directed by former Industrial Union Department director, Jack Conway, is discussing the possibility of suburban development of housing opportunities in the Detroit area. The Regional Plan Association and National Committee Against Discrimination in Housing are studying the job and housing opportunities in the New York suburbs. Other research programs are beginning to study the implications of the Kerner Commission's challenge to create a "single society," rather than to perpetuate the walls between the ghetto and the society at large. *As yet, however, programs to implement this concern have not moved from study to action. We still do not have viable strategies for expanding the role of the suburbs in developing solutions to problems of race and poverty.*

THE OBJECTIVES OF SUBURBAN ACTION

The availability of new jobs and vacant land in the suburbs makes it apparent that the suburbs can contribute greatly to creation of a society in which resources can be shared more equitably among all classes of the population. However, as we view the actions and policies of public agencies in the nation and, in particular, in the New York region, we believe that the potential of the suburbs for solving national problems has not yet been grasped by public and private agencies, nor by the majority of the public.

THE SUBURBS OF THE UNITED STATES HAVE BECOME THE NEW AMERICA OF THE 20TH CENTURY

A number of agencies concerned with issues of urban development have recently begun to support more concerted use of suburban resources to solve metropolitan problems of race and poverty. The National Committee Against Discrimination in Housing, with a long and distinguished record in the housing discrimination field, is now studying means to overcome restrictive zoning measures and to utilize the growing number of jobs in suburban areas to solve unemployment and underemployment problems. The Regional Plan Association of New York has significantly contributed to public understanding of the suburban potential. More recently a large number of citizens' organizations and religious associations have taken the lead in attempting to develop nonprofit moderate and low-income housing in the suburbs. Additionally, many of these same groups have led inquiries into the nature of white racism to find ways to overcome the very hostile attitudes toward social change that exist within many suburban communities. We believe that until public opinion and public agencies favor significant change in suburban practices, it will be necessary for voluntary associations to take the lead in demonstrating the reasonableness of a new approach to the relationship of suburbs to the solution of race and poverty problems.

As one organization dedicated to altering the imbalance in current urban policy regarding use of suburban resources, Suburban Action has set the following goals for its work:

1. Assisting in opening suburban land and housing to low and moderate income and nonwhite families, by eliminating restrictive and discriminatory land use barriers.

2. Creating new opportunities for linking suburban jobs and unemployed and underemployed residents of central city and suburban low-income areas.

3. Assisting actions preventing suburban ghettos from enlarging through the creation of adequate housing and employment opportunities for residents of those areas throughout the suburbs.

4. Promoting widespread discussion and analysis of alternatives to the real property tax. In doing this, stressing the need for tax reform in order to reduce the disparities in public services, most notably in education, between cities and suburbs and between rich and poor suburban communities.[6]

Suburban Action's list of objectives excludes mention of education, health, recreation, and other important topics that must be addressed if racial and economic disparities are to be reduced. The exclusions are less related to a sense of priorities than they are to the current abilities of the agency.

SUBURBAN ACTION'S PROGRAM

To move toward achievement of its objectives, Suburban Action has a set of programs covering the areas of housing, employment, taxation, and land use. The agency is based in White Plains, New York (suburban Westchester County), and is directing its programs toward conditions within the New York region and toward policy formulation at all levels of government.

HOUSING

Throughout suburban areas, organizations have been formed to work for fair housing (nondiscriminatory housing) and for construction of low and moderate cost housing units. In many cases the housing that can be developed within suburban communities offers only token solutions to regional housing needs. Frequently voluntary agencies may spend a number of years seeking to persuade public officials that their community should address housing needs both inside and outside the jurisdiction. Where successful, these groups may be empowered to build twenty to fifty units of nonprofit housing. The results are significant for the communities since they often represent a significant

Footnotes at end of article.

change in housing policy, but the sum of projects constructed as a result of these private efforts is very small.

We hope that one result of regional organization of fair housing and other interested groups would be expanding the interest of such associations. We would like to see such organizations take a more active role in combating restrictive zoning measures. Fair zoning may be as important as fair housing to achieve a significant increase in the supply of moderate and low-income housing. Additionally, we think it of the utmost importance that local housing groups begin to demand housing not only to meet the needs of local residents, but also to meet the needs of the region's population. We have run up against strong opposition on this issue.

Many activists concerned with housing conditions in their suburban communities believe that their first obligation is to build units that will satisfy the demands of neighbors who are inadequately housed. They do not wish to become involved in the more abstract question of assisting in solving the housing problems of the vast number of indecently housed inner-city residents.

It might be argued that limited local needs should be met first before larger regional issues are tackled. We do not think this is the case. We believe that a program to meet regional needs is of far greater magnitude and requires an immediate start. Very different programs will be involved. Thus, we think that the regional need for housing will provide the most important evidence in the constitutional attacks we hope to initiate against restrictive zoning.

In attempting to educate some of the public about regional housing needs, we are seeking to induce development of associations that will present programs capable of meeting these needs. To achieve this end, one of Suburban Action's first products will be publication of a housing program for Westchester County. This publication will be aimed at exciting interest in the housing question in the midst of an election year when candidates for county and local office may be asked to respond to the questions on housing problems. We recognize that the program we will publish will not be acceptable to most politicians, but we do believe that by making the housing issue an important topic for discussion, we may begin to generate the possibilities for effective coalitions among different classes having a common interest in improved housing.

If this nation is to provide for the housing and job needs of its minority citizens, the power of government must be used to break the land use barriers erected by suburban communities. This challenge may soon be recognized as the new frontier of the civil rights movement.

One of the most important groups we hope to persuade to join in the struggle for a massive regional housing program is private industry. The shortage of both white-collar and blue-collar workers constitutes a serious constraint on the efficient function of large suburban-based corporations, particularly on their capacity to expand their plants and equipment. For this reason we are hopeful that these corporations will enter the housing field, through development of job-linked housing on sites owned by them or on sites susceptible to their influence.

EMPLOYMENT PROGRAMS

Suburban Action's employment programs seek to make more efficient use of manpower resources of metropolitan areas by creating links between jobless and underemployed workers in disadvantaged communities and available or pending employment opportunities in the suburbs. This will involve monitoring the location of new employment growth in the region, particularly manufacturing and construction employment. It will involve arranging for contacts between inner-city employees and suburban employers who would benefit from an expanded labor supply. It will also involve creation of demonstration projects that connect intercity Model Cities communities and suburban job centers.

Emphasis in this program will be on the creation of relatively highly paid jobs for employees presently working at hourly rates of about $2. We have found that many community action programs concerned with manpower development receive notices only of jobs paying low wages. There may be a presumption on the part of employers that community action programs are concerned only with individuals deemed incapable of holding other than low-wage positions. Nevertheless, our initial work indicates that a significant number of suburban jobs paying over $3.50 an hour are open and that private industry will cooperate with interested parties in making these jobs available to low-income persons willing to give up their present positions to take on higher paying jobs.

Suburban Action will also look toward the creation of opportunities for black and Puerto Rican businessmen to invest their resources in the affluent suburbs, as a necessary corrective to current programs that confine opportunities for minority group businessmen solely to declining slum and ghetto neighborhoods.

MUNICIPAL TAXATION PROGRAMS

Present suburban taxing methods are an inducement to fiscal zoning. Even without race or class bias on the part of inhabitants of suburban communities, there would still be strong antipathy to new families who did not "pay their way." Families who move into a suburban community and constitute a drain on a community's tax base are unwelcome neighbors. Suburban Action's programs in public finance will promote discussion about alternatives to the real property tax.

Community growth is expensive. Residents of growing suburban towns often strongly resent changes that will require further increases in their perceived "already too high taxes." There is no way of measuring whether or not their perception is correct, but what we do know is that the present form of raising local revenues gives strong support to tendencies to evaluate new families in terms of their tax-paying abilities. We submit that such abilities do not provide a sound basis for community judgments regarding the right of an individual to reside within a particular community.

If suburban communities are to be more welcoming to those who cannot afford to pay their own way, it will be necessary to redesign the local revenue system to make the tax-paying ability of an individual a matter of relative indifference. For example, if local revenues resulted from a federal income tax reimbursement to a locality, the amount being a function of the community's population and, perhaps, the needs of the community, then the tax-paying ability of a potential resident would become a matter of relative indifference. That individual's wealth would not alter the overall revenue receipts of the community.

A similar system could be created with a state or county income tax. But whatever the system, so long as the members of a community were not compelled to take restrictive action against a potential newcomer because of his financial status, such a system would represent a marked improvement over the present condition. We also believe that a strong case can be made against the real property tax as a major source of local income. The real property tax is unfair to families on stable or declining incomes. It fails in such cases to adequately account for the tax-paying ability of a family.

The public must be persuaded that the quality of services offered by a local government unit should not depend upon the wealth of its inhabitants. The children of a poor community deserve as decent an education as the children of a wealthy community. Further, if all parts of a region—and particularly the relatively under-developed portions—are to assume a fair share of the burden of providing decent housing, jobs, and education for the region's population, then we must develop a program for relieving the financial pressures on the community subjected to rapid growth. If growth is not to be viewed as unwanted on the grounds that it is too costly, perhaps the costs of new service facilities required to meet the demands of a rapidly increasing population should be met by higher levels of government.

LAND USE PROGRAMS

Suburban Action's land use programs will seek to eliminate restrictive and discriminatory policies and practices in zoning, subdivision requirements, and building codes that effectively exclude low and moderate income families from access to the region's vacant land. Programs will be designed to foster public discussion about the need to open this supply of vacant land to builders and developers who will build housing for disadvantaged groups now confined to central cities. Land use issues will be broadly defined to include questions related to transportation design and planning and their impact on site selection for new residential and commercial-industrial development.

Suburban Action will initiate a series of legal cases challenging the constitutionality of state planning and zoning enabling legislation and the constitutionality of local laws that bar multifamily housing from their jurisdictions. There is, perhaps, no more important task confronting those of us who would have suburban areas serve all classes of the population than defeating the ability of suburban localities to zone out all but the very small portion of the population that can afford to pay the high entrance charge (purchase of a house on an acre or more of land) so many of these localities have established.

On the basis of Douglas Commission finding and the position taken by many experts within the field, we are confident the courts will be far more receptive than in the recent past to challenges to the propriety of local restrictive zoning controls. We think that Suburban Action, along with a number of other organization agencies now vitally concerned with overthrowing exclusionary zoning practices, will be able to effectively demonstrate that both acreage zoning requirements and exclusion of multifamily dwellings deny access to new housing to an overwhelming majority of metropolitan residents.

ZONING TEST CASE

The test case we seek to initiate will be based on a set of assumptions about where an attack on zoning can be most successfully made and on a set of arguments regarding the deleterious consequences of certain forms of zoning. The case will be brought in a jurisdiction that excludes all forms of multifamily housing. It will be brought by a nonprofit developer who has gone to the expense of preparing building plans for substantial numbers of multifamily housing units and who has attempted to have these plans approved by the municipal planning agency and by the municipal building department. To file such plans a developer must own, or have an option on land suitable for development within the municipality. Since the municipality prohibits all multifamily housing, the developer's plans *must* be rejected. It is this rejection which will set the stage for judicial examination of the constitutionality of zoning ordinances prohibiting all multifamily units.

To create the proper constitutional issue, the developer must select an area that is characterized by:

1. Proximity to a large central city containing substantial numbers of unemployed and underemployed workers of Negro and other minority group extraction.

2. An employment base that is growing very rapidly and that contains a substantial number of unfilled jobs requiring unskilled and semiskilled workers.

3. An absence of vacant low and moderate cost units within a reasonable commuting distance from the employment centers.

4. A work force that is compelled to travel long distances in journeying to work.

5. An existing supply of multifamily housing built before the introduction of the ordinance prohibiting all new multifamily housing.

6. Restrictions requiring new single family homes to be constructed on lots of an acre or more.

The argument will be that prohibition of multifamily housing, by establishing a de facto minimum new housing cost of $30,000 within the community, effectively excludes all persons who cannot afford to spend $30,000 for a house, or who may not need the kind of space characteristic of single family housing. The exclusion of such persons, among whom must be numbered the bulk of the Negro and minority communities, will be said to constitute a denial of the equal protection of the laws contrary to the Fourteenth Amendment of the United States Constitution. Plaintiff's brief will lay out the legal claims and then proceed, in the Brandeis tradition, to establish beyond doubt that the social and economic consequences of exclusion adversely affect those individuals and families who could find jobs in the community provided housing opportunities were available. The brief will show that less than 15 percent of the household population in the United States can afford housing at $30,000 and that none of the unemployed and underemployed, who need the kind of jobs available in the municipality, are able to purchase such housing. The brief will then examine the social, political, and economic consequences of sustained unemployment on minority group workers and their families, and it will show the interrelationship between unemployment in central cities and the rising tide of welfare, violence, and social disorganization that has come to characterize ever larger segments of the ghetto population. Finally, the brief will point out the impact of the artificial concentration of minority group families in central cities on the tax base. Decreasing the tax base decreases the ability of cities to provide the kind of public services needed to deal with problems of poverty and social disorganization and to sustain the loyalty of the diminishing middle class, both white and black.

THE WHITE ADVOCATE IN SUBURBIA

Early discussions of the advocate planner's role stressed efforts on behalf of the black and the poor in central cities.[7] Later variations on this theme included the discussion of the advocate role every planner plays in speaking for the interests of a client. Lisa Peattie and others have noted that only a narrow line exists between representation of a client's interests and attempted imposition of the planner's values on his client when he acts as organizer as well as technician in advocate projects in the ghetto.[8]

In Suburban Action's efforts, we assume the role of advocate for an interest that is otherwise unrepresented in suburban planning debates—unrepresented not because it is unorganized, fearful, or voiceless, but unrepresented because it is not there. Consequently, we are speaking for what *we* regard as our clients' interests—in fact, we are speaking for ourselves as white planners who want to see changes in suburban economic, political, social, and physical structure.

Suburban Action represents the institutionalization of a concept concerning one form of advocate planning. This concept emphasizes the role of the planner as a proponent of goals, as an actor concerned with the purposes of the system for which he plans. This view stems from a theory of planning that suggests that at least some planners should more actively espouse purposes than means. It is not a denial of the importance of the planner's technical role where he details effective ways to accomplish given goals. But it does rest on the belief that an essential part of the planning process is the determination of appropriate sets of ends for a system.

A planner concerned with formulation of goals may work to satisfy the needs of his client. As an advocate of his client's interests, he may seek to understand his client's objectives and to put forth as goals his translation of what he believes to be the objectives of his client.

An alternate view of a planner concerned with formulation of goals is one that shows the planner presenting his own ideas in regard to goals. Here the planner is acting to see that a certain social situation is achieved. He does this because he believes it important for one or more reasons, but he does not propose goals in order to satisfy a client. In fact, in this case he has no client other than his own ideology.

TERMS OF THE SUBURBAN DEBATE

Most educated suburban citizens are aware of the national trends toward suburbanization of population and employment. They are also aware of the pressures of population movement on their own communities. The level of public debate on issues of land development in the suburbs, however, falls far below any broad recognition of these trends and their implications for local public policy. Debate on issues of job and housing development in the suburbs revolves almost exclusively around two issues: local taxes, especially school taxes; and racial integration of the existing housing stock.

Urban development policy is not * * * demands for rearranging general trends of population movement * * * it is * * * demands for structural change in the society set against the backdrop of these movements.

The tax issue for the local community is invariably increasing the size of the tax base by inviting in industrial development versus increasing the taxpayers' burden by inviting in additional households with children. Where possible, the solution is to preserve the "character" of the community by inviting in neither jobs nor housing. Next, in order of preference, is bringing in industrial development of the nuisance-free variety. Last on the list is construction of housing for families with children, who must be educated at local expense. The racial issue is the question of whether a Negro homeseeker, looking for a house in a given community, should be permitted equal access with whites to houses on the market.

These debates take place within a purely local, intellectual framework. Each locality assumes that its behavior affects only its own residents. Each local government assumes the burden of protecting the rights and privileges of its own residents only. Unwritten local rules of debate preclude even the mention of the name of the central city in whose metropolitan hinterland the debate is taking place. The farthest afield a liberal discussant can go is to the neighboring suburban community or, at the remotest extension, to the suburban county of which both communities are a part.

A remarkable absence of generalization, abstraction, and recognition of large-scale trends characterizes the tone of public debate in suburban communities. Each citizen is assumed to be competent to discuss the whole range of his town's affairs; every citizen can exercise his voting rights to control the destiny of his community; each citizen is an intimate and valued part of the body politic. In many ways, the suburbanite has achieved the democratic ideal of direct participation in community affairs, of citizen rule, of community control.

SUPPORT FOR SUBURBAN INNOVATION

In this situation, the voice of the advocate for metropolitanwide interests of the poor and the black strikes a jarring note. He speaks for "outsiders," the nemesis of the close-knit community. He speaks against the immediate economic interests of the community. He threatens to tear apart the fabric of local society by including alien elements. Escalating the controversial proposals of local open-housing advocates, he calls for opening not only the existing housing stock but also additional units of low-cost housing, and not only to the black middle class homeseeker but also to lower class renters, white or black, and the unemployed. He speaks in opposition to local concerns for protecting the value of property and keeping tax rates down.

Consequently, in suburbia, the white advocate who addresses himself to changing the beliefs and practices of the white community must look hard to find a local base of support. He can find it in several places: the suburban church; builders and housing developers; some groups within the fair housing movement; and suburban employers of low and moderately skilled workers. These often uncomfortable bedfellows each support certain aspects of Suburban Action's work. Substantial support for the work of the suburban advocate will also come from the foundations, who, like the advocates themselves, have only themselves and their interpretations of the public interest as clients.

We believe that ideological advocate planning that seeks to introduce alternatives in the formulation of policy is a role that many planners should play. Advocacy of this variety can stimulate discussion about policies and programs in ways that public planning agencies, for a variety of reasons, cannot.

FOOTNOTES

[1] Robert Schrank and Susan Stein, "Industry in the Black Community: IBM in Bedford-Stuyvesant," *Journal of the American Institute of Planners*, XXXV, No. 3 (September 1969), 348–51.

[2] The Report of the President's Committee on Urban Housing, *A Decent Home* (Washington, D.C.: GPO, 1969), p. 13.

[3] *Report of the National Advisory Commission on Civil Disorders* (New York: Bantam, 1968), p. 22.

[4] Report of the National Commission on Urban Problems, *Building the American City* (Washington, D.C.: GPO, 1969), p. 3.

[5] *Look*, April 1, 1969, p. 70.

[6] See, Netzer, *The Economics of Suburban Growth* (Stonybrook: State of New York, 1968).

[7] Paul Davidoff, "Advocacy and Pluralism in Planning," *Journal of the American Institute of Planners*, XXXI (November 1965), 331–8.

[8] Lisa R. Peattie, "Reflections on Advocacy Planning," *Journal of the American Institute of Planners*, XXXIV (March 1968) 80–8.

THE OIL IMPORT QUESTION

Mr. HANSEN. Mr. President, I have previously expressed my concern before the Senate over several assumptions upon which recommendations of the oil import task force majority were based.

One of these was the assumption that State regulatory agencies are price-fixing bodies. The regulation of oil and gas conservation by the various producing States is one of the most important and probably the least understood issues of the oil import controversy; and, I might add, one of the most widely misrepresented by those who either do not understand the purpose of State conservation regulation or who purposely distort the facts.

A recent statement by Richard C. Byrd, general counsel for the Interstate Oil Compact Commission, before the subcommittee of the House Committee on Interior and Insular Affairs now holding hearings on the oil import question, is, in my opinion, the clearest, most valid, and best documented explanation I have seen.

As a former Governor-member of the Interstate Oil Compact Commission, I have been seriously concerned, as is Mr. Byrd, with the task force assumption that market demand prorationing as practiced by the States is done for the sole purpose of maintaining or increasing the price of crude oil. In view of the very real threat of losing a substantial part of our known and proven reserves of oil and gas and the virtual destruction of the producing segment of our domestic oil and gas industry should the tariff plan be implemented, I would recommend the statement, as required reading for anyone who needs to know the history, background, purpose and accomplishments of "market-demand prorationing" as one of the essential elements in the oil import controversy.

The legal history is most interesting in that the arguments now advanced against State regulation by some economists were earlier urged upon the courts by oil producers in opposition to State regulation, as pointed out by Mr. Byrd.

The many court decisions including numerous decisions of the Supreme Court of the United States expressed the opinion that State action in oil and gas conservation does not affect the price of oil.

I fully agree with Mr. Byrd's conclusion that the task force assumption, as the purpose of market demand prorationing, is in error and this erroneous assumption makes invalid the conclusions based thereon.

I ask unanimous consent that Mr. Byrd's statement and appendix be printed in the RECORD.

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

STATEMENT OF RICHARD C. BYRD ON BEHALF OF INTERSTATE OIL COMPACT COMMISSION BEFORE THE SUBCOMMITTEE ON MINES AND MINING OF THE INTERIOR AND INSULAR AFFAIRS COMMITTEE OF THE HOUSE OF REPRESENTATIVES, APRIL 6, 1970

Mr. Chairman, and members of the Sub-Committee, I am Richard C. Byrd of Ottawa, Kansas. I am appearing here today as General Counsel for the Interstate Oil Compact Commission. On behalf of Governor Dewey Bartlett, Chairman of the Interstate Oil Compact Commission, I want to thank you for the opportunity of presenting the Compact's views on the very important and vital subject of oil imports. Governor Bartlett requested that I again express his regrets at being unable to appear personally but the press of legislative matters made it impossible.

The Interstate Oil Compact is an agreement among states, initially ratified by six states in 1935. It was approved by the Congress of the United States in that year and has been approved from time to time so that the Compact has continued to be in force since August 27, 1935. The purpose of the Compact is set forth in Section 1 of the Charter, which states:

"The purpose of this Compact is to conserve oil and gas by the prevention of physical waste thereof, from any cause."

Twenty-nine states are now members and four are associate members.[1] In addition, official observers to the Compact have been named by the Department of Defense, Interior, Justice and Federal Power Commission, as well as Venezuela and Colombia and Alberta and Saskatchewan from Canada. These official observers regularly attend the Compact meetings.

The Interstate Oil Compact Commission, whose members are the governors of the signatory states, is the administrative agency that carries out the purpose and functions of the Compact, not by orders or other type of compulsory action, for the Commission has no such power, but by developing and disseminating information relating to an effective conservation program. This is done in frequent meetings open to the public at which conservation problems and remedies are discussed; by reports, studies and documents prepared by standing and study committees; and by publication and distribution of books and other items concerning the conservation of oil and gas.

Since the Interstate Oil Compact, working through the various conservation agencies of the member states, is vitally concerned with oil and gas conservation, I think it important that I point out to the responsible committees of Congress what I consider some very serious misconceptions about state conservation contained in the majority report of the President's Task Force on Oil Import Controls. Throughout the report, reference is made to "market-demand prorationing."[2] Although no basis is cited for the assumption, it is assumed in the majority report that market-demand prorationing, as practiced by the states, particularly Louisiana and Texas, has as its sole purpose the fixing of the price of oil produced in the United States; that this assumption was made is evident from the following language taken from the report:

Paragraph 325, page 88, "Under the existing quota system which fixes precisely the volume of imported crude oil, authorities in states with effective 'market-demand prorationing' . . . principally Texas and Louisiana . . . restrict production to what is needed at the prevailing price and therefore control both price levels and domestic output."

Paragraph 402, page 121, "Second, to control import volume alone is not to ignore price but to put it at the mercy of 'market-demand prorationing,' which sets the marginal volume of domestic production and thus the price. . . ."

Having assumed erroneously that the purpose of market-demand prorationing is to control the price of domestic crude oil, the majority report then concludes that the adoption of the recommended tariffs will eliminate the incentive for market-demand pro-rationing and thereby make available greater volumes of low cost domestic oil in the immediate future. This conclusion permeates the entire majority report. The report states:

Paragraph 325, page 88, "If quotas were retained and only gradually expanded, Texas and Louisiana authorities might restrict production more intensively to maintain both total supply and price. This could not happen so readily with tariff restrictions because a state effort to curtail efficient production in order to maintain or raise prices would call forth greater imports rather than higher prices. It follows that tariffs are more likely to call forth more domestic production with lower cost to the economy than would be available under a quota system.

The same conclusion is again stated in Paragraphs 342a, at page 104:

"The level of U.S. crude production during the early years at any of the illustrated transitions will depend upon the reaction of regulatory officials in the two main producing states, Texas and Louisiana. We anticipate that these officials will allow producers to draw excess capacity into production at the maximum rate the producers find economically feasible, for several reasons. First, substituting a tariff for the present quota should make clear the futility of attempting to maintain prices by restricting production, which would succeed only in attracting greater imports. Second, with no incentive to keep production below the maximum efficient rates, state regulators should be induced to permit production in the lowest-cost manner."

Paragraph 408, page 124 of the report states:

"Texas and Louisiana 'market-demand prorationing' would become pointless if import controls were entirely abandoned or significantly relaxed, with the result that about 1.2 million barrels per day of existing domestic capacity would come into use over about two years. This would more than offset the .5 million barrels per day of high-cost 'stripper-well' production that would go out of production fairly rapidly after a drop in domestic prices to the world level."

This same conclusion was stated by the Chairman of the Task Force in his testimony before the Senate Sub-Committee on Anti-Trust and Monopoly on March 3, 1970, wherein Secretary Shultz stated, in referring to Table C attached to the report:

"As you will see, production (domestic) increases in all cases between now and 1975, and there is relatively little difference in the production forthcoming at high, moderate, and no controls by that date. This is because abandonment of controls would make pointless the present 'market demand prorationing' restraints on efficient production; . . .". (Page 10, prepared statement.)

Later, in his same statement, the Secretary stated:

"It should perhaps be noted again in this connection that in the so-called "$2.50 case" the Report estimates undiminished additions to crude oil reserves, and increased production, between now and 1980. That is because the release of reserve capacity from inefficient market-demand prorationing as practiced by the leading producing states would more than offset the decline in marginal stripper-well production and would stimulate exploration for efficiently producible reservoirs." (Page 17–18, prepared statement.)

It is obvious that the conclusion reached regarding the increase in the availability of domestic production is predicated upon the initial assumption that market demand prorationing as practiced by the states is done for the sole purpose of maintaining and increasing the price of crude oil.

As a former member of the State Regulatory Commission in the State of Kansas and having a degree of familiarity with the state laws pertaining to oil and gas conservation in all of the major oil producing states, I know

Footnotes at end of article.

that this assumption as to the purpose of market demand prorationing is an error. In my opinion, this erroneous assumption makes invalid the conclusions based thereon.

Each state has a direct, economic social and vital interest in the exploration, development and conservation of its natural resources. Each state also has the responsibility under statutory and constitutional provisions to protect the correlative rights of the many mineral interest owners. It is to carry out these responsibilities and the prevention of physical waste that has caused the states to impose limitations on production. Let me state again, the reasons for production limitations on oil and gas is to enable the states to fulfill their constitutional and statutory obligations of protecting the correlative rights of the mineral owners and to prevent physical waste. The price of crude oil has nothing to do with it and in fact, the states are prohibited by statute from taking price into consideration in limiting production. The contention that prorationing is done to influence the price of crude oil was made in the courts, both state and federal, in the middle or late 1930's. Ironically, in those cases the arguments now advanced against state regulation by some economists were then urged upon the courts by oil producers in opposition to state regulation. As was stated by United States Supreme Court in the case of *Champlin Refining Co.* vs. *Corporation Commission*, 286 US 210.

"Plaintiff insists that it has a vested right to drill wells on the lands covered by its leases and to take all the natural flow of oil and gas therefrom so long as it does so without physical waste and devotes the production to commercial uses. But if plaintiff could take all the flow of its wells, there would inevitably result greater physical waste, even if its entire production should be devoted to useful purposes. The improvident use of natural gas pressure inevitably attending such operations would cause great diminution in the quantity of crude oil ultimately to be recovered from the pool. Other lessees and owners of land above the pool would be compelled, for self protection against plaintiff's taking, also to draw from the common source and so to add to the wasteful use of lifting pressure, and because of the lack, especially on the part of the non-integrated operators, of means of transportation or appropriate storage and of market demand, the contest would, as is made plain by the evidence and findings, result in surface waste of large quantities of crude oil."

In another portion of the same opinion the Supreme Court stated:

"None of the Commission's orders have been made for the purpose of fixing the price of crude oil or has had that effect . . . In each case the Commission has allowed to be produced the full amount of the market demand for each pool. . . . It was not shown that the Commission intended to limit the amount of oil entering interstate commerce for the purpose of controlling the price of crude oil or its products or of eliminating plaintiff or any other producer or refiner from competition, or that there was any combination among plaintiff's competitors for the purpose of restricting interstate commerce in crude oil or its products or that any operator's committee made up of plaintiff's competitors formulated the proration orders."

The court later stated,

"We put aside plaintiff's contentions resting upon the claim that Section 2 or Section 3 authorizes or contemplates directly or indirectly, regulation of prices of crude oil. . . . The court found that none of the proration orders here involved were made for the purpose of fixing prices. The fact that the Commission never limited production below the market demand . . . strongly support the finding that the orders assailed have not had that effect."[3]

In the cited case, as in many of the other earlier cases, it was producers contesting the Commission's proration orders on the basis that they were price-fixing schemes. The courts consistently found from a review of all the evidence, that the Commission's orders were to carry out the purposes of the statutes, i.e. the prevention of waste and the protection of correlative rights.

The market demand statutes of the states of Louisiana and Texas do not authorize what some critics claim—that the statutes authorize the regulatory agencies to establish arbitrarily allowables above or below the reasonable market demand applicable to the state for the purpose of affecting price or shifting market from state to state or to dictate how much oil or gas a purchaser is required to take or purchase in any state. To do this, the regulatory agency would violate the statute. The authority of the regulatory agency is to determine as a fact what is the reasonable market demand for production from the state and to limit production to that demand. The agency does not create or control the market demand. That is a matter determined by market needs, requirements and competition.

To fully appreciate the need for the limitation of production to protect the correlative rights of the interest owners, one must understand the nature of oil and gas in the reservoir and the law regarding its capture prior to conservation statutes. The rule of capture, which is a common law rule applicable in most states, and especially in Texas and Louisiana, is defined by one legal digest as follows:

"Oil and gas, as commonly found in underground reservoirs, are securely trapped in a static condition in the original pool and, ordinarily, so remain until disturbed by penetration from the surface. Nevertheless, it is recognized that oil and gas will migrate across property lines toward any low pressure area created by production from the common pool; this migratory character has given rise to the so-called rule of capture. As it has sometimes been viewed, the rule merely declares that the owner of a tract of land acquires title to the oil or gas that he produces from wells on his land, even though part of the oil and gas may have migrated from adjoining lands, without incurring liability to the adjoining landowner for drainage." (38 AmJur 2d Sec. 5)

Thus, we start with the proposition that each of the owners of lands lying over an oil field has the right to drill wells into the common reservoir and he owns all of the oil produced from them, regardless of whether he caused it to migrate from neighboring lands. The only protection which the rule of capture provides for his neighbors, is for them to do likewise; that is, to drill offset wells and operate the offset wells at rates sufficient to protect the properties on which they are located against drainage.

The law implies a covenant on the part of the lessee to protect the lease premises against drainage. If the lessee fails to drill enough offset wells or fails to operate his wells at adequate rates to protect the lease against drainage, the landowner not only may but often does sue for damages for failure to protect against drainage and for cancellation of the lease.

The surface overlying oil reservoirs is frequently owned in separate parcels by numerous individuals. The ownership of leases covering the tracts in oil fields is as fragmented as the ownership of the tracts covered by the leases. Before prorationing, major refiners whose pipelines were connected only to their own leases could, and did, produce all of the refiners' requirements from their own wells. This meant that the producers who had no refineries were without a market for their oil. Why should an integrated producer "A", who has its own production in field "X", buy from producer "B", who owns leases in the same field? For each barrel of his own production "A" only pays his lifting cost and a royalty. If he buys the same barrel from "B", he has to pay 100% of the sales price. This is especially true if "A" can drain the barrel from "B's" leases and produce it himself.

Under the rule of capture, non-integrated producers without a market were required to protect their properties against drainage and as a result, they had to produce their leases. The non-integrated producers could not afford to build enough field tankage to store their oil so they stored it in earthen pits. This led to the wastage of large volumes of oil.[4] It is important to realize that in the absence of proration the rule of capture causes an oil field to be operated like an automobile with an accelerator but without a brake. To my knowledge, no other industry operates in such an economic climate. If any one lease in a field is opened up and produced at capacity, then all of the other leases have to be operated in the same manner, regardless of the consequences.

Faced with the obligation of preventing unreasonable discrimination in production among the pools within a state, some states enacted what are called "common purchaser statutes." The states operating under these statutes attempted to require crude oil purchasers to purchase the allowables assigned by the state. These efforts to require the purchase of the allowable production were held invalid by the courts.[5]

Thus, it can be seen that the states, in order to protect the property rights of the owners of oil and gas, cannot order a purchaser to buy oil. It must, then, limit the available production so that the requirements of the purchaser necessitate his purchasing production from leases other than his own. What the authors of the majority report ignored was that market-demand prorationing has the incidental effect of making a market available for producers who would not otherwise have one. On the one hand it restricts the extent to which they can exercise their right to capture, and on the other, it requires the purchasers to purchase from non-integrated producers to the extent that their requirements cannot be met elsewhere; that is to say, from their own production.

Under market-demand prorationing, no one tells any purchaser from whom to buy or how much. Regulation itself stops with saying how much can be produced. But if no more is permitted to be produced than the demand, all of the allowable will be bought. For example, if "X" wants to purchase 10,000 barrels per day in Texas and the allowables from its own wells total 6,000 barrels per day, "X" will purchase 4,000 barrels from other producers wherever it is available.

The majority report not only erroneously assumes that the purpose of market-demand prorationing is the fixing of price but fails to recognize the true purpose of prorationing, the protection of correlative rights, the prevention of waste. These legal responsibilities will remain irrespective of the type of import control program adopted by the federal government. In fact, if imports are increased disproportionately to the increase in demand, greater limitations must necessarily be imposed on production in order to accomplish the mandates of the respective state statutes.

The majority report also assumes excess producing capacity in the United States above MER of 1.7 million barrels per day. I share the opinion of Mr. William Murray,

Footnotes at end of article.

Jr., who testified before this committee on March 7, 1970, that this estimate is erroneous. Schedule "A" attached to the appendix of my remarks shows, by months, the daily average production, allowables, nominations, and/or estimates of the Bureau of Mines, for the five principal market-demand proration states for the years 1967, 1968 and 1969. Three of these states, New Mexico, Kansas and Oklahoma, admittedly are producing at 100% MER and have been for months. An examination of the summaries on Schedule "A" show that in each market-demand prorating state the permissive allowables assigned by the state exceeded the actual production from the states. These statistics further refute the contention that market-demand prorationing is a price fixing device.

When the various states adopted their oil and gas conservation legislation they, in effect, took away from the producer the right he had under common law to protect himself. Consequently, the state, in administering a conservation statute, must provide protection through its regulations for each producer or its actions will deprive the producer of his property without due process of law and also take his property without just compensation. Regardless of whether a particular proration order is for the purpose of preventing physical waste or for the purpose of preventing production from exceeding the market demand, both of which are waste prevention measures, the restriction must be imposed in such a manner as to give each producer the opportunity of producing his leases concurrently and proportionately with the other leases in the field and by that means protect his leases against drainage. If the regulation does not accomplish these objectives it is unconstitutional. So whether one regulates a given field on the basis of market demand, where the demand is less than the "maximum efficient rate" (MER), of the field, or on the basis of MER alone, it is still necessary to prorate.

Not being an economist I am not qualified to say that the balancing of supply and demand does or does not affect price but I do say that not one state statute evinces any intention to regulate or affect the price of oil. The same is true of the many court decisions regarding those statutes. These include numerous decisions of the Supreme Court of the United States. These decisions are based on facts determined from sworn testimony and often the issue to be determined by the court involved the contention that the orders of the State Commissions were unlawful attempts to obstruct commerce or fix prices. In addition, the Justice Department which by law must annually report to Congress on the functions of the Interstate Oil Compact Commission, has on several occasions expressed the opinion that state action in oil and gas conservation does not affect the price of oil. The 1959 report signed by then Attorney General William P. Rogers, now a member of the President's cabinet, stated:

"No 'shortage' of oil created by state action could be held responsible for any price movement. Considering the complex and varying basis of decisions faced by each of the state agencies and the constant pressure of local producers to be allowed the fullest share of production, the task of prorating to achieve a desired price level would be virtually impossible."[6]

Before concluding let me say that there are many other facets of the majority report with which I disagree. I have discussed the one about which I feel most qualified to express an opinion. The Interstate Oil Compact Commission has spent 35 years in studying the regulatory systems of the individual states and their effect on the petroleum industry. Information is constantly supplied to the states to assist them in the improvement of the conservation laws and practices. Technological know-how and compatible conservation regulations are constantly improving. These improvements are not for the purpose of fixing or stabilizing the price of oil. They are for the purpose of preventing physical waste of the natural resource and to protect the property rights of the individuals involved. To formulate a drastic change in the federal policy on oil import controls on the erroneous assumption that state regulation of the petroleum industry is done for the purpose of fixing the price of domestic oil production, is illogical and completely unjustified.

Footnotes at end of article.

APPENDIX

1. Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, West Virginia, Wyoming—Associates: Georgia, Idaho, Oregon and Washington.

2. (Index p. 397) Prorationing, Market Demand (See also Excess Capacity), 207e, 208a N.17, 325, 342a, 402, 408, 421; D3a, D6, D15–20.

3. *Danciger Oil & Refining Co. of Texas v. Smith,* 4 Fed Supp 236.

"In short, this is a case in which proration itself is contested on the ground that the facts in evidence conclusively establish that a general limitation on production, so as to require wells to ratably produce, has no tendency whatever to prevent waste.

"Plaintiffs assert that the only valid limitations on ther production which the commission ought to or can make would be to require the use of a proper gas oil ratio, and to supervise the field operations to prevent the use of wasteful production methods there. They say that the evidence is conclusive, that there will be no waste whatever if all the wells are allowed to flow to the full capacity permitted by a proper gas oil ratio, and that a finding to the contrary is capriciously arbitrary; that there is ample market demand and transportation facilities for all of the production which under such ratio the wells will produce, and that for these reasons an order limiting the oil to any fixed amount must be regarded as merely arbitrary and without relation to the powers conferred.

"(4–6) We agree with defendants. In People's Petroleum Producers v. Smith (D.C.) 1 F. Supp. 361; People's Pet Producers v. Sterling (D.C.) 60 F.(2d) 1041, and cases cited, we have definitely sold so as to underground waste. No reason presents itself to us for thinking that the Legislature of Texas has less power to prevent waste overground than if has to prevent it underground. Nor do we have any doubt that the enactment of subdivision (k) was intended to, or that it did, fully empower the commission to prevent such excess production beyond transportation and market facilities as would result in the physical waste of the oil by evaporation or otherwise, or the energy by which it is brought to the surface and saved. At the same time we are equally without doubt that the Legislature did not intend, by that subdivision, to authorize, that it has not authorized, the Railroad Commission to limit the production of oil from Texas to any figure arrived at either arbitrarily, or by arrangement or agreement, as a part of a scheme of controlling production to control prices. Whether the Legislature under the state and Federal Constitutions could confer such authority upon the commission we are not now called upon to say. That question is not before us. What we do find is that nothing in subdivision (k), nor in any other provision of the act as it now stands, purports to confer such authority upon the commission, and certainly, without such authority having been definitely conferred, the commission may not exercise it.

4. *Champlin Refining Co.* v. *Corporation Comm.,* 286 US 210, 233; Report of the Attorney General Pursuant to Section 2 of the Joint Resolution of August 7, 1959, Consenting to an Interstate Compact to Conserve Oil and Gas, dated May 15, 1963. Robert F. Kennedy, Attorney General, pages 7, 8, 14, 15.

"But by the late 1920's, the wastes of 'open flow' production achieved status as a national problem.

"Basic to this problem was the 'rule of capture.' Surface boundaries rarely coincide with oil reservoirs. The common-law 'rule of capture' allowed each surface owner as much oil and gas as he could 'capture' from the reservoir, whether it originally lay beneath his or his neighbor's land. Each new field discovery then meant an intense competition to produce first and fastest, each producer seeking to get the oil above-ground before he lost it to the adjoining producer.

"In that competition, the integrated producer-refiner had a considerable economic advantage. With pipeline and refining facilities, the integrated company could realize fully and immediately on its own production. Its nonintegrated neighbor could stand by while the oil drained from his land, or could produce as rapidly as possible for sale at any price, storing unsold production in diked open field pits. Thus, each new field was a repetition of waste in oil, pollution of water sources, and extreme hazard of fire and explosion. And each new discovery produced under such circumstances set up wide fluctuation in price levels, with crude selling at 10–25 cents per barrel in the early days of East Texas flush flow.

"Besides visible physical and economic waste, the production race entailed even greater underground losses. Open flow production, venting gas produced with the oil, quickly destroyed the equilibrium of pressures in the reservoir and increased the viscosity of the oil. Fields so mishandled become quickly unproducible, leaving 85–90% or more of the original oil in place, still untouched and unrecoverable. . . ."

". . . The discovery of giant fields in Oklahoma and Texas, especially the tremendous East Texas fields in 1931, escalated the local cycle of glut, waste, wide price swings and rapid depletion to the status of a serious national problem. . . .

"Like the MER concept, rules requiring ratable take within a reservoir seem beyond question essential to end the gross waste in oil production which evoked the need for conservation. And, while both MER and 'ratable take' requirements do level out the flow from individual fields and thus diminish the 'boom or bust' cycles, they leave national and regional supply and price generally responsive to competitive market conditions. . . .

". . . Clearly this market control was not a surreptitious or illegal affair, aimed at 'fixing' prices at a particular level. Rather the States concerned were operating to support and stabilize crude oil markets, and therefore prices, in furtherance of the objectives of relevant Federal and State law. . . ."

The United States Oil Policy, John Ise, Ph.D., L.L.B., Professor of Economics of the University of Kansas, New Haven-Yale University Press, 1926.

5. *Gulf Oil Corporation v. State,* 360 P. 2d 933 (Oklahoma); *Thompson v. Consolidated Gas Utilities Corporation,* 300 US 55.

6. See also May 15, 1963 Report, *supra,* Fourth Report at page 61, and Third Report at pages 22–30.

[From the conservation agencies of the respective States and the Bureau of Mines]

SCHEDULE A

(A comparison by month for the years 1967, 1968, and 1969 of the allowables set by the State conservation commissions of the States of Texas, Louisiana, Oklahoma, New Mexico, and Kansas to the actual production of those States and Purchaser Nominations or Bureau of Mines estimates)

STATE OF TEXAS

Date	Bureau of Mines estimate	Allowable set by State commission	Actual production
1967			
January	2,960,000	3,371,926	2,869,391
February	2,950,000	3,248,928	2,839,210
March	2,860,000	3,222,638	2,804,032
April	2,805,000	3,133,807	2,767,848
May	2,830,000	3,089,499	2,719,263
June	2,880,000	3,153,979	2,785,267
July	2,990,000	3,847,827	3,176,326
August	3,500,000	4,088,645	3,333,671
September	3,525,000	3,721,032	3,102,446
October	3,105,000	3,489,634	3,019,013
November	3,140,000	3,412,080	2,946,214
December	3,160,000	3,349,909	2,916,948
1968			
January	3,160,000	3,624,762	3,027,224
February	3,170,000	3,754,238	3,138,226
March	3,090,000	3,769,443	3,141,139
April	3,040,000	3,582,535	3,066,102
May	3,040,000	3,526,047	3,021,378
June	3,015,000	3,454,677	2,983,004
July	3,030,000	3,539,521	3,004,960
August	3,025,000	3,455,380	2,947,732
September	2,975,000	3,312,391	2,852,067
October	2,900,000	3,110,803	2,848,565
November	2,950,000	3,152,283	2,832,579
December	3,015,000	3,167,653	2,804,015
1969			
January	3,185,000	3,292,489	2,873,612
February	3,235,000	3,285,072	2,851,997
March	3,120,000	3,400,293	2,898,992
April	3,120,000	3,574,527	2,997,567
May	3,200,000	3,753,921	3,081,248
June	3,275,000	3,751,665	3,263,232
July	3,280,000	3,451,923	3,070,090
August	3,300,000	3,353,707	3,034,282
September	3,255,000	3,335,060	3,017,383
October	3,215,000	3,353,868	3,045,683
November	3,235,000	3,337,734	3,028,754
December	3,270,000	3,654,188	3,220,602

Summary:	1967	1968	1969
Daily average allowable	3,427,492	3,454,144	3,462,037
Daily average production	2,939,969	2,972,249	3,031,953
Allowable in excess of production, barrels per day	487,523	481,895	430,084

Note: All figures are barrels per day.

STATE OF LOUISIANA

Date	Bureau of Mines estimate	Purchaser nominations	Allowable set by State commission	Actual production
1967				
January	1,810,000	1,700,301	1,801,082	1,722,525
February	1,805,000	1,700,301	1,801,082	1,735,883
March	1,785,000	1,729,979	1,753,246	1,693,246
April	1,770,000	1,729,979	1,753,246	1,701,567
May	1,815,000	1,723,012	1,718,048	1,669,380
June	1,900,000	1,723,012	1,718,048	1,769,243
July	1,980,000	1,749,921	1,956,918	2,007,803
August	2,300,000	2,160,238	2,252,431	2,107,482
September	2,320,000	2,243,071	2,299,596	1,946,708
October	2,100,000	2,059,953	2,062,611	1,909,149
November	2,150,000	1,977,234	1,970,489	1,912,869
December	2,170,000	2,009,442	2,023,595	1,897,717
1968				
January	2,170,000	2,007,271	1,988,290	1,875,479
February	2,185,000	2,019,699	2,067,540	2,011,894
March	2,140,000	2,167,615	2,106,683	1,967,518
April	2,120,000	2,105,187	2,052,728	1,852,597
May	2,120,000	1,984,097	2,034,954	1,984,756
June	2,110,000	1,983,484	2,034,954	1,972,796
July	2,130,000	2,015,738	2,073,782	1,965,695
August	2,140,000	2,001,897	2,073,782	2,005,105
September	2,100,000	1,891,387	2,001,255	1,933,798
October	2,080,000	1,885,900	1,999,431	1,889,406
November	2,105,000	1,877,437	1,976,085	1,912,304
December	2,150,000	1,856,949	1,976,085	1,918,909
1969				
January	2,225,000	1,877,791	1,977,026	1,868,975
February	2,270,000	1,816,540	1,977,026	1,883,360
March	2,165,000	1,946,400	2,075,631	1,980,380
April	2,165,000	1,984,087	2,133,244	2,038,849
May	2,225,000	2,045,601	2,186,495	2,075,209
June	2,300,000	2,072,927	2,244,430	2,077,849
July	2,320,000	2,010,396	2,146,876	2,028,455
August	2,340,000	2,016,529	2,146,876	1,854,871
September	2,325,000	1,986,108	2,146,876	2,040,009
October	2,305,000	1,998,991	2,146,876	1,945,305
November	2,325,000	1,991,599	2,132,333	2,069,794
December	2,340,000	2,083,136	2,223,006	2,084,228

Summary:	1967	1968	1969
Daily average allowable	1,925,866	2,032,130	2,128,058
Daily average production	1,839,464	1,940,871	1,828,940
Allowable in excess of production	86,402	91,295	299,118

Note: All figures are barrels per day.

STATE OF OKLAHOMA

Date	Bureau of Mines estimate	Allowable set by State commission	Actual production
1967			
January	615,000	635,000	646,599
February	615,000	648,000	651,671
March	610,000	640,000	650,674
April	610,000	630,000	630,942
May	615,000	620,000	625,065
June	620,000	620,000	617,978
July	625,000	650,000	628,156
August	660,000	650,000	632,277
September	660,000	650,000	627,281
October	625,000	640,000	629,086
November	630,000	640,000	627,170
December	630,000	630,000	614,282
1968			
January	630,000	630,000	604,159
February	630,000	630,000	618,196
March	620,000	630,000	620,915
April	615,000	630,000	628,163
May	615,000	630,000	613,758
June	610,000	630,000	610,787
July	615,000	630,000	614,677
August	610,000	630,000	614,699
September	610,000	630,000	610,558
October	605,000	630,000	606,605
November	610,000	620,000	610,746
December	615,000	620,000	612,007
1969			
January	625,000	620,000	615,845
February	630,000	620,000	619,986
March	620,000	620,000	609,839
April	615,000	620,000	626,783
May	620,000	620,000	610,875
June	625,000	620,000	617,395
July	625,000	620,000	608,696
August	625,000	620,000	607,468
September	620,000	620,000	617,408
October	620,000	610,000	611,737
November	620,000	610,000	606,863
December	625,000	610,000	618,279

Summary:	1967	1968	1969
Daily average allowable	637,750	628,333	617,500
Daily average production	631,765	613,772	614,264
Allowable in excess of production, barrels per day	5,985	14,561	3,236

Note: All figures are barrels per day.

STATE OF NEW MEXICO

Date	Bureau of Mines estimate	Purchaser nominations	Allowable set by State commission	Actua production
1967				
January	340,000	351,122	423,980	334,080
February	340,000	353,658	424,235	338,948
March	335,000	344,381	424,596	334,400
April	330,000	337,486	420,571	328,809
May	330,000	335,064	399,710	325,997
June	335,000	335,705	387,740	320,358
July	340,000	338,763	390,276	319,934
August	360,000	350,178	406,243	333,790
September	360,000	356,296	422,954	341,050
October	330,000	351,659	409,888	334,541
November	335,000	351,299	409,354	333,065
December	340,000	350,561	415,423	325,465
1968				
January	340,000	354,298	419,932	329,395
February	340,000	359,639	432,450	333,325
March	335,000	361,782	440,265	336,254
April	330,000	358,367	422,108	335,901
May	335,000	356,810	429,751	334,926
June	330,000	354,122	434,198	330,272
July	335,000	350,868	431,944	331,893
August	330,000	353,446	435,401	334,216
September	330,000	346,730	430,032	337,765
October	325,000	349,688	433,390	340,401
November	330,000	347,381	428,113	338,265
December	335,000	350,827	432,427	332,482
1969				
January	350,000	353,654	442,175	337,827
February	355,000	349,583	448,545	337,939
March	350,000	354,063	461,106	330,962
April	345,000	359,107	443,656	338,156
May	350,000	360,777	426,933	339,562
June	355,000	365,274	443,301	342,504
July	355,000	361,270	437,745	337,453
August	355,000	349,996	438,972	332,574
September	350,000	366,150	435,143	337,782
October	350,000	382,260	455,010	345,782
November	355,000	388,573	452,456	344,676
December	355,000	402,677	435,258	342,928

Summary:	1967	1968	1969
Daily average allowable	411,247	430,834	443,358
Daily average production	330,869	334,591	339,012
Allowable in excess of production, barrels per day	80,378	96,243	104,346

Note: All figures are barrels per day.

STATE OF KANSAS

Date	Bureau of Mines estimate	Purchaser nominations	Allowable set by State commission	Actual production
1967				
January	290,000	292,298	300,000	277,113
February	285,000	289,463	300,000	278,285
March	280,000	288,694	290,000	280,228
April	280,000	290,296	290,000	271,510
May	280,000	291,797	290,000	275,688
June	285,000	292,274	290,000	274,176
July	285,000	291,517	290,000	266,746
August	290,000	292,761	290,000	273,384
September	290,000	290,524	290,000	268,290
October	275,000	290,276	280,000	267,520
November	275,000	289,939	280,000	269,180
December	275,000	289,068	280,000	259,740
1968				
January	275,000	288,975	280,000	263,314
February	270,000	287,576	275,000	267,166
March	265,000	290,690	275,000	261,576
April	265,000	281,140	275,000	267,613
May	265,000	280,915	275,000	261,837
June	265,000	276,298	275,000	257,625
July	265,000	274,122	275,000	259,817
August	260,000	272,067	270,000	252,663
September	260,000	272,096	270,000	259,933
October	260,000	270,215	270,000	255,420
November	260,000	265,080	265,000	249,753
December	260,000	266,819	265,000	242,458
1969				
January	260,000	266,606	265,000	240,421
February	260,000	255,016	265,000	246,849
March	250,000	258,541	265,000	242,378
April	250,000	260,292	265,000	247,864
May	250,000	261,938	265,000	246,074
June	250,000	256,930	265,000	243,215
July	245,000	260,513	260,000	244,972
August	245,000	259,082	260,000	239,860
September	245,000	258,663	260,000	245,589
October	245,000	259,550	260,000	238,468
November	245,000	260,048	260,000	239,221
December	245,000	259,487	260,000	242,267

	1967	1968	1969
Summary:			
Daily average allowable	289,166	272,500	262,500
Daily average production	271,821	258,264	243,098
Allowable in excess of production, barrels per day	17,345	14,236	19,402

Note: All figures are barrels per day.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

U.S.-U.S.S.R. POLITICAL EXCHANGE PROGRAM

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 771, S. 3127.

The PRESIDING OFFICER (Mr. GRIFFIN). The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 3127) to provide for the exchange of governmental officials between the United States and the Union of Soviet Socialist Republics.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with an amendment to strike out all after the enacting clause and insert:

That the Mutual Educational and Cultural Exchange Act of 1961 is amended by—

(1) inserting between the title and section 101 of such Act the following:

"TITLE I—EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM";

(2) striking out the words "this Act" wherever they appear in sections 101 through 111 of such Act and inserting in lieu thereof the the words "this title"; and

(3) adding at the end thereof the following new title:

"TITLE II—UNITED STATES-UNION OF SOVIET SOCIALIST REPUBLICS POLITICAL EXCHANGE PROGRAM

"SEC. 201. It is the purpose of this title to promote greater understanding between the United States and the Union of Soviet Socialist Republics by providing for the exchange of governmental officials of those nations.

"SEC. 202. For the purposes of this title—

"(1) 'elected official' means—

"(A) a Member of the House of Representatives or the Senate;

"(B) the Governor of any of the several States of the United States;

"(C) the mayor or, if no mayor, the head of the governing body, of (i) the capital city of each State of the United States, and (ii) the largest city in each such State other than the capital city;

"(D) the chief presiding officer of each house of a State legislature; and

"(E) the majority leader and the minority leader of each house of a State legislature;

"(2) 'Soviet Union' means the Union of Soviet Socialist Republics;

"(3) 'program' means the United States-Union of Soviet Socialist Republics Political Exchange Program;

"(4) 'Secretary' means the Secretary of State; and

"(5) 'Committee' means the Advisory Committee on the United States-Union of Soviet Socialist Republics Political Exchange Program.

"SEC. 203. (a) The Secretary is authorized to conduct a United States-Soviet Union Political Exchange Program which shall provide for the following:

"(1) Each person who is an elected official on the date of enactment of this title and the spouse of each such official, if traveling with the elected official, shall be eligible, while still holding his elected office, to be paid, in accordance with priorities established by the Committee and in accordance with paragraph (4) of this subsection, for one trip abroad which includes travel to the Soviet Union and which is made within five years after the date of enactment of this title.

"(2) Any successor in office of an elected official referred to in paragraph (1) of this subsection, and the spouse of such successor, is eligible, while serving in such office as a successor, to be paid, in accordance with priorities established by the Committee and in accordance with paragraph (4) of this subsection, for one trip abroad which includes travel to the Soviet Union which is made within five years after the date of enactment of this title.

"(3) The total number of elected officials and their successors eligible for payment for travel under the provisions of this title shall not exceed one thousand.

"(4) Payment under this section shall not exceed the round trip cost by air of the elected official and accompanying spouse between his State of residence or Washington, District of Columbia, to any place in the Soviet Union, the cost of travel within the Soviet Union and an allowance of $50 a day for the elected official not to exceed fourteen days and $20 a day for an accompanying spouse.

"(5) Prior to departure from the United States and in order to receive a payment authorized by this subsection, each elected official or successor in office, and accompanying spouse, shall receive a briefing about the Soviet Union and the relations of the United States with the Soviet Union. The briefing shall be conducted by the Department of State after consultation and in cooperation with the Committee.

"(b) (1) As a part of the program, the Secretary, after consultation with the Committee, and with the approval of the President, may—

"(A) pay for the cost of arranging the itinerary of not to exceed one thousand officials of the Supreme Soviet, the Council of Ministers, the Central Committee of the Soviet Union, the principal officials of the constituent republics of the Soviet Union, the heads of the governing bodies of the one hundred largest cities of the Soviet Union, and the spouses of such officials, traveling to the United States; and

"(B) conclude any necessary arrangement with the Soviet Union to carry out the provisions of this title, and such arrangements may provide, on a reciprocal basis, for the payment of expenditures by the government of the nation where the expenditures are incurred.

"(2) No travel to the Soviet Union by elected officials under subsection (a) shall be dependent upon the conclusion of any agreement or arrangement under this subsection.

"SEC. 204. In order to carry out the provisions of this title, the Secretary is authorized—

"(1) to obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code;

"(2) to enter into contracts or other arrangements, or modifications thereof, without legal consideration, without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or other provisions of law relating to competitive bidding;

"(3) to make advance, progress, and other payments deemed necessary under this title without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529);

"(4) to furnish to the Committee, to the maximum extent practicable, such staff, office facilities, furniture, equipment, and supplies as the Chairman considers necessary to carry out the functions of the Committee;

"(5) to determine, in consultation with the Committee, the character of and the necessity for obligations and expenditures under the program, and the manner in which they shall be incurred, allowed, and paid, subject to the provisions of this title; and

"(6) to take such other action as may be necessary.

"SEC. 205. (a) There is hereby established an Advisory Committee on the United States-Union of Soviet Socialist Republics Political Exchange Program.

"(b) The Committee shall be composed of not to exceed five members appointed as follows:

"(1) three Members of the Congress, appointed as follows:

"(A) one Member of the Senate, to be appointed by the President of the Senate;

"(B) one Member of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

"(C) one Member from either House of Congress appointed by agreement of the President pro tempore of the Senate and the Speaker of the House of Representatives; and

"(2) not to exceed two other persons, chosen from among persons who are (A) former United States Ambassadors to the Soviet Union, or (B) otherwise qualified by training or experience as authorities with respect to the Soviet Union or exchanges with the Soviet Union, to be appointed by the President and to serve at his pleasure.

"(c) The Committee shall elect a Chairman from among its members.

"(d) The Committee is authorized to adopt such rules and regulations as it may deem necessary to carry out the authority conferred upon it by this section.

"(e) The Committee shall establish priorities with respect to payments to elected officials for trips abroad under the program and shall consult with, and make recommendations to, the Secretary of State, in connection with the program, with respect to—

"(1) itineraries, interpreters, the exchange of currencies, and other related details of travel under such program;

"(2) provisions to accommodate the personal and professional interests of persons participating in the program;

"(3) matters to be covered in the briefing administered by the Secretary under the program; and

"(4) such other matters as the Committee deems necessary to conduct the program.

"(f) The Committee shall submit a report three years after the date of enactment of this title evaluating the program, giving particular attention to means by which it might be improved, and making such findings and recommendations as it deems necessary. The Committee shall submit a final report not later than five years after such date.

"SEC. 206. Unless legislation is enacted providing otherwise, the program shall terminate and the Committee shall cease to exist ninety days after the Committee submits its final report.

"SEC. 207. In order to carry out this title, there is authorized to be appropriated not to exceed $5,000,000 to remain available until expended.

"SEC. 208. This title shall take effect on the 1st day of February 1971."

PRIVILEGE OF THE FLOOR

Mr. GRAVEL. Mr. President, I ask unanimous consent that Donald Lesh, a member of my staff, be permitted access to the floor.

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

Mr. BYRD of West Virginia. Mr. President, I suggest the absense of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAVEL. 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. GRAVEL. Mr. President, I send to the desk some amendments to the pending bill. They are technical amendments.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk proceeded to read the amendments.

Mr. GRAVEL. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with and that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendments will be printed in the RECORD.

The amendments are as follows:

On page 13, line 11, insert after the word "report" the following: "to the President and the Congress".

On page 13, line 16, insert after the word "report" the following: "to the President and the Congress".

On page 13, between lines 16 and 17, insert the following new subsection:

"(g)(1) Members of the Committee who are otherwise employed by the Federal Government shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Committee.

"(2) Members of the Committee not otherwise employed by the Federal Government shall receive compensation at the rate of $100 per day (including travel time) for each day they are engaged in the performance of their duties as members of the Committee and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Committee".

Mr. GRAVEL. Mr. President, by way of explanation, there are three amendments. One refers to the reports of the Advisory Committee. It is not quite clear in the bill to whom the reports will be rendered. It merely states that the reports, which will be presented at the end of 3 years, and the end of 5 years, be rendered to the President and to Congress.

The other is to make the language very clear that there would be no compensation to the five members serving on the Advisory Committee, except for reimbursement of expenses, and to entitle the two experts on the Soviet Union who would be serving on the committee to receive consultants fees, if that is approved by the State Department.

The third is to change the mispelling of the word "arrangement" on page 10 line 12 of the bill, as reported by the Foreign Relations Committee. The proper spelling should be "arrangements" to correspond with the remainder of that section.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

Mr. GRAVEL. Mr. President, I would like to make a few brief comments, and then I shall be happy to yield the floor or answer any kind of question Senators many have. Let me say that this is not a complicated bill. It is one which is simple to a fault. It merely asks that we have exchanges between the leaders of the Soviet Government and the American Government, that this exchange take place over a 5-year period, and that there be a great deal of flexibility in these exchanges so that people can arrange their schedules to visit when it is most beneficial to them and, thereby, permit them to look into areas of special interest on their trip.

If I could characterize the bill in one statement, and cite one purpose, it would be simple; namely, to promote better understanding.

That is the purpose of the bill.

If we can promote better understanding between the Soviet Union, which is a super power, and this country, which is also a super power, I think we will have acomplished a great deal, not the least of which might be the survival of man on earth.

Certainly the conflicts we have with the Soviet Union in Europe, in the Middle East, in Southeast Asia, and in Asia have been costly to this Nation as well as to the Soviet nation. Therefore, if better understanding can decrease our costs in this regard, the very small expenditure contained in the bill will be extremely worthwhile.

Mr. President, to communicate is the beginning of understanding. We cannot communicate with the Soviet Union if we are constantly at odds and loggerheads with them.

I can add no more than to mention the cliche, so acceptable in our culture and society today, that a picture is worth a thousand words.

If that is true, then I say a visit is worth a million pictures.

Now what people will see, either in the United States or the Soviet Union, as a result of this exchange, will not all be good. They will see both good and bad in this country, and we will see good and bad in theirs. But, what we will see will be real. This is something that is vitally important for those who make the decisions.

When I speak of preparation to make decisions, I would draw a comparison to Senators who cast votes here on dams which affect their constituents or on highways which affect their constituents, or to committees that travel to various parts of the country and to other places in the world to make on-site inspections. I am proposing that we make possible on-site inspections in the Soviet Union in a most flexible manner.

Let me simply reiterate that this is an effort to promote better understanding between the two most important peoples in this world—the United States and Russia.

Mr. DOLE. Mr. President, let me say, first of all, that I have no quarrel with the purpose of the proposal of the Senator from Alaska. I do, however, have some questions about the specific objectives. I have reservations about the Government's undertaking to underwrite the cost of all the proposed visits to Russia.

Is this a reciprocal program?

Are we assured that the Russians will reciprocate?

Will it be so many people—100 or 1,000—in the next 5 years?

Is this a one-way program?

Mr. GRAVEL. It is one way with respect to what we are paying for. Whether or not it will be reciprocal will be voluntary on the Russian side. The reason why the program is delineated in this way is that, first, I did not want to see our travel get hung up on extensive negotiations when nothing may be accomplished. Second, there is a benefit that accrues directly to Members of this body and members of the political leadership of this body in seeing what the Soviet Union is really like, regardless of whether the Russians come over here or not.

I have been assured by the Soviet Ambassador that there is serious interest in this proposal on the part of the Soviet Union. There has been a writeup in Izvestia, which is a semiofficial Soviet Government organ, which described the proposal as a sound one. There also have been radio broadcasts within the Soviet Union, in which they complimented the proposal, and said that it was an effort to bring about better understanding.

I want to make the point that the Senator appears to divorce the intent and the goal. The intent is the goal in this piece of legislation. The goal is simply to provide a vehicle to bring about greater understanding.

Mr. DOLE. With reference to the cost, on page 10 of the bill, it states:

(A) pay for the cost of arranging the itinerary of not to exceed one thousand officials of the Supreme Soviet, the Council of Ministers, the Central Committee of the Soviet Union, the principal officials of the constituent republics of the Soviet Union, the heads of the governing bodies of the one hundred largest cities of the Soviet Union, and the spouses of such officials, traveling to the United States; and

Now, are they paying that cost for arranging an itinerary in Russia?

Mr. GRAVEL. Yes; they are. They have the capacity built right into their Intourist system. We do not have a similar system. What we would have to do would be to contract with some organization to provide the necessary logistical support for Russian traveling around the United States. They already have an organization that is set up to handle this.

We obviously would have to set up something similar to do likewise.

Mr. DOLE. What about the cost of that? I assume that is a minor cost in the total program. We are talking about $5 million over a 5-year period; are we not? Hence, I assume arranging an itinerary would be a small amount of that figure?

Mr. GRAVEL. Very much so. We are probably talking in terms of $100,000 or less.

Mr. DOLE. Second, how many Americans visited the Soviet Union last year and how many Russians visited America last year—1969? Are those figures available?

Mr. GRAVEL. Yes. There has been a low average. Let me say that it must be understood that we have an outstanding record as a nation in promoting exchanges with the Soviet Union. We have averaged from 500 to 3,000 Americans per year in the U.S.S.R. It is interesting that last October we sent the Duquesne University Tamburitzans, we have sent doctors, athletes, actors, a whole host of people over there. But, for some reason there is still a fear of junketing. We do not send the people who make decisions on the ABM. We do not send people who make decisions on the defense of this country. Therefore, I think it is high time, within the framework of the exchange we have, that we come forward with some specific language to permit Members of Congress and the political leaders in this country to see firsthand what the enemy is like—the so-called enemy.

Mr. WILLIAMS of Delaware. I think that the Senator indicates we do not send these officials over there. But am I not correct that under existing law any one of these officials can be sent through the State Department on one of these trips and that they are being sent? Governors and mayors are going on these trips at the expense of the taxpayers, are they not?

Mr. GRAVEL. Under existing law, in the letter we received from the State Department, and it is clear on this, the exchange initiative must come from Congress when it deals with exchanges of legislators. If we speak of mayors, obviously that exchange initiative must come from the National Council of Mayors, or for Governors, from the Governors Conference, if they want to go. So that the initiative does not lie with the State Department. It lies with the elected officials.

Mr. WILLIAMS of Delaware. That is true; but if they want to go they do go, and they can go.

I think the Senator will agree that there is nothing in this bill that cannot be done under existing law but we are setting up a new rule where they can take their families with them and——

Mr. GRAVEL. Not their families; no. They can take their spouses. Under existing law, they are not permitted to do that right now. We have a framework here under which initiative can be taken, and this is what this bill is. The framework of the exchange is there, but unless someone steps forward and says, "I am going to organize a trip," nothing will happen. This is what I am doing. I am trying to organize a trip for the political leaders of this country so that we can know what the enemy is like.

Mr. DOLE. Is that 1,000 over a 5-year period?

Mr. GRAVEL. Right. Over a 5-year period.

Mr. DOLE. As I understand it, about 35 percent of the Senate has visited Russia and 15 percent of the House.

Any resourceful Member of Congress can visit Russia today if he desires to make such a trip.

Mr. GRAVEL. Any resourceful Member of Congress is subject to the charge of junketing, however.

Mr. DOLE. The Senator agrees that charge would still be made if a Member were to go under this program?

Mr. GRAVEL. No. Under this, he could not be charged with junketing, because we must first make the intelligent decision that there will be a certain acquisition of knowledge involving travel to the Soviet Union.

Since this knowledge is so vital to our decisions on defense and on the security of the world, it seems logical. It seems to me to be money well spent to educate the political leadership of this country on what our enemy is like.

Mr. DOLE. I subscribe to that. I have been around for about 10 years, and have made trips to India, Israel, and other places and have been charged with junketing.

We will not eliminate that charge if we pass an act which would say that we go under some program approved by Congress. The same charge will be leveled. That is one of the prices one pays for being in public service.

As I said earlier, if I had a great desire to go to Russia and were resourceful enough, a way could be found.

Mr. GRAVEL. Mr. President, I went to Russia. I was similarly resourceful. I went to Russia for the purpose of researching the uses of water. I picked up some reports on water. However, I was not really too interested in water. It was an excuse.

I would rather be able to say that I went to Russia for the purpose of making a better political decision on public matters, than have to use water as an excuse to try to satisfy my constituents.

I would rather say that I am going there because it is important that I know about that country.

There is a built-in hypocrisy in the system if a fellow must promote his trip by using a device. I would rather do it by straightforward candor with our constituency.

Mr. DOLE. I share that view. However, being a little realistic, I am not certain what bill prescribes whether one studies the water program in Russia or different varieties of wheat. How long could one visit Russia under the bill?

Mr. GRAVEL. One could stay there 2 weeks. If the Senator is interested in wheat, he could get briefings on wheat. He could likewise get briefings on water or on defense matters.

One would not have to stay there the full 2 weeks. It is that simple.

Mr. DOLE. Why limit it to Russia? Why not provide for visiting other countries?

Mr. GRAVEL. I personally would like to see the whole world, but the whole world does not have thousands of missiles pointed at our country. Therefore, since the crux of our problems around the world center around the axis of the United States and U.S.S.R. in Europe, Southeast Asia, and in Asia, it would seem to make good sense that we make a start with that phase of it. Let us say that the Senator goes on a junket——

Mr. DOLE. When some go, it is a mission and not a junket.

Mr. GRAVEL. Travel to the Soviet Union is not that pleasurable an experience.

Mr. DOLE. The point when some Members of Congress travel, it is a mission. However, when others go, it is a junket. And that will not be changed by passing some legislation.

I feel as Members of Congress we are dealing with the problems—not the mayors of the cities of America and not the members of the State legislatures.

We should be willing to take what flak we receive if we travel abroad at Government expense.

Mr. GRAVEL. If the Senator had been a member of a State legislature before coming to Congress, and had visited the Soviet Union, would that not have enabled the Senator a little better to make decisions in Congress. Would not this early experience have been fruitful when the Senator came to Washington?

Mr. DOLE. I do not believe a 2-week visit would make me an expert or give me more knowledge, except I could say that I visited Russia and had seen one or two areas.

I go back to my State frequently, as perhaps the Senator does. There is a lot about Kansas that I still do not know, and I have lived there all my life.

Mr. GRAVEL. The Senator may not be an expert, but he votes every day like an expert and has a choice of equipping himself with knowledge or not equipping himself.

Mr. DOLE. Mr. President, I do not believe that going to any country as large as Russia or as small as Israel would enable one to learn enough to give us more guidance in voting in Congress. I do not believe that it would give a mayor any more guidance in determining a water issue or whatever other issue might be involved.

Mr. GRAVEL. Mr. President, a mayor has problems in getting Federal funding for water, sewers, and other facilities. He has leadership for determining priorities. He can put his shoulder to the wheel and say, "There should be no money spent for defense. We should spend it all domestically." But if he has some knowledge about the problems of defense and of our international posture vis-a-vis the Soviet Union, then of course he might say, "A water system is good for this little town of mine. But it is just as important to have resources to defend

our country against the supposed enemy."

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. WILLIAMS of Delaware. The Senator speaks of the fact that when a man is elected to Congress he would have a good background. Suppose that a candidate had not served as a mayor, a governor, or a member of the State legislature. Would that mean that he would not be qualified to come to Washington as a Member of Congress and cast a vote as wisely as someone who has held one of those positions?

There may be some good points there; however, the Senator speaks about the mayor having to determine about the problems of Federal aid funding from Washington.

I would suggest that a trip to Washington to attend the committee hearings would enable him to find out how we raise this money. It would educate him to the fact that the money he receives comes from the States in which he lives.

That might do more good than sending them to Russia. We cannot have all this many international experts. We have too many now, to the point that I am confused.

Mr. GRAVEL. Mr. President, I would be pleased to sponsor a bill to let them come to Washington and sit in on the committee hearings.

Mr. WILLIAMS of Delaware. We could do it under any other bill.

Mr. DOLE. Mr. President, another serious question is that we propose to send a great number of people to Russia. What is the rationale for taking a spouse along—whether the husband or wife?

Mr. GRAVEL. Half of the people in this country are women. We are not talking only about people in the leadership positions, for our wives have a vital part to play in our society. If we were just to send men over there, that would be good. However, I would rather broaden the program to include wives.

There is an ancillary benefit. As the Soviets reciprocate, the wives of their leaders can get a glimpse of our Nation that they would not otherwise have. I think that that view would be most beneficial if it is reinjected into their troubled society.

Mr. DOLE. Mr. President, to broaden it might have some merit. But under the proposal only 1,000, as I understand it would visit Russia in a 5-year period.

Mr. GRAVEL. Mr. President, I would hope that if the program were successful, that fact would be reported to the President and to the Congress. And if it is successful, it might be expanded.

If it is not successful, I would hope that we in our wisdom would eliminate the program.

At least we will have made an effort.

If the Senator has another suggestion how we could implement better understanding with the Soviet Union at a cheaper price, I will withdraw my proposal and endorse his.

Mr. DOLE. Mr. President, I do not believe that is necessary. We already have many programs. We have many people-to-people type programs. Almost every year different farm groups, professional groups, and civic groups go to Russia.

Mr. GRAVEL. Some 20,000 U.S. tourists a year.

Mr. DOLE. Your proposal envisions about 1,000 here in 5 years. It seems that we have a fair program going now. How many Russians came to America last year as tourists?

Mr. GRAVEL. While that information is being obtained, I would like to comment on the point the Senator makes, and I think it is a good one. Let me start with the agreement just signed in February with the Soviet Union on exchanges. I am reading from the document which was signed on February 10, an agreement with the Soviet Union on exchanges in the scientific, technical, educational, cultural, and other fields.

The political leadership of this country is one of the other fields. The exchange agreement makes a precise determination of categories. These will cost almost $2.8 million in this fiscal year and they include such areas as science and technology, medical science, education, performing arts, publications, exhibits, cultural programs, and athletics.

I do not believe the State Department has a low opinion of the leadership of this country. The political leadership of this country is important enough to give it extra emphasis. If it is important for athletes to be sent to the Soviet Union, how important is it for the person who casts the deciding vote on the ABM, costing billions of dollars?

Mr. DOLE. I am not certain I understand the relevance of voting on the ABM and going to Russia. But it occurs to me—and I say this in all sincerity—that a Member of Congress who has a great interest in Russia could go there and could properly go there. I do not say it demeaningly. Perhaps he should visit every country since almost every country receives foreign aid from us. But what about Red China and those who are a bigger threat to our society than Russia?

Mr. GRAVEL. I will not debate whether China is a bigger threat; that is not the issue.

This is one humble small step to create a little understanding. If it is the Senator's argument that we should not take little steps but big steps, I do not think it is a good argument. Is that the Senator's point?

Mr. DOLE. No. I have been here for only a short time, but know that many Members visit foreign countries.

So far as Members of Congress are concerned we have the privilege now to visit other countries at taxpayers' expense. Most Members of Congress who visit other countries work hard and return with valuable information. We do not need a new instrumentality in my opinion.

Mr. GRAVEL. I think we travel now through a slight hyprocrisy. The Senator has his own views, but I am calling for a straightforward, above-the-board approach. If a Member of Congress wants to go to the Soviet Union, to look at wheat, he can do so. But I would rather say the reason that we should have exchanges is because we need greater understanding between these super powers, and that is reason enough.

Mr. DOLE. I agree with the rhetoric but am not certain a 2-week visit, would be very useful, in all sincerity.

There is really no need for this legislation. Perhaps it might give a cloak of "officiality" for someone going to Russia. Members of Congress who travel abroad know they are subject to some political risk but most of them do so with good intentions and return with valuable information for their committees or Congress.

In talking about the mayors—and I do not know whether it is 10, 20, or how many more, and those who serve in State legislatures. When it comes to voting on problems affecting Russia, certainly they are not directly involved. But how many people does Russia send here?

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

Mr. DOLE. The Senator from Alaska has the floor.

Mr. GRAVEL. I yield to the Senator from Ohio.

Mr. YOUNG of Ohio. Mr. President, I desire to report to both the Senator from Alaska and the Senator from Kansas it is my understanding that only a few hundred, perhaps less than 200 citizens of the Soviet Union visited this country last year.

Mr. DOLE. There were very few.

Mr. YOUNG of Ohio. I know this administration is very wisely proceeding to try to encourage more visitors from the Soviet Union to come to our country and to promote more visits on our part to the Soviet Union.

My views on this legislation are in conflict with the views of the distinguished Senator from Kansas. It seems to me this is a very meritorious legislative proposal. I know that the Senator from Kansas has strong feelings on this subject.

May I say I hold the Senator from Kansas in high admiration. He and I both served in World War II in the same area. The Senator from Kansas had a very distinguished Army career. I served in northern Italy with the 45th Infantry Division. Perhaps I was the most frightened American soldier to land at Anzio beachhead. I know the distinguished junior Senator from Kansas was in the 10th Mountain Division serving with great distinction in combat in northern Italy.

It is rather surprising to me that the Senator from Kansas takes such a dim view of permitting some Members of Congress and their wives to visit the Soviet Union and have this opportunity, when the fact is—and every veteran of World War II should know this—in World War II the Soviet Union was our ally. I wonder where we would have been in 1944 and 1945 without the Soviet Union.

The Russians suffered a loss of 7,500,000 military officers and men killed in combat. An additional 3,000,000 officers and men later died of wounds. Twenty

million Russians were killed during the period when the armies of Hitler had taken over vast territories of the Soviet Union. In addition to that, 1,050,000 Russian Jews were exterminated by Hitler's supermen. Our allies, the Soviet Union, suffered a loss of 31,000,000 men, women, and children in World War II as allies of the United States and of Great Britain and France in that war and, of that number, 10,500,000 were killed in combat.

How many more Americans would have been killed in World War II without the Russians? Except for the might of the Soviet offensive that finally relieved Leningrad and hurled back the Nazi invaders, World War II would never have ended as it did in 1945.

At the present time our ally Canada, our ally the United Kingdom, and our ally West Germany are trading extensively with the Soviet Union. We have been trying to get our noses under the tent a little in that way, while our allies in France are profiting hugely.

In the last 2 years Canada sold more than 400,000,000 bushels of wheat to Communist China. Very definitely I will say to the distinguished Senator from Kansas, who is a much-decorated veteran from World War II, that I dispute 100 percent his statement that mainland China is a threat, more of a threat to the United States than the Soviet Union. How could it be a threat? It has no air power of any consequence. It has an obsolescent submarine fleet. It has no surface navy whatsoever, except 10,000 junks. It could not possibly endanger this country.

I know the John Birch Society is very strong in Kansas. I regret to state it is very strong in Ohio——

Mr. DOLE. Mr. President, if the Senator will yield, we do not have any in Kansas. Maybe they moved to Ohio.

Mr. YOUNG of Ohio. Maybe they did. Now they cannot use the silly slogan "Impeach Earl Warren" any more. That is outmoded. Now they talk about a "monolithic Communist conspiracy," that the Chinese, with their nuclear capacity, could conquer the world. Why, the Soviet Union has withdrawn divisions from around East Germany. It has a common border of 4,460 miles with Red China. That is where Chinese soldiers have been engaged in the last year in some struggles, because it is apparent the Soviet Union seeks to regain from mainland China some of the territory that was taken from the Soviet Union at the end of World War II.

Furthermore, and very definitely, the Soviet Union, with its tremendous nuclear power, could destroy all the nuclear installations in mainland China in a short time.

May I say to the distinguished Senator from Alaska (Mr. GRAVEL), that it is entirely appropriate that legislation to establish a political exchange program between the United States and the Soviet Union should be before the Senate today. For today, United States and Soviet negotiators are engaged in strategic arms limitations talks at Vienna—talks which could mark a turning point in history.

S. 3127, introduced by the distinguished Senator from Alaska, is fully in the spirit of the SALT talks. This bill is a strong positive statement that crucial areas exist in which the interests of the United States and the Soviet Union coincide, and it would be helpful to have visitations by Members of Congress and their wives to the Soviet Union.

Mr. President, since the first atomic bomb was exploded in August 1945, mankind has lived precariously under what the late, great President John F. Kennedy described as "a nuclear sword of Damocles."

The armaments race between the major powers continues unabated.

The only armament race in the world that amounts to anything, and that is terrifying, is the armaments race between the Soviet Union and the United States.

The insane nuclear arms and missile race between the United States and the Soviet Union has brought all mankind nearer the possibility of total destruction. Many of these armaments systems are obsolete before they even reach completion.

I am very happy that I voted against the ABM. It is obsolete. Now we are going to be asked to provide funds for further deployment of it. Of course, it has never been truly tested. It is just squandering billions of dollars of the taxpayer's money, without promoting our safety.

The emphasis may change from bombs to missiles, from missiles to antimissiles, but the armaments race continues between this nation and the Soviet Union. Hundreds of billions of dollars and rubles are wasted on the seemingly insatiable demands of militarists of both nations for more and more weapons.

Here is a good manifestation that we want our people to know more about the Soviet Union and we are willing to have people from the Soviet Union come over and visit us, as other visitors from other nations come here. They come from Spain and elsewhere to our country.

Mr. President, much of the failure to end this dangerous rivalry can be traced to misunderstanding and mutual distrust. An exchange of travel by United States and Soviet officials would help promote understanding, and understanding breeds trust.

I do not have any use for extremists. I have no use for leftwing extremists or for the lunatic fringe on the right, such as the Young Americans for Freedom and the "Birchsaps", which are better financed than any ragtag extremists to the left. But neither of them cut any figure, nor should they cut a figure. They make a lot of noise, and that is about all.

The Senator from Alaska is to be commended for his legislative proposal for an exchange of travel by United States and Soviet officials, permitting visitors from the Soviet Union to travel throughout the United States, just as nationals from Spain and other countries come here. That would not only bring money into the coffers of businessmen and farmers, but would promote understanding; and it is understanding that breeds trust. It breeds trust in our personal lives. It breeds trust between nations.

I hope the proposed legislation of the Senator from Alaska will be passed in the Senate this afternoon, because I believe it will be another contribution to the cause of world peace.

Mr. GRAVEL. Mr. President, I thank my colleague for his helpful comments.

I ask the distinguished Senator from Kansas if perhaps we could take a different approach. I am not sure the Senator opposes this bill. I cannot quite put my grip on what he does oppose, because his logic and argument have moved, apparently, from the point that the bill does not do enough to the other side. Perhaps if the Senator could phrase his opposition as succinctly as possible we could find a way here to arrive at some agreement.

Mr. DOLE. Mr. President, will the Senator permit me to respond briefly to the Senator from Ohio? I appreciate his kind words. Let me hasten to add that I am not opposed to foreign travel by Members of Congress.

But upon becoming a Member of Congress, when you go somewhere, you are subject to criticism. I am not opposed to the basic premise that Members of Congress should travel overseas. They should. But this bill is not going to add anything.

It is not necessary insofar as Members of Congress are concerned, and, frankly, I do not believe the Federal Government should be picking up the tab for State legislators and municipal officials. They have the taxing authority in their States and cities. Perhaps we could arrange their iteneraries, but I do not believe at this time that we should undertake such further spending.

As far as Members of Congress are concerned, this is totally unnecessary. There is not a Member of this body who could not go to Russia tomorrow or next week, if he wanted to. It would not be on the basis of some political junket but for a good purpose, and he would be expected to bring back a report to his colleagues.

Nonetheless this legislation is not necessary, and it does not add a thing.

Mr. GRAVEL. Mr. President, let me address myself to that one problem. If a Senator wishes to go to Russia, he has no way to go unless his committee chairman will give him permission. There is now nothing on the books that permits a Senator to go to the Soviet Union at will.

Mr. DOLE. I have not explored the matter in detail.

Mr. GRAVEL. The Senator said Congressmen can go now. I say they cannot go now, unless they go to their committee chairmen and ask them for the money to let them go.

Mr. DOLE. We do not have a blank check, but we are not unduly hampered.

Mr. GRAVEL. Well, we cannot go. We have to ask someone.

Mr. DOLE. We could spend our own money. Perhaps the alternative should be considered more frequently.

Mr. GRAVEL. Why pay Congressmen at all, then if that logic is pursued?

Mr. DOLE. There are foundations and other sources of funds if one has a good reason.

Mr. GRAVEL. So I understand the point the Senator is making is that we must go hat in hand to the Ford Foundation as U.S. Senators, and say, "Say, send me to the Soviet Union so I can find out what our enemy is like?"

Mr. DOLE. We have the resources. It might take a day or so to work out the arrangements.

Mr. GRAVEL. Will the Senator define the resources for me, so we can pin this down?

Mr. DOLE. I do not know how much the taxpayers paid last year for Members of Congress to visit foreign countries, and do not criticize those Members who did travel, but I believe there are already sufficient programs available.

Mr. GRAVEL. Where are these programs, specifically, so we can find out?

Mr. DOLE. If the Senator wants to go to South Vietnam, for example, I suggest he call the Defense Department.

Mr. GRAVEL. So it depends on Melvin Laird whether or not a U.S. Senator can go to Vietnam; is that what the Senator is saying?

Mr. DOLE. No; not necessarily.

Mr. GRAVEL. How else can we do it?

Mr. DOLE. We can talk with our committee chairmen.

Mr. GRAVEL. So then you have to talk to your committee chairman.

Mr. DOLE. What is so burdensome about talking to your committee chairman? Does the Senator want to set up an entirely new bureaucracy to authorize these trips?

Mr. GRAVEL. What new bureaucracy is set up?

Mr. DOLE. There is a committee authorized in the bill that determines priorities.

Mr. GRAVEL. A five-man advisory committee.

Mr. DOLE. So it is a question of whether you go to that committee or your present committee.

Mr. GRAVEL. A Senator does not have to go to that committee. He just indicates he wants to go. Then it becomes a question of setting priorities.

Mr. DOLE. Anyone who wants to go?

Mr. GRAVEL. I would imagine so—anyone eligible. I do not see any impediment, if the money is there.

Mr. DOLE. The committee would only authorize the trips?

Mr. GRAVEL. That is all.

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

Mr. GRAVEL. I am happy to yield.

Mr. MURPHY. The Senator said the money is there. Are those counterpart funds?

Mr. GRAVEL. No; it is straight funding.

Mr. MURPHY. Do we have counterpart funds in the Soviet Union?

Mr. GRAVEL. No; we do not.

Mr. MURPHY. Why not? We certainly should have a balance there. After all we have done for them.

Mr. GRAVEL. Maybe if we had this kind of program, where we went and developed some understanding, we might get some of our money back.

Mr. MURPHY. If the Senator from Alaska would not get to emotional——

Mr. GRAVEL. I am not emotional.

Mr. MURPHY. He might understand that I have been involved in these exchange matters going back to the Eisenhower administration.

Mr. GRAVEL. I realize that. I consider the Senator from California a good friend of mine. I am not emotional, though I have deep affection for him.

Mr. MURPHY. Let me finish, please. I did not intend to imply that the Senator was getting upset. I have had some experience in these matters, in the cultural exchange programs, and world's fairs, and the like—and have watched the progress of these matters over the years. I sat as an adviser on the exchange of motion pictures, years ago.

Mr. GRAVEL. Were those good exchanges?

Mr. MURPHY. No; not for the United States of America. We always got the worst of it.

Mr. GRAVEL. Why?

Mr. MURPHY. Because it was usually managed out of the State Department.

Mr. GRAVEL. Your administration just concluded an agreement that all we have to do is take the initiative to implement our part of it.

Mr. MURPHY. Will the Senator yield? Do not blame the State Department on me. The State Department is a continuing body that I have been watching closely for a period of 40 years. Since way back, I was Shirley Temple's grandfather, I have been studying the problems of the State Department. There are many times that I agree with what they do, but there are also many times that I am in complete disagreement. I would think that the record would prove, since there are presently so many problems around the world, that my judgment may be pretty good and may even be better than theirs in some areas.

With regard to the cultural exchange, for an instance, we go forward as an open society and send some people to Moscow. They come forward, as a closed society, and do not send anybody anyplace, whether it is a water polo player—a hockey player, a soccer player, or whatever, without political overtones and control.

Mr. GRAVEL. Will the Senator yield at that point?

Mr. MURPHY. Let me finish, please. In 1933, I believe it was, my first such experience was with a water polo team, which came to New York and played at the New York Athletic Club.

Mr. GRAVEL. What year was that?

Mr. MURPHY. I think in 1933. In cultural exchanges I have had experience. I was a director of the Hollywood Bowl when the Bolshoi came there to dance, a wonderful group of youngsters, but with them there is always the overseer, the fellow in the background, the political commissar. There is always that terrible control. If we could ever get an exchange on the true basis of people to people, without the governmental control, I would be for it. And I think great progress could be achieved.

Mr. GRAVEL. Is the Senator saying I am not doing enough with this proposal?

Mr. MURPHY. No; I did not say that. I have not heard the whole proposal. But if it is like the whole group of proposals that I have watched over the years, I am afraid I must oppose it.

Mr. GRAVEL. I would hope the Senator would read it before he decides to oppose it.

Mr. MURPHY. I have read it. I read it during lunch.

It is my concern that here we are proposing to spend more money for questionable purposes. I think if the Senator wants to go to Moscow, he could have it arranged through the Department of State.

Mr. GRAVEL. The Senator just indicated the Department of State is really not a good agency to do this with.

Mr. MURPHY. That has nothing to do with their policy capability.

Mr. GRAVEL. Does the Senator want to leave it up to the State Department, to decide for Members of Congress?

Mr. MURPHY. No——

Mr. GRAVEL. What I am proposing is to provide the initiative for us to make the decision.

Mr. MURPHY. I think that is fine, and I intend to make my own decision on this matter, and that is why I shall vote against the measure, because I think it requires more than the individual decision of a Senator or Congressman. I think based on my experience, there have been too many junkets, too many taxpayers' dollars spent on unnecessary trips, and I shall have more to say about that later in the session. In general, I think that we have the clear record, and I think there is a preponderance of the evidence, that there are too many unnecessary trips.

Mr. GRAVEL. Is this a junket, in the Senator's regard? As he views it, would this be a junket?

Mr. MURPHY. I think this is a possibility, it might be used as a junket.

Mr. GRAVEL. Would the Senator have a suggestion as to how we could increase better understanding between these two super powers?

Mr. MURPHY. Yes. I think we should begin to deal in realities, and stop dealing in theory. We have a meeting now going on in Helsinki, and we have been meeting in Paris for the last 18 months with one of their satellites, at which we spent 8 or 10 weeks deciding on the shape of the table.

Mr. GRAVEL. What does the Senator recommend?

Mr. MURPHY. I am not recommending. I am just objecting to the Senator's proposal. The Senator recommended, and I objected to his proposal and shall vote against it.

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

Mr. GRAVEL. I yield.

Mr. DOLE. The Senator from California put his finger on the problem. This is entitled an exchange program. What

assurance do we have that there will be an exchange? Last year about 20,000 Americans visited Russia, and 200 Russians visited America.

Mr. GRAVEL. Actually, there were about 600 Russians who came here under all programs, not 200, but the Senator is correct, the proportion is very much out of whack. But there is no other way, unless we offer to exchange. To insist on equal numbers is to disregard the fact that there is a benefit in our seeing the U.S.S.R. for ourselves. Having such knowledge would be beneficial to us.

Of course, if the Soviets come over here and see the United States, there is a great deal of benefit in their acquiring knowledge, also. But we cannot treat them like schoolchildren and say, "You have got to come and see that we are powerful people; you have got to come and see that capitalism is not dying, but that it is doing the best job possible for the people."

All we can do is set up the vehicle to permit them to come over. If we go over there in certain numbers, and they do not want to do it, obviously they will not do it.

Mr. DOLE. It is probably not quite that simple, but we have no assurance they will reciprocate; is that correct?

Mr. GRAVEL. The other approach, of course, is to negotiate, and then we get into the great problem of rhetoric between our State Department and their Foreign Office, and much time may be lost there.

Certainly, we in the Senate can make an intelligent decision as to whether or not it is beneficial to us to have some direct knowledge of the Soviet Union. It cannot be that hard a decision.

Mr. DOLE. That is probably the key weakness.

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

Mr. GRAVEL. I yield.

Mr. YOUNG of Ohio. I want to make this observation. One reason why so few nationals from other countries visit the United States—that goes for Spain and other countries, as well as the Soviet Union—is that until the last couple of months, our State Department has made it too difficult, and there has been too much redtape involved and too many restrictions on people entering from other nations. We should be thankful that some slight amount of sense is coming into the heads of some of the bureaucrats in the State Department, and they are now making it somewhat easier for foreign nationals to visit this country.

Mr. GRAVEL. I yield to the Senator from Utah.

Mr. MOSS. Mr. President, I rise to support both the bill before us—S. 3127—and the principle which it supports.

I congratulate the Senator from Alaska for his initiative in bringing this matter before the Senate and for his defense of it on the floor. We most certainly need a leader exchange program with the Soviet Union for Government officials of both countries.

As the Senator from Alaska has pointed out, it is somewhat strange that while we are voting more than one-half of our budget dollars each year for defense, only a handful of Congressmen have actually visited the Soviet Union, the country from whom this vast defense program is primarily designed to protect us. We continue, year after year, to provide billions of dollars for defense—often, because of our concern, for highly questionable experimental programs—while many of us have never gotten firsthand any feeling about the political structure or philosophy which is taking such an enormous amount from our National Treasury. I agree with the Senator from Alaska (Mr. GRAVEL) that were we directing even one-tenth of this amount into clearing our slums, or establishing new national parks and recreation areas, or constructing reclamation dams, many Members of both Houses would be making onsite inspections before committing themselves to such large expenditures of Federal funds.

I have been twice to the Soviet Union on Senate missions, and in both instances, I was immeasurably rewarded by a greater understanding of the Russian people and their leaders, and by a greater insight into their thinking. In both instances, also, the missions were fruitful in that we brought back to the United States technical and other information which has been useful to us.

During the recess between the first and second session of the 86 Congress, I was the chairman of a Senate special committee sent to inspect the power resources of the Soviet Union. The other Members were the Senator from Maine (Mr. MUSKIE) and the Senator from Alaska (Mr. Gruening). We were accompanied by eight experts in the power field, and we traveled more than 12,500 miles in the Soviet Union, inspecting 11 dams, four hydroelectric institutes, four construction towns, a generator manufacturing plant, a thermal station, a power substation, Lake Baikal—a natural lake reservoir in Siberia which stores more water than all five of the Great Lakes combined—a collective farm, a state farm, and a school. The report we made to the Senate—"Relative Water and Power Resource Developments in the U.S.S.R., and the U.S.A."—is still considered authoritative in the field. It provided basic information on where Russia was in the development of power resources in relation to the United States, and outlined some technology and methods the country was using which added to our own knowledge in several fields.

Early in the summer of 1962, in exchange for the Senate delegation, a group of Russian technical experts visited dams in the United States. At that time the Deputy Minister of Power Stations, Peter Neporozhni, presented to me, as chairman of the American group which had visited Russia, a book which had just come off the press in the U.S.S.R., "Large Dams of the U.S.S.R."

This book provided a description of the 55 largest dams in that country, which are representative of the magnitude of the water resources program in the U.S.R.R. and the technological level of Soviet engineers in the field of dam designing and construction. This document was translated by the National Science Foundation, and authorized for publication as Senate Document 88:27 by a resolution I presented. It has immeasurably increased our own technical knowledge in the field.

I returned to the Soviet Union during a congressional recess in the summer of 1968 as one of two representatives of the Senate Commerce Committee at the Seventh Plenary Meeting of the World Power Conference. The distinguished minority leader, Senator SCOTT, was the other representative.

This gave me an opportunity to return to a number of the hydro and thermal power generating plants and to see the work done by the Soviet Union in long line transmission of power, as well as to visit again some of the great hydro power dams which were under construction on my first visit, but which had been completed.

This trip was rewarding because of the technical information which I received on such topics as national surveys of fuel and energy resources, developments and improvements of electric power stations, new methods of producing electricity, and consumer installations and the methods of their improvement.

It so happened that while Senator SCOTT and I were in the Soviet Union one of the great tragedies of our times occurred—the movement of Russian troops into Czechoslavakia. We used every means available to us to deplore the action, and I made a report to the Senate on this aspect of my Soviet experience upon my return.

I can say without hesitation that both of my trips to the Soviet Union were well worth the time and effort which went into them—that I am better equipped to judge and to vote on issues relating to this country's relations with the Soviet Union, and to look to the future.

The bill before us would send many more of our elected U.S. officials to the Soviet Union, and bring many of their leaders to our shores. It would be people-to-people and leader-to-leader, at its best. We all know the value of personal contacts in improving understanding between nations. This bill would improve relations at a most important and strategic level. Therefore, I support the bill and urge that it pass.

I can say, without hesitation, that one gains by firsthand visit to any country. I agree with the Senator from Kansas and the Senator from California that it is always valuable to go and see for oneself. I think, that particularly since the world is now divided largely into two camps, the one that seems to be headed by the Soviet Union and the other by the United States, which are the two great economic and military powers of our time, the more we know about the Soviet Union and its people, the better we are able to deal with the Soviet Union.

On the other hand, I think it is helpful to have their leaders come to this country and to observe the way we conduct our Government, our business, and our social life, so that they are not deceived by the propaganda which is constantly

utilized to condition the thinking of the Soviet people.

My experience was that as soon as one met the Soviet people on the technical operating level and the ordinary citizens of the Soviet Union, they were not hostile at all. They were curious. Many times they were uninformed, but they were curious to know about the United States and how things were done here, and they were extremely friendly in their exchanges. If we had more of this, particularly at the leader level, I think we would ease the tensions that exist between us and the Soviet Union, and we would be better equipped to deal with the painful situation that has gone on since shortly after World War II, when we and the Soviet Union have been cast in opposite camps.

Mr. MURPHY. Mr. President, will the Senator from Utah yield?

Mr. MOSS. I yield.

Mr. MURPHY. I should like to point out very clearly that in the remarks I made earlier I meant in no way to criticize the Soviet people. My experience with them has been as pleasant as that described by the distinguished Senator from Utah.

If there were only some way to get our two peoples together on a free basis, I think that complete understanding could be achieved in practically no time at all. I do not think the desires of the Soviet people are any different from the desires of the people of America. We all want peace, progress, prosperity, and understanding.

The difficulty comes from the fact that the Soviet people are so controlled that peace, progress, prosperity, and understanding are almost impossible to achieve.

I have watched this now for 35 years. We always seem to be saying, "Well, we will try it once more." And invariably we are taken advantage of and our purposes are maligned.

I begin to wonder whether a different approach might not be more productive. I wonder whether it would not be better to have them come over here for a change and we will show them America. We do not need to send groups over there. Just let the Russians come to this country and then go back home and tell their people what they have seen here. I think that would be the most productive thing we could do.

The distinguished Senator from Utah might be interested to know that when the Bolshoi Ballet came to Los Angeles—such wonderful artists, beautiful dancers, wonderful youngsters—I arranged every day that they would go to a different area to have their meals so that they could see as much as possible of the area of southern California. I feel certain that when they went home, if their political commissars were not watching, perhaps in the evening, around the fireplace, in conversation, the truth must sometimes be told, I am sure they told their friends the true story of America and American life as they saw it—about the wonders of this great land of ours. That we are not an imperialist nation, that we have no designs to conquer anyone's territory, and that we are not in any way encouraging the imposition of our system of government or our kind of life, or our religions, on any people.

On that basis, I think some good might come from international visits.

From time to time, we read of Soviet representatives in soccer, basketball, ice hockey, and other sports who defect once they have seen the outside world. I think it might be very productive, to have them go home and tell exactly what America is really like because they certainly have been terribly propagandized.

Mr. President, from my experience, the people of Russia are excellent people. They are friendly. The only thing that bothers me about them is that terrible, terrible governmental control, that pressure from above, which permits no freedom and which creates an atmosphere of fear, which I think is unfortunate.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MOSS. Mr. President, the Senator from California is right and I agree with him. I think that what he has said tends to support what we are trying to do in the bill now pending.

The Soviet people have been subjected to propaganda, and to thought control. They have not had the full truth given to them by their newspaper, radio, television media; but, nevertheless, they know—word gets through to them. Their radio is no longer jammed, which was not the case 10 or 12 years ago when I was over there. Thus, they do hear from the outside. What they would like to do—and what they will do, I am sure—is to converse with anyone who comes from America. What they want to do is confirm what they hear over the radio, or the things which are talked about, to find out whether America is really different from what their Government tells them in its publications and over radio and television.

I think that what it will do is convey to them the idea that we are not imperialistic and all that sort of thing which is talked about in the Soviet propaganda.

At the same time, it will give us the realization that the basic desire of the Russian people is one of friendship and peaceful coexistence with us. That may be enough so that it can be built up and they can finally change the structure above, which the Senator from California described and with which I agree.

It is certainly undemocratic. Russia is a dictatorship, pressed upon them by a small group of people.

Mr. President, I recognize that this is not a sudden cure-all, or any great solution to our problem. This exchange will just be a small opening of the window of understanding a little wider.

The reason I am persuaded that I should support it is my experience in going to the Soviet Union on two occasions, and my belief that it would be most helpful if all Members of Congress and other Government officials, Governors and State legislators, could have this kind of experience. If this were so, I believe we would be better equipped to deal with this problem.

Now we are engaged in the so-called SALT negotiations in Vienna. This is wonderful, and I hope it will bring about some degree of success. We as a body could better understand what our negotiators are confronted with, had we had this experience with life as it is in the Soviet Union and the attitudes of its people.

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

Mr. MOSS. I yield.

Mr. DOLE. Mr. President, I share the Senator from Utah's viewpoint. The point is that opportunities are available to us now, in the Senate and in the House, and there really is no exchange guaranteed under the program. In the hearings the distinguished Senator from Vermont (Mr. AIKEN) pointed out that last year, about 200 Russians came here but 20,000 Americans went to Russia. That ratio is too disproportionate to justify such a program as we have before us.

I share the Senator's thought that we should take advantage of our travel opportunities. In fact it is a duty that we have from time to time, in accordance with our schedules and Senate duties, to visit not only the Soviet Union but other countries where our country has an interest.

Thus, I applaud the Senator from Utah for much of his statement.

Mr. MOSS. I thank the Senator from Kansas very much.

Mr. President, I am happy now to yield the floor.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the pending business occur at 2:30 p.m. today.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, I am sure the Senator waives rule XII?

Mr. MANSFIELD. Yes, indeed.

The PRESIDING OFFICER (Mr. GRIFFIN). Is there objection to the request from the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. FULBRIGHT. Mr. President, I shall not detain the Senate long. I just wish to say a few words on behalf of the proposal of the Senator from Alaska which is an amendment to existing legislation.

I think it is especially timely. It is true, as the Senator said, to do these things under existing law. If people want to, if they have the imagination and the initiative to arrange a trip, they can go; but the fact is, one must be pretty well heeled, informed, and otherwise have access to a good many facilities, in order to arrange such trips. They are not easy to bring about. They are taken by people most of whom are quite well off financially. I do not begrudge them that at all, but it is not cheap to make a trip of this kind to Russia.

The main objective of encouraging such travel is not to benefit an individual, but to improve our relations and understanding with Russia.

The reason I say it is especially timely is that last week, April 16, the SALT conference with the Russians in Vienna began. All the civilized world, if not most

of the uncivilized world, looks to that conference with a great deal of hope—more hope than confidence, no doubt. I say that because there have been few signs of confidence between Russia and the United States. However, conferences of this kind are not always without success. I do not want to minimize the conference. We have had a success here and there including negotiations with the Russians, the Australian Treaty, the Antarctic Treaty, the Nonproliferation Treaty, the Test Ban Treaty, and the Consular Agreement. So, we have had some successes. But there is great mutual suspicion especially in the area of arms control which is now being discussed in Vienna.

I can think of few things in the area of foreign policy as important as coming to some understanding with the Russians with regard to control of this spiraling of the arms race.

The two most outstanding things that threaten the security of this country are continuation of the war in Asia and continuation of the escalating arms race which takes so much of our money and attention.

The bill before us is only a slight boost toward understanding. It makes it a little easier for a number of public officials to visit the Soviet Union.

I can say this objectively because I do not need this bill to go to Russia. I could go under the committee auspices or I could scrape up my own funds. I have been there. There is no particular reason for me to go. However, many officials have not been there.

Many Americans still look upon Russians, in the language of the street, as the bad guys who cannot be trusted. They have little knowledge of Russia which was an ancient society before our country was discovered. Long before Christopher Columbus came upon the scene, Russia was a big country. It is still growing. It has a heritage of all kinds, good and bad.

A knowledge of what Russia is like would be valuable to us.

This bill involves only a small amount of money. It involves $5 million over the period of 5 years. One thousand people would visit there over a period of 5 years. That is only 200 people a year.

The bill only authorizes this sum and what would be appropriated is another matter.

This is a timely gesture that I believe could have an influence that might have an effect on that element in Russia which is similar to the element in this country which thinks we should have nothing to do with any Communist. We might erase some doubts in their minds and perhaps make them see that Americans are serious about making progress and improving relations.

The Russian people have their differences among themselves. There are no doubt people in Moscow who say, "Americans should not be trusted. We should be surrounding them with weapons." That is the same hard line that some follow in this country.

There are other Russians who say that it is important to get along with the Americans. They take every opportunity to do so and have been doing so for 25 years.

This bill is a little conciliatory gesture to that element in Russia which wishes to believe that we are sincere in our protestations that we wish to improve relations and have greater confidence in one another.

I think it would do a good deal to disarm the arguments of the hardliners there who say that there is no reason to try to expect anything out of Americans.

In a sense, it is very important from a political point of view. I am not interested in getting a trip for an individual. That is not my responsibility at all. It is not my responsibility to try to give a nice time to some mayor. Mayors, however, and the people contemplated by the bill—governors and others—are opinion makers. If they go there and understand what the country is all about and then come home, they, in turn, can help explain what our relations ought to be and what kind of people they are.

I hope that the Senate will adopt the measure.

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

Mr. FULBRIGHT. I yield.

Mr. DOLE. Mr. President, if an American citizen goes—whether a mayor, a member of the legislature, or perhaps a Member of Congress—would he have freedom to travel in Russia once he arrives?

Mr. FULBRIGHT. That would depend, of course, on our negotiations with them. My impression is that there will be an interchange of personnel. We can expect to have delegations come here.

They have made gestures offering to come here and visit Congress. We never found it possible or advisable to go very far with that, though we are still talking about it.

Certain Members of this body—specifically the Senator from Louisiana (Mr. ELLENDER)—have been given freedom to go all over Russia.

The Senator from Louisiana has been there several times. I have never requested such permission, but have never been turned down.

There are mutual restrictions that we put on their officials and they put on our officials.

I am not at all sure what they would do about other individuals. I know that the Senator from Louisiana has had permission to go any place he wants.

I do not suppose that would apply to a secret military installation any more than we would permit them to visit such an installation here. I do not know what they would do. I have never requested that authority.

Mr. DOLE. Ambassador Kennan was one of the witnesses before the committee concerning this legislation. He said:

> But I think it would be wise to have the most explicit understanding with the Soviet authorities on all the details of the arrangement before any effort is made to implement it.

The point I make, and that I made earlier, is what assurance do we have that there will be an exchange. Is this going to be a one-way street?

Mr. FULBRIGHT. The Senator is quite right. There is no way to give an answer at this time. The bill contemplates the establishment of a committee of five well-informed and knowledgeable people. Of course, the State Department would try to talk with the Russians and would try to work out the problems that the Senator mentions.

I can give the Senator no assurance that we can make those arrangements. However, I think it is worth while that we try to do so.

If we do not get an agreement, no real harm would be done.

I would favor the measure even if it were unilateral and they did not respond. I think it is important to us and to our own interests that our people understand what kind of society we are dealing with.

The Senator understands, of course, that we also contemplate, if we can work it out, that each country would, on a reciprocal basis, pick up the tab of the visitors. Of course, it has to be worked out to the point where it is equal, or at least so that there would be no adverse impact, or a minimum impact, upon our balance of payments.

Whether we can do it remains to be seen. All of these details have to be worked out by the committee.

We cannot do that by legislation. It would be foolish to try to do it.

All we have here is the authority. If the bill is passed and the committee of five is appointed—three from Congress and two named by the Executive—they would be people who are knowledgeable in this field. They would undertake to discuss with the Russians, the Embassy probably, the Ambassador, or his designate, the details that the Senator is talking about.

Mr. DOLE. Mr. President, perhaps a sense-of-the-Senate resolution as to the value of Members of this body and others visiting Russia would be sufficient. I do not believe anyone objects to the thrust of the legislation.

As stated earlier, I hope to visit Russia someday. Any resourceful Member of this body could probably arrange a trip without this bill. Somehow he could find a way to go.

Mr. FULBRIGHT. Mr. President, if the Senator has plenty of money and he is a Senator, he could call upon the State Department. He could probably do it. I could do it. I do not need this bill for me to go there. But the people we are thinking about are scattered all over the country and do not have access to those facilities.

One of the most important portions of the bill is the provision for arranging itineraries. It would be difficult for an individual not knowing anything about a foreign country to arrange to see that someone looks after him. He would have a hard time to obtain someone who speaks the language, and make arrangements for interpreters where necessary.

I am sure that arrangements could be made with the help of this bill, however.

Mr. DOLE. Mr. President, I point out, as the senior Senator from Vermont did during the hearings—that 100 Russians

visited America and 20,000 Americans visited Russia last year. Perhaps we should be paving the way for more Russians to visit America. I do not know how to bring that about but here there is no assurance there will be an exchange.

Mr. FULBRIGHT. We do not offer to pay their way. They do not come. They have their problems with exchanges. They are not as rich as we are. There are many private individuals in this country who can afford it but in Russia, outside of Government officials, they are not blessed with a great deal of foreign exchange. It almost has to be under Government proposals. They do not make available foreign exchange dollars to their private citizens. It is not because they are not curious. I think if there were an encouragement of such visits it would be mutually beneficial.

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

The PRESIDING OFFICER (Mr. HART). Does the Senator yield?

Mr. GRAVEL. I yield.

Mr. JAVITS. Mr. President, I think the key to this entire proposition and the reason we in the Committee on Foreign Relations favored it after much consideration, including a good deal of which I inspired, is well reflected by the letter of the Department of State on the subject.

When I was in the Soviet Union about 14 years ago their head commissar for propaganda raised the question with me of an interchange of parliamentarians. I took it up with the leadership. We felt it was too formal, inasmuch as they did not have parliamentarians, and the Supreme Soviet was nothing but an advisory body, rubberstamping things once a year.

I think in this way the Gravel bill will improve our exchange relationship; and it is critical because it must be mutual. It will not be unilateral. The proposal before us makes that clear. It was on those grounds, giving us certain amplitude in this area, that generally speaking I find the views of the Department of State to have encouraged me to support the bill.

Mr. President, I ask unanimous consent to have printed in the RECORD—and I have the permission of the committee, and the chairman is here—the letter to the chairman of the Committee on Foreign Relations, the Senator from Arkansas (Mr. FULBRIGHT) from the Department of State expressing these views, dated February 5, 1970.

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

FEBRUARY 27, 1970.

Hon. MIKE GRAVEL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: A report has been received from the Department of State on S. 3127, "To provide for the exchange of governmental officials between the United States and the Union of Soviet Socialist Republics," which you introduced on November 7, 1969.

A copy of the letter is enclosed for your information. The original of this reply is being held in the Committee files for use at such time as the bill may be considered.

It is requested that the report from the Department of State not be made public without my approval.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

DEPARTMENT OF STATE,
Washington, D.C., February 5, 1970.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of November 13, 1969 enclosing copies of S. 3127, "To provide for the exchange of government officials between the United States and the Union of Soviet Socialist Republics," introduced on November 7, 1969 by Senator Gravel.

The principle of reciprocal visits by parliamentarians and representatives of civic organizations of the United States and the Soviet Union is fully consistent with the objectives of the exchanges program. The 1968/69 Agreement on exchanges provided that the Parties would encourage exchanges of representatives of civic organizations. Several earlier Agreements made specific reference to exchanges between members of Congress and Deputies of the Supreme Soviet. Recently the Soviets have taken a renewed interest in exchanges of parliamentary delegations. As you know, a number of Congressmen have visited the Soviet Union over the years, either as individuals or as members of special delegations.

It is our view that the initiative for exchanges of elective officials, falling within the framework of Exchange Agreements, rests primarily with the legislative organs concerned. The Department of State is prepared at all times to assist in the development of such programs as Congress and other legislative bodies at state and local levels might wish to undertake. Should S. 3127 be enacted and the joint committee established, the Department of State would expect to receive from it specific proposals relating to the exchange as a basis for discussion with the Soviet authorities through diplomatic channels. As in the case of other exchanges arranged under the provisions of the US–USSR Exchanges Agreement, we would expect such discussions to deal with matters of reciprocity including itinerary, program, and financial arrangements.

We anticipate that the 1970/71 Exchanges Agreement which we expect shortly to conclude with the Soviet Union, will make specific reference to exchanges of Members of Congress and Deputies of the Supreme Soviet and representatives of state, local, or regional governments. The necessary agreement for such exchanges will thus already exist. We therefore suggest that Section 7(a) be modified to read: "The Secretary of State, with the approval of the President shall make appropriate arrangements with the Soviet Union to carry out the purposes of the provisions of this Act."

We note that Section 6 of S. 3127 authorizes the joint committee to pay for the cost of arranging the itinerary within the United States of the Soviet officials. We presume that the Soviet officials will be expected to pay all other costs of their visit (transportation, lodging, meals, etc.) and believe this to be desirable. Clarification of the language of Section 6 might be useful to establish the extent of responsibility of the joint committee for the expenses of the Soviet visitors.

We are unable to predict the Soviet reaction to a proposal for familiarization visits on the political level on the scale proposed in S. 3127. However, in view of their expressions of interest in exchanges of parliamentarians and the provisions of the Exchanges Agreement encouraging visits of representatives of organizations active in civic life, we anticipate that they would be willing to receive and arrange appropriate programs for groups of elective officials.

As far as visits of their nationals to the United States are concerned, the Soviets have in the past shown a preference for sending carefully selected delegations of a scientific and technological character, and they may therefore be reluctant to reciprocate in any substantial way a Congressional initiative of this sort.

There are enclosed as of background interest to the Committee in considering S. 3127 a memorandum describing the functions of the Supreme Soviet and a copy of our 1968/69 Exchanges Agreement with the Soviet Union. The memorandum makes clear that the functions of the Supreme Soviet are not comparable with those of Congress.

The Bureau of the Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

Sincerely,

H. G. TORBERT, Jr.,
Acting Assistant Secretary for Congressional Relations.

SUPREME SOVIET OF THE U.S.S.R.—FUNCTION AND FORM

The Communist Party of the Soviet Union exercises practically all effective state authority in the USSR, operating through a Government apparatus which has no independent authority. The legislative organ of the Soviet Government is the Supreme Soviet which, in theory, is the highest authority in the Soviet Union. It has two co-equal houses—the Soviet of the Union, presently with 767 members elected on the basis of population, and the Soviet of Nationalities, with 750 members elected on the basis of territorial units. Elections are called for every four years. Usually, only one deputy, approved by the Party, runs from each constituency.

Normally, the Supreme Soviet meets twice a year for a few days each time and passes unanimously the budget and other laws placed before it by the Soviet leadership. Each chamber of the Supreme Soviet has standing commissions with statutory authority to exercise some legislative initiative and to supervise the work of the government's executive agencies. The October 1967 regulation on the commissions, however, does not spell out their powers sufficiently to make a reality of the Supreme Soviet's constitutional prerogatives in these matters, nor does the record suggest that these prerogatives are, in fact, exercised.

Mr. GRAVEL. Mr. President, I thank the Senator from New York who has had an outstanding record in advocating this type of exchange. He has taken the leadership internationally in this area. I am only following in his footsteps with this simple bill.

I would like to recap briefly the argument. With respect to the prospect of reciprocal exchange, as the Senator from Arkansas so well stated, there is no guarantee. All we can do is take unilateral action and hope the example will trigger exchanges on their side. We can only rely on statements of the Russian Ambassador and the statement which appeared in Izvestia, which called my bill a wise proposal.

With respect to the initiative, we have just renegotiated an agreement with the Soviet Union on February 10.

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

Mr. GRAVEL. I yield.

Mr. PELL. Mr President, as one who has traveled in the Soviet Union both before and since entering the Senate, I support the measure I have always believed that the best way of resolving differences, of bringing together ideas and minds, is through direct contact. In this case, I believe direct contact as provided in the bill will result in the erosion of communism. I believe this bill is a good one and I congratulate the Senator on bringing it before the Senate.

Mr. GRAVEL. I thank the Senator from Rhode Island.

Mr. President, the administration has just negotiated a new exchange agreement with the Soviet Union. It covers doctors, athletes, and professional people. It covers almost everyone but government officials. We are mentioned in there, but no exchange will take place until someone takes an initiative. That is what this legislation is, an initiative from the Senate to say we do want such an exchange, and we are willing to put up money to make it work. Over a 5-year period the cost will be 2 cents per taxpayer. Over that same period the amount spent on defense spending will amount to roughly $1,500 per taxpayer. It strikes me it would be wise to spend 2 cents per taxpayer to be able to make a more intelligent determination on that $1,500.

The most important votes we cast in this Chamber affect our national security. The greatest enemy we talk of in this Chamber is the Soviet Union, so it would seem logical that we equip ourselves with firsthand knowledge.

The opposition, from all I can determine, is against the bill for the sake of being against it. The goal, the intent of the bill is simple: To advance understanding between the United States and the Soviet Union—no more, no less.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

Mr. DOLE. Mr. President, understanding between nations through understanding between individuals is a cause which deserves vigorous encouragement and support. Developments in transportation and communications continue to shrink the globe, and problems common to the entire human species rise in crucial importance. In the last third of the century no nation or people can risk isolation from their fellow inhabitants of this planet.

The United States has compiled an admirable record through its efforts to promote international understanding. The two most recent examples of American initiatives to bring the people of the world closer together are the people-to-people and the Peace Corps. There are other programs, such as the experiment in international living, university and college foreign language study plans, and the efforts of various religious and cultural organizations.

It is difficult to estimate the precise impact these programs and the individuals who participated in them have had on international relationships at an official level, but it is safe to say the balance has been highly favorable on the personal level.

Mr. President, as much as I favor the stimulation of international contacts and individual appreciation for life and events in diverse cultures of the world, I do not feel the passage of S. 3127 is appropriate at this time.

Mr. President, if we are going to spend $5 million to foster better relationships with the Soviet Union, I believe there are more worthwhile and effective means than S. 3127. Senators and Congressmen already have the opportunity to make valuable contacts with their counterparts in the U.S.S.R. through international conferences, committee investigation, and diplomatic meetings.

My real objection is that this is an exchange program in name only. There is no assured reciprocity by the Soviet Union. Again as Senator AIKEN pointed out in the committee hearings, over 20,000 Americans visited the Soviet Union, while only 200 returned the visit to the United States last year.

Mr. ELLENDER. Mr. President, I am personally interested in this bill. As everyone knows, I have made five trips to Russia. I have been advocating for the past 15 years that we try to have a realistic exchange program, not only for schools, but for everything, including visits to us by scientists and farmers. Somehow we have not been able to get such a proposal accepted on a person-to-person basis. This bill makes a good start, I believe, in getting legislators to visit us in exchange for our legislators visiting the Soviet Union.

I simply believe that $1 spent here will do as much good as $5,000 spent for more and more arms. Let us try this. It will not hurt anyone. I sincerely believe that if we can establish a realistic exchange program it will do much more good.

I have long urged that we make a more realistic effort to communicate with the Russian people. After a visit to Russia in 1956, I wrote as follows in Senate Document No. 31 of the 85th Congress, First Session:

> As more Russians become educated, they will become less and less prone to accept at face value the propaganda-loaded description of life in the United States which the Red propaganda system dins insistently into their ears. The Russian people are curious by nature; they are becoming increasingly more curious about Americans, about life in America, and about the freedoms we enjoy.

In Senate Document No. 91–13 of the 91st Congress, first session, I again spoke on the subject following an extensive visit to the U.S.S.R. I said in part:

> It seemed to me that the changes amongst the Russian people were of the utmost importance for the drafting of fundamental, long-term U.S. foreign policy. It appeared to me that the factors of increased education, natural curiosity, and a desire for self-improvement which were evident among the peoples of the U.S.S.R. should be capitalized upon, more used in our own approach to relations with the Russian Government and the problems of securing world peace. In light of this, I again recommended that every effort be made to broaden our exchange of persons program with the Soviet Union. I was convinced and I remain convinced today that widespread exchanges would have to redound to our benefit.
>
> I am aware that the so-called cultural approach to international affairs which this represents is not the answer to international problems which are long and deep rooted, but we are dealing here with trends, not ultimate solutions. It is time for us to follow the paths which are available.
>
> For the past 20 years, I have heard experts on both sides of the Iron Curtain refer to the cold war struggle as a "battle for men's minds." Although we have tried to adjust some aspects of our foreign policy to the demands of this kind of warfare and have paid lip service to the concept, we have in most instances tended to act as though this were not, in fact, the fundamental nature of the struggle. As a result, our policy has continued to place predominant emphasis on the military aspects rather than, broadly speaking, the psychological aspects of the competition between the United States and the U.S.S.R.
>
> In our battle for men's minds, we ought to be concentrating on winning over the minds and the sentiments of the Russian people. However, not only are we failing at present to give proper emphasis to this factor, we seem, instead, to follow policies which tend to isolate and even alienate the Russian people from the influences of Western civilization. In this fashion, we play into the hands of the Communist apparatus whose principal source of power stems from the people's lack of contact with and lack of knowledge of the mainstream of history and of current events.

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

Mr. ELLENDER. I yield.

Mr. DOLE. I share the Senator's view about exchanges but here there is no assurance of exchanges. Last year 20,000 Americans went to Russia and 100 or 200 Russians came to America. There is no exchange there.

Mr. ELLENDER. In my book that is not an insurmountable problem. Let us at least try to get together. The trouble in the past has been we have wanted to do it on a one-to-one basis. I hope this will establish a realistic exchange between some of the public officials in Russia and our public officials. Even if not as many Russians come here as we might hope, there should at least be an increased number who will come and who will have many of their fears and doubts about our system dispelled. Let us try it, even though we put up a little more. Let them come here and look around at what our great democratic systems of government and of free enterprise have done for us.

Mr. DOLE. But there is nothing in this bill that permits them to come here.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask for third reading.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. GRIFFIN. Mr. President, I very much favor the idea of a realistic exchange program with the Soviet Union—an exchange that is truly reciprocal.

The bill before us, however, is a one-way street. It provides for Government financing to send U.S. officials to Russia, but there is no assurance or indication whatsoever that the U.S.S.R. would permit, let alone finance, visits by a corresponding number of Russian officials to the United States.

The PRESIDING OFFICER. The hour of 2:30 having arrived, the Senate, under the previous order, will vote on the pending measure. The bill having been read the third time, the question is, "Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SAXBE (after having voted in the affirmative). Mr. President, on this vote I have a live pair with the Senator from South Carolina (Mr. THURMOND). If he were present and voting, he would vote "nay." I voted "yea." I request that my vote be withdrawn.

Mr. BYRD of West Virginia (after having voted in the negative). Mr. President, on this vote I have a live pair with the junior Senator from Washington (Mr. JACKSON). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Virginia (Mr. BYRD), the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. RUSSELL), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that the Senator from California (Mr. CRANSTON), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I further announce that, if present and voting, the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HUGHES), the Senator from Maine (Mr. MUSKIE), and the Senator from Wyoming (Mr. MCGEE), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Colorado (Mr. ALLOTT), the Senator from Kentucky (Mr. COOPER), the Senator from Arizona (Mr. FANNIN), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mr. GURNEY), the Senator from Iowa (Mr. MILLER), the Senator from Illinois (Mr. PERCY), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I also announce that the Senator from Maryland (Mr. MATHIAS) is absent on official business.

I further announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

I further announce that the pair of the Senator from South Carolina (Mr. THURMOND) has been previously announced.

I further announce that, if present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from Arizona (Mr. FANNIN), the Senator from Iowa (Mr. MILLER), the Senator from South Dakota (Mr. MUNDT) and the Senator from Texas (Mr. TOWER) would each vote "nay."

The result was announced—yeas 38, nays 28, as follows:

[No. 139 Leg.]

YEAS—38

Anderson	Hartke	Pastore
Baker	Inouye	Pell
Bible	Javits	Proxmire
Brooke	Jordan, N.C.	Randolph
Cannon	Kennedy	Ribicoff
Case	Magnuson	Schweiker
Eagleton	Mansfield	Sparkman
Ellender	McIntyre	Stennis
Fong	Metcalf	Stevens
Fulbright	Mondale	Symington
Goodell	Moss	Young, N. Dak.
Gravel	Nelson	Young, Ohio
Hart	Packwood	

NAYS—28

Allen	Ervin	Pearson
Bellmon	Griffin	Prouty
Bennett	Hansen	Scott
Boggs	Hatfield	Smith, Maine
Cook	Holland	Smith, Ill.
Cotton	Hollings	Spong
Curtis	Hruska	Talmadge
Dole	Jordan, Idaho	Williams, Del.
Dominick	McClellan	
Eastland	Murphy	

PRESENT AND GIVING LIVE PAIRS—2

Byrd of West Virginia, against.
Saxbe, for.

NOT VOTING—32

Aiken	Gore	Montoya
Allott	Gurney	Mundt
Bayh	Harris	Muskie
Burdick	Hughes	Percy
Byrd, Va.	Jackson	Russell
Church	Long	Thurmond
Cooper	Mathias	Tower
Cranston	McCarthy	Tydings
Dodd	McGee	Williams, N.J.
Fannin	McGovern	Yarborough
Goldwater	Miller	

So the bill (S. 3127) was passed, as follows:

S. 3127

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Mutual Educational and Cultural Exchange Act of 1961 is amended by—

(1) inserting between the title and section 101 of such Act the following:

"TITLE I—EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM";

(2) striking out the words "this Act" wherever they appear in sections 101 through 111 of such Act and inserting in lieu thereof the words "this title"; and

(3) adding at the end thereof the following new title:

"TITLE II—UNITED STATES-UNION OF SOVIET SOCIALIST REPUBLICS POLITICAL EXCHANGE PROGRAM

"SEC. 201. It is the purpose of this title to promote greater understanding between the United States and the Union of Soviet Socialist Republics by providing for the exchange of governmental officials of those nations.

"SEC. 202. For the purposes of this title—

"(1) 'elected official' means—

"(A) a Member of the House of Representatives or the Senate;

"(B) the Governor of any of the several States of the United States;

"(C) the mayor or, if no mayor, the head of the governing body, of (i) the capital city of each State of the United States, and (ii) the largest city in each such State other than the capital city;

"(D) the chief presiding officer of each house of a State legislature; and

"(E) the majority leader and the minority leader of each house of a State legislature;

"(2) 'Soviet Union' means the Union of Soviet Socialist Republics;

"(3) 'program' means the United States-Union of Soviet Socialist Republics Political Exchange Program;

"(4) 'Secretary' means the Secretary of State; and

"(5) 'Committee' means the Advisory Committee on the United States-Union of Soviet Socialist Republics Political Exchange Program.

"SEC 203. (a) The Secretary is authorized to conduct a United States-Soviet Union Political Exchange Program, which shall provide for the following:

"(1) Each person who is an elected official on the date of enactment of this title and the spouse of each such official, if traveling with the elected official, shall be eligible, while still holding his elected office, to be paid, in accordance with priorities established by the Committee and in accordance with paragraph (4) of this subsection, for one trip abroad which includes travel to the Soviet Union and which is made within five years after the date of enactment of this title.

"(2) Any successor in office of an elected official referred to in paragraph (1) of this subsection, and the spouse of such successor, is eligible, while serving in such office as a successor, to be paid, in accordance with priorities established by the Committee and in accordance with paragraph (4) of this subsection, for one trip abroad which includes travel to the Soviet Union which is made within five years after the date of enactment of this title.

"(3) The total number of elected officials and their successors eligible for payment for travel under the provisions of this title shall shall not exceed one thousand.

"(4) Payment under this section shall not exceed the round trip cost by air of the elected official and accompanying spouse between his State of residence or Washington, District of Columbia, to any place in the Soviet Union, the cost of travel within the Soviet Union and an allowance of $50 a day for the elected official not to exceed fourteen days and $20 a day for an accompanying spouse.

"(5) Prior to departure from the United States and in order to receive a payment authorized by this subsection, each elected official or successor in office, and accompanying spouse, shall receive a briefing about the Soviet Union and the relations of the United States with the Soviet Union. The briefing shall be conducted by the Department of State after consultation and in cooperation with the Committee.

"(b)(1) As a part of the program, the Secretary, after consultation with the Committee, and with the approval of the President, may—

"(A) pay for the cost of arranging the itinerary of not to exceed one thousand officials of the Supreme Soviet, the Council of Ministers, the Central Committee of the Soviet Union, the principal officials of the constituent republics of the Soviet Union, the heads of the governing bodies of the one hundred largest cities of the Soviet Union, and the spouses of such officials, traveling to the United States; and

"(B) conclude any necessary arrangement with the Soviet Union to carry out the provisions of this title, and such arrangements may provide, on a reciprocal basis, for the payment of expenditures by the government of the nation where the expenditures are incurred.

"(2) No travel to the Soviet Union by elected officials under subsection (a) shall be dependent upon the conclusion of any agreement or arrangement under this subsection.

"SEC. 204. In order to carry out the provisions of this title, the Secretary is authorized—

"(1) to obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code;

"(2) to enter into contracts or other arrangements, or modifications thereof, without legal consideration, without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or other provisions of law relating to competitive bidding;

"(3) to make advance, progress, and other payments deemed necessary under this title without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529);

"(4) to furnish to the Committee, to the maximum extent practicable, such staff, office facilities, furniture, equipment, and supplies as the Chairman considers necessary to carry out the functions of the Committee;

"(5) to determine, in consultation with the Committee, the character of and the necessity for obligations and expenditures under the program, and the manner in which they shall be incurred, allowed, and paid, subject to the provisions of this title; and

"(6) to take such other action as may be necessary.

"SEC. 205. (a) There is hereby established an Advisory Committee on the United States-Union of Soviet Socialist Republics Political Exchange Program.

"(b) The Committee shall be composed of not to exceed five members appointed as follows:

"(1) three Members of the Congress, appointed as follows:

"(A) one Member of the Senate, to be appointed by the President of the Senate;

"(B) one Member of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

"(C) one Member from either House of Congress appointed by agreement of the President pro tempore of the Senate and the Speaker of the House of Representatives; and

"(2) not to exceed two other persons, chosen from among persons who are (A) former United States Ambassadors to the Soviet Union, or (B) otherwise qualified by training or experience as authorities with respect to the Soviet Union or exchanges with the Soviet Union, to be appointed by the President and to serve at his pleasure.

"(c) The Committee shall elect a Chairman from among its members.

"(d) The Committee is authorized to adopt such rules and regulations as it may deem necessary to carry out the authority conferred upon it by this section.

"(e) The Committee shall establish priorities with respect to payments to elected officials for trips abroad under the program and shall consult with, and make recommendations to, the Secretary of State, in connection with the program, with respect to—

"(1) itineraries, interpreters, the exchange of currencies, and other related details of travel under such program;

"(2) provisions to accommodate the personal and professional interests of persons participating in the program;

"(3) matters to be covered in the briefing administered by the Secretary under the program; and

"(4) such other matters as the Committee deems necessary to conduct the program.

"(f) The Committee shall submit a report to the President and the Congress three years after the date of enactment of this title evaluating the program, giving particular attention to means by which it might be improved, and making such findings and recommendations as it deems necessary. The Committee shall submit a final report to the President and the Congress not later than five years after such date.

"(g) (1) Members of the Committee who are otherwise employed by the Federal Government shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Committee.

"(2) Members of the Committee not otherwise employed by the Federal Government shall receive compensation at the rate of $100 per day (including traveltime) for each day they are engaged in the performance of their duties as members of the Committee and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Committee.

"SEC. 206. Unless legislation is enacted providing otherwise, the program shall terminate and the Committee shall cease to exist ninety days after the Committee submits its final report.

"SEC. 207. In order to carry out this title, there is authorized to be appropriated not to exceed $5,000,000 to remain available until expended.

"SEC. 208. This title shall take effect on the 1st day of February 1971."

Passed the Senate April 20, 1970.

Attest:

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

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

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, today the distinguished Senator from Alaska (Mr. GRAVEL) demonstrated a perceptive grasp of international understanding in leading through the Senate S. 3127 his bill which will provide for the exchange of governmental officials between the United States and the Soviet Union. We are indebted to him for his thoughtful presentation, for his articulate views and for his broad understanding of this matter. The Senate extends its heartiest thanks to Senator GRAVEL for a job well done.

To be commended also is the able and distinguished chairman of the Foreign Relations Committee, the able Senator from Arkansas (Mr. FULBRIGHT). His past efforts toward greater understanding with other nations are a matter of record. We appreciate his contribution to the high quality of debate on this measure.

Other Senators who contributed so much to the overall discussion and whose views were welcome and meaningful as always were the distinguished senior Senator from Louisiana (Mr. ELLENDER), and Senator Moss of Utah. They and many others deserve recognition for their contributions to the passage of this bill.

Although they were not in full accord with all of the views expressed and with the full effect of this proposal the distinguished Senator from Delaware (Mr. WILLIAMS) and the distinguished Senator from Kansas (Mr. DOLE) contributed in great measure to the debate and deserve our deep thanks. Certainly they enlightened the Senate with respect to many features of the measure and we are grateful.

The Senate as a whole is to be commended for the thorough but expeditious disposition of this matter.

ORDER FOR ADJOURNMENT UNTIL THURSDAY, APRIL 23, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Thursday next.

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

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, there will be no further votes in the Senate today.

Mr. SCOTT. Mr. President, will the majority leader state what the proposed business will be when we return on Thursday?

Mr. MANSFIELD. Mr. President, for the first time this session, I am really ashamed to answer that question. If I had my "druthers," I would rather the question had not been raised.

There will be some minor business. It will be very minor. That is all I can say.

Mr. SCOTT. I might add that that is why I raised the question.

AUTHORITY FOR SECRETARY OF THE SENATE TO RECEIVE MESSAGES AND APPROPRIATELY REFER THEM

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the adjournment of the Senate until 12 o'clock noon on Thursday next, 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 it be in order for them to be appropriately referred.

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

POLICE CORRUPTION AND THE ORGANIZED CRIME CONTROL ACT OF 1969

Mr. McCLELLAN. Mr. President, during the June 1969 hearings of the Subcommittee on Criminal Laws and Procedures, the Department of Justice, while testifying on S. 2022, the "Illegal Gambling Business Control Act of 1969," mentioned several corruption investigations in which the Department expected criminal activity could be shown, but in which there was an insufficient Federal nexus upon which to base a successful Federal prosecution. One of these inves-

tigations culminated in a prosecution, United States against Jerry Ryan, that has now been completed and a verdict unfavorable to the Government has been returned. Following the verdict, I wrote the Department of Justice asking for the facts and circumstances surrounding that prosecution and am now in receipt of their answer. I am informed that the prosecution involved an organized scheme of long duration in which officers of the Columbus, Ohio, Police Department would solicit and receive money bribes from the major numbers operators in the Columbus area in exchange for a lax enforcement policy of gambling laws and warnings of any proposed Federal investigations.

Inasmuch as the provisions of S. 2022 have now been incorporated into S. 30, the "Organized Crime Control Act of 1969," as title VIII—syndicated gambling—and inasmuch as it is just this sort of activity which title VIII is designed to prevent and stamp out, I think it would be helpful and appropriate to insert in the RECORD the Department of Justice account of the kind of unbridled corruption occurring in some of our major cities throughout the Nation. I add, too, that I would hope the information set out in this letter might serve to help the House Judiciary Committee expeditiously and favorably process the provisions of S. 30.

Mr. President, I ask unanimous consent to have printed in the RECORD immediately following my remarks my letter to the Justice Department and their response dated February 9, 1970.

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

U.S. SENATE,
Washington, D.C., January 7, 1970.

Hon. JOHN MITCHELL,
Attorney General, U.S. Department of Justice, Washington, D.C.

DEAR MR. MITCHELL: In the Department's testimony before the Subcommittee on June 3, 1969, in reference to S. 2022, mention was made of several corruption investigations in which the Department expected that although criminal activity could be shown, an insufficient federal nexus was present. It is my understanding that one of these prosecutions, *U.S. v. Ryan*, which was brought in Columbus, Ohio, has now been completed, and a verdict unfavorable to the government was returned.

It would be appreciated if you could inform me of the facts and circumstances surrounding this prosecution.

With best regards, I am.

Sincerely,

JOHN L. MCCLELLAN.

DEPARTMENT OF JUSTICE,
Washington, February 9, 1970.

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

DEAR SENATOR: This is in response to your letter of January 7, 1970, requesting information on a recent criminal case, *United States v. Jerry G. Ryan, Jr.*, (Cr. No. 9253), brought to trial by the Department of Justice in Columbus, Ohio.

The corruption uncovered by our grand jury investigation in Columbus, Ohio, amounted to an organized and sophisticated scheme of long duration in which officers of the Columbus Police Department, including the chiefs of the vice and intelligence bureaus and nearly all sergeants and patrolmen assigned to the vice squad, would solicit, demand and receive money bribes from the five major numbers operators conducting gambling businesses in the Columbus metropolitan area. In exchange for these payoffs, the gamblers were assured of a relaxed enforcement policy of all city and state gambling laws and protection from and warnings of federal investigations designed to uncover federal violations related to these gambling activities. Our proof, offered through the testimony of (1) immunized gamblers who made the payoffs to the police, (2) immunized policemen who received these payoffs and disseminated them to the eight policemen who were defendants in the trial, and (3) tape recordings of actual payoffs made to certain of the policemen by the gamblers, undeniably established the existence of the payoffs in return for no arrests of these gambling operators. At a minimum, the Chief of Intelligence received $40,000 over a three year period and patrolman on-the-beat received approximately $250 per month. The report of the Senate Committee of the Judiciary on the "Organized Crime Control Act of 1969" (No. 91-617) at page 72 makes reference to a corruption situation existing in a major midwestern city. This reference was in fact to these occurrences in Columbus, Ohio.

As noted in your letter, Department of Justice testimony before the Subcommittee on June 3, 1969, indicated an insufficient federal nexus in this corrupt Columbus, Ohio, situation. Further investigation into these matters by the grand jury did finally establish a predicate for charging federal crimes. The evidence by implication and inference (there was no direct evidence on the point) disclosed that the bribed officers of the Columbus Police Department upon learning of an Internal Revenue Service investigation into the Columbus gambling activities, undertook to frustrate and impede this federal investigation. The motives of the corrupt policemen were to protect the sources of their illegal monthly payoffs. Consequently, the police surveilled the Internal Revenue Service agents, arrested two special agents and the Department of Justice attorney in charge of the investigation (who were acquitted of the trumped-up charges), and warned the gamblers of impending federal raids, thereby totally frustrating the federal criminal investigations designed to uncover tax and interstate gambling violations.

In order to bring federal charges against these policemen in the absence of federal statutes prohibiting a scheme of bribes as described in this letter, they were charged with violation of 18 United States Code, Section 371 (conspiracy). In essence, the indictment charged these individuals with "conspiring to defraud the United States," to wit: that the protection from and warnings of the federal investigation given to the gamblers impeded and frustrated, e.g. defrauded, the United States. This prosecution was meritorious in light of actions of the police which were affording protection to numbers operations with the annual gross of multi-millions of dollars. The daily intake of one operator, Frank Baldasarro, was believed to exceed $15,000.

The trial on these charges consumed six weeks in November and December, 1969, and the jury returned verdicts of acquittal after deliberating four days. In final argument to the jury, the defendants conceded the payoffs but asked the jury to return not guilty verdicts on the grounds no *federal* violation had been proven. While reports of the jury deliberations reaching our office stressed the inability of the jury to find beyond reasonable doubt the existence of the sophisticated inferential conspiracy to defraud the United States, there was no other federal charge available to the federal grand jury upon learning of the facts of this case.

Sincerely,

WILL WILSON,
Assistant Attorney General.

RECALL OF AMBASSADOR SYMMES

Mr. SPONG. Mr. President, it has been reported that at the request of the Jordanian Government, the United States has recalled its Ambassador to Jordan, Harrison Symmes.

I find this situation regrettable and indicative of further deterioration in U.S. relations with the Arab world.

I have had the opportunity to visit in the Middle East and to spend some time with Ambassador Symmes. He is well qualified for the position he held, and knowledgeable about the problems of the area. His recall is, I feel, a loss not only to our Nation but also to Jordan.

The events surrounding the recall reenforce a belief I have had for some time: that the Fedayeen are a growing threat in the Middle East and that the increase in their power makes a political or negotiated settlement remote at best.

I visited in the Middle East in February of 1969, traveling to Egypt, Israel, Lebanon, and Jordan. In Jordan, I met with King Hussein. I concluded then that the atmosphere for a settlement, particularly along the lines of the November 1967 U.N. resolution had been best immediately after the war, but that prospects for a settlement were rapidly diminishing.

While the United States, and even nations of the Middle East, have continued to think in terms of the U.N. resolution, we have ignored the fact that a growth in strength of the Fedayeen has meant the growth in strength of a group which opposes the basic premises of the resolution.

The current situation in Jordan, an outgrowth of increased Fedayeen strength, dims the hopes of those who desire peace and stability in the Middle East.

I am sorry that Ambassador Symmes' expertise has been denied our Nation at a time and in a place where it is needed.

THE "DELTA QUEEN" IS DOOMED

Mr. BAKER. Mr. President, on April 16 I introduced a bill (S. 3737) that would have the effect of permitting continued operation of the last remaining stern paddle wheeler carrying overnight passengers up and down the great rivers of America. Identical legislation has been proposed by the distinguished Representative from Missouri, Mrs. SULLIVAN.

This morning's edition of the New York Times contains a feature article on this historic steamboat. I ask unanimous consent, Mr. President, that the article by Roy Reed, entitled "*Delta Queen*, Link to Twain Era, Doomed" be printed at this point in the RECORD.

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

"DELTA QUEEN," LINK TO TWAIN ERA, DOOMED

(By Roy Reed)

NEW ORLEANS, April 19.—The stars were as bright as lanterns but there was no moon.

Howard Tate read the faint riffles of the Mississippi River with practiced concentration. He nudged the steering lever and slipped the big boat a little closer to the shadows of the western bank.

When he consented to speak, his voice

came out in a rusty growl and poked around the darkness of the pilot house.

"Mark Twain never done no piloting to amount to anything," he said. "He never stood a pilot's watch more than six months in his life."

Then he added, after a studied pause, "he was a good writer (italics)."

The old river men who are unawed by the author of "Life on the Mississippi" are becoming scarce. Mr. Tate is 65 years old and has been a river pilot 42 years. He is the son and grandson of pilots. When he is gone, there will not be many left who have lived the river, the way Mark Twain did for a while, and kept the past alive.

ONLY ONE LINK TO THE PAST

The old boats they have known are going even faster than the men. Only one of the steamboats that tie 1970 to the nation's beginnings is left. There are three or four that carry passengers on daytime excursions a short distance from port, and one that sits lifeless and without boilers at the dock at Vicksburg, turned into a little theater.

But the remaining steamboat that actually carries overnight passengers up and down the great rivers is the boat that Howard Tate was taking down the moonless Mississippi that night, with 147 passengers asleep down below and the big red paddlewheel turning and whooshing in the back.

She is the Delta Queen, aged 44 and doomed.

This is her last year unless Congress intervenes. Because of the teak, mahogany, ironwood and oak of her superstructure, she is considered a fire hazard under the safety at sea law of 1966.

The law was passed because of two disastrous ship fires in the Atlantic. By the Coast Guard's interpretation, the Delta Queen is covered by the law with ocean-going vessels.

EXEMPTION IS SOUGHT

A bill has been introduced to exempt the Queen from the law permanently. She has two temporary exemptions. If the bill is not passed, the old sternwheeler will end her career Nov. 2 at New Orleans, and then become a daytime excursion boat, perhaps, or a floating restaurant.

The passengers, on a recent St. Louis-New Orleans roundtrip, most of them middle aged to elderly and from as far away as British Columbia, thought it was ridiculous and a little shameful that the Queen was being put out of business.

The crew held a lifeboat drill last Sunday afternoon, somewhere above New Orleans, and when it was over both crew and passengers laughed at the absurdity of it all.

"If we ever had an emergency we could be on shore before we could get the lifeboats in the water," said Clarke Hawley, the first mate. "We're never more than four minutes from shore anywhere on the river. If something should happen, all you would have to do is hit the rudder and run her aground."

The passengers shook their heads over the inscrutable ways of government, then went back to gazing at the river banks and the occasional plantation house whose gables peeked over the levee.

People were paying $30 to $70 a day for the privilege of doing almost nothing on this boat for 10 days.

There is no gambling. The liveliest music comes from the calliope when the boat is approaching a town, or sometimes from an organ in the dining room late at night, if the organist is feeling bold.

The cabins are small but comfortable. The food is good. The passengers entertain themselves with books, fortune telling, bingo or lying in the sun.

Mr. and Mrs. Albert W. Giles, steamboat buffs from Olympia, Wash., spent one hour after another the other day studying the engine room, watching the steamdriven pistons pushing their arms out the back of the boat to pedal the paddlewheel like a bicycle.

The wheel produces a hypnotic vibration. The passengers and crew are rocked to sleep each night—and not infrequently in the daytime—by the rhythm and rumble of the turning wheel.

ALL OFFICERS ARE "CAPTAINS"

In a world where meals and the playing of the calliope are rather keenly anticipated events, it is easy to imagine the impact of a change in scenery or weather. The passengers who make friends with the crew soon learn how important these changes are to river folk.

Captain Hawley (almost all the officers are addressed as captain) was talking one late afternoon of Mark Twain's regret at learning that the things he had admired as beautiful while he was a cub pilot—a blood-red sunrise, a floating log, a ripple in the water—were actually signs of danger to the experienced pilot.

"See that white mist on that field?" Captain Hawley asked, pointing to the eastern bank. "That's a beautiful sight, but it means that we have a 50 per cent chance of fog. And if we get in a fog, we have to tie up and wait until it passes."

At 5:45 o'clock the next morning, Capt. Ernest Wagner, the master of the boat, sat in the pilot house watching the sun come up. It was beautiful, all blood-red in sky and water.

He said, half to himself, "You know the old saying: Red in the morning, sailor take warning; red at night, sailor's delight."

Within an hour, the sun had disappeared behind a thick fog. Howard Tate, just up from the officers' quarters and still buttoning his shirt, had to slip her to the bank and stop.

This was an event. The passengers piled out of the cabins and stood on the decks for an hour staring into the fog and listening to the cardinals in the trees and the horns of tow boats creeping by in the channel.

LIFE ON THE RIVER CHANGES

Then the voyage resumed, and the elderly ladies from California and the young couple from Boston settled into the deck chairs and made ready for another day's travel.

The river has changed since Mark Twain's day, in spite of the steadfastness of people like Howard Tate.

Racial integration, for example, has come to the Delta Queen. Its mint juleps (from mint grown in flower boxes that catch the spray from the paddlewheel) are now drunk by occasional black passengers. Two Negro women were among the passengers who stopped recently for a tour of the antebellum homes at Natchez.

The crew was integrated two years ago when Franklin Myles was made chief steward and became the first black officer on the boat. When Mr. Myles sat down at the officers' table the first day, a white pilot threw his napkin on the table and said, "I'm not going to eat with a nigger."

Everyone, black and white, took his meals in his cabin for two tense weeks after that, everyone, that is, except Captain Wagner. He sat alone at the head of the officers' table for two weeks. * * *

Other changes have come to the river, Urban Renewal is working over Beale Street in Memphis. Fancy office buildings have begun to replace the empty music houses and the rundown bars.

They used to say that the Mississippi Delta began in the lobby of the Peabody Hotel in Memphis and ended in Catfish Row in Vicksburg. Catfish Row is a Negro shantytown. Urban Renewal is getting ready to renew it.

Dozens of chemical plants and oil refineries now rear up behind the levees between Baton Rouge and New Orleans. They provide jobs for the people and pollution for the river.

The water of this stretch is now so poisonous that not even Howard Tate will drink it, as strong a believer as he is in the purity of the Mississippi River water.

"Look at all these kids along the river," he said one day up around Greenville. "They drink that water all the time and they're just as healthy as they can be."

WHAT HUCK THOUGHT

He drank it himself when he was a boy, just as Mark Twain's people did up at Hannibal, Mo. There is a discussion in "Huckleberry Finn" about how much more nutritious the muddy Mississippi water is than that of the clear Ohio. The Child of Callamity says:

"You look at the graveyards; that tells the tale. Trees won't grow worth shucks in a Cincinnati graveyard, but in a Sent Louis graveyard they grow upwards of eight hundred feet high. It's all on account of the water the people drunk before they laid up. A Cincinnati corpse don't richen a soil any."

For all the changes, the river still robs a man of the sense of time. The passenger on the Delta Queen has joined a different world where there are no newspapers, no radios, no telephones, no automobiles—none of the pacemakers of the 20th century.

The passage from Memphis to Helena, Ark., takes five and a half hours by the clock. But to the passenger on the Queen, it might be an hour or a day. He doesn't care.

Only the movement south into spring—the redbuds open in Vicksburg, the swallows suddenly skim the water above Natchez—keep the river and the boat minimally involved in time, and that largely at the river's chosen speed.

THE ISOLATION OF MAURICE STANS

Mr. COTTON. Mr. President, in the Washington Post of Wednesday, April 15, appeared an article on the editorial page by Mr. Hobart Rowen, entitled "The Isolation of Maurice Stans." This article discussed from the standpoint, I would say, of very little factual knowledge, the position that the Secretary of Commerce, Mr. Stans, has taken in regard to our foreign trade policy. It implied or practically stated that he was persona non grata with the rest of the administration, that the President preferred listening to the opinions of his economic advisers, and that Mr. Stans had taken a position contrary to free trade and to the increase of our foreign trade.

Mr. President, I ask unanimous consent to have printed in the RECORD the article to which I referred, in the Washington Post of Wednesday, April 15, 1970.

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

THE ISOLATION OF MAURICE STANS

(By Hobart Rowen)

Like other Secretaries of Commerce before him, Maurice Stans finds his role confining and frustrating. He is effectively fenced off from broad economic policymaking, and despite his 1968 campaign success as a big money-raiser for Mr. Nixon, enjoys only a rare audience with the President.

But more astonishing than Mr. Stans' failure to make the "first" economic team is evidence that he is engaged in a running battle with almost everybody else on it.

In recent weeks, publicly and privately, he has been scrapping with the State De-

partment, the Treasury, and the Council of Economic Advisers. And he ignores, as if he didn't even exist, the President's Special Representative for Trade Negotiations, Carl Gilbert.

Worst of all, from his standpoint, the "word" within informed Nixon administration circles is that despite his presidential assignment to reach an agreement with Japan on textile imports, the man who has (and will have) the final say on that subject is Presidential Assistant Henry Kissinger.

In other government departments, there is full awareness of Stans' circumscribed role, but the tendency is to be sympathetic. As the Secretary prepared to take off this week to beat the bushes in Latin America for expanded trade, a second-level man in another department said: "We view him with bemused tolerance."

It is an open secret that Stans wanted to be Treasury Secretary, and the failure to win that key cabinet office still rankles. Some of Stans' own associates ascribe his coolness to Treasury Secretary David Kennedy to this fact, at least in part. (The two cabinet officers communicate only by written memo.)

But Stans' basic concern with the Treasury Department resides in his own classic, conservative approach to economic policy. For instance, he worries about the balance of payments deficit and is understood to feel that Kennedy pays only lip service to the problem.

A specific complaint is that Treasury deserted Commerce during the inter-agency task force discussions on oil imports: Stans thought that balance of payments considerations should have lined the Treasury up with those against liberalization. Kennedy didn't buy that argument.

There can be no doubt that the deficit last year was a whopper (and fresh figures attesting to the continuing nature of the problem are due to be issued shortly for the first quarter of this year). But Treasury, CEA, and State Department officials display such a calm attitude that it has the business-oriented Commerce Department climbing the walls.

Top administration officials are of course sensitive to the long-run need of achieving a better balance. But the fact of the matter is that despite the big deficit most European countries are quite content right now to hold dollars as good investments. There are many reasons for this, including the insulation of the dollar against gold speculators since establishment of the two-tier gold system.

There is such an air of steadiness in international money markets, as a matter of fact, that last year's pressing interest in "crawling pegs" and other esoteric devices to introduce a measure of flexibility into the exchange rate system has somewhat faded away.

But Stans doesn't propose to let anyone forget the horrifying balance of payments numbers, and can cite as an ally in this respect none other than French President Pompidou.

On Feb. 25, during his visit to this country, President Pompidou spent a great deal of time lecturing a blue-ribbon group of American economic officials, including Treasury Secretary Kennedy and Federal Reserve Chairman Arthur F. Burns on the "perpetual U.S. deficit." (It didn't help Stans' wounded ego, when alone among top economic officials, he wasn't asked to this meeting, at Blair House.)

Both Kennedy and Treasury Under Secretary for Monetary Affairs Paul Volcker assured Pompidou at that meeting that the United States also realized the importance of narrowing the deficit, and improving our trade balance, but because of our defense "umbrella" over the world, there were no quick or easy solutions in view for the overall deficit.

Stans thinks that in today's world, to assure a trade surplus, we have to be as tough as other countries in giving domestic producers some protection and throwing up reasonable barriers (legislated if necessary) against a flood of imports.

But the year-long wrangle over textile imports is a good illustration, the anti-Stans claque insists, of how the Commerce Secretary's effectiveness has faded. When he saw the President one day last week—with John Ehrlichman present—it was the first time in a month he had been able to wangle an appointment.

In trying to sell Mr. Nixon a tough line on the Japanese problem, Stans has bumped into Under Secretary of State U. Alexis Johnson and Assistant Secretary for Economic Affairs Philip H. Trezise, who take a milder approach. Kissinger holds the real power, and both sides claim that he is leaning their way.

Simultaneous with his battle with State, Stans got himself in a jam with the usually mild Chairman of the CEA, Paul W. McCracken for letting Assistant Secretary Kenneth Davis Jr. take a public poke at CEA Member Hendrik Houthakker.

Davis criticized Houthakker's observation that steel import quotas would not be a good approach to that industry's problems. Stans tried to patch things up with McCracken, but the irritations between Commerce and CEA remain.

Two weeks ago, fuel was added to the fire when another Stans aide called a "background" press conference to announce the Japanese were so unreasonable "the administration" was considering, reluctantly, asking Congress for textile quotas.

The only thing wrong with that announcement was that "the administration" has as yet determined no such policy. Stans, indeed, thinks that American industry needs quota protection—and he has some support within business circles. But so far, no one else in the administration is listening. The State Department considers him a hopeless reactionary, and others refer to him as a "mercantilist."

Stans' closest allies are a couple of the most conservative members of the Federal Reserve Board, who are powerful in their own right, but who have no say in making administration policy.

What it comes down to, in the end, is that the Commerce Department provides no "power base" for a man of strong will. Economic policy in today's U.S.A. is made in the White House itself, in State Department, The Treasury, and the Economic Council. Even the Budget Bureau faces a decline if Mr. Nixon's administrative reforms go through, emphasizing the role of Presidential Assistant John Ehrlichman. Stans should have got the message when he tried early last year to crash the Big Four—the so-called "Quadriad" of economic advisers—without success. When he is bucking the basic trend, as he is, he might as well be on the outside, looking in, as on the inside, looking in.

Mr. COTTON. Mr. President, the article even accused Mr. Stans of what the writer apparently considered a most heinous crime. It said he was not paying any attention to a gentleman named Carl Gilbert, whose nomination as a Commerce Department negotiator in foreign trade was confirmed after a rather spirited discussion in the Senate. I believe 33 Senators opposed the nomination, because we were of the opinion that Mr. Gilbert, while a very sincere and experienced gentleman, was so completely dedicated to taking care of the interests in the name of free trade or taking care of the interests of every nation on earth except his own, that we viewed with a good deal of apprehension the confirmation of his nomination for this position.

That the Secretary of Commerce has seen fit to disregard or at least to restrain and take a somewhat different line from that of Mr. Gilbert is the best news I have heard in a long, long time.

This article, which accuses the Secretary of Commerce of being an isolationist, is one of the most amazing articles I have ever read. I find myself rather astonished to be on the floor of the Senate defending Mr. Stans, because, although I have always respected him and have a warm personal regard for him, I have been one of those who have been most critical of him and one of those who have said to him, frankly, that we could not agree with him because of his position, which some of us thought was not alert enough to the saving of American jobs and of American industries.

Frankly, the Secretary of Commerce, Mr. Stans, conferred with many people in this Chamber, particularly those of us on the Commerce Committee, in the very early days of his administration. He proclaimed that his policy was that he was going to Japan, and he was going to negotiate, to the very best of his ability, to get a voluntary agreement on the part of the Japanese in regard to the volume of their export of textiles into this country. Some of us asked him how much hope he had of getting voluntary agreement, and at that time he felt very hopeful.

In my own case, I made one objection, and it was that in using up month after month in negotiating for a voluntary agreement with the Japanese with respect to placing some limits not on the present imports but on the increase of their present exports into this country, he was neglecting shoes and electronics, both of which industries are in very great danger.

I recall using this illustration, which was homey and off the farm, where I originated:

I said, "What you are doing in taking time to negotiate on textiles—interested as I am in textiles—is like leaving the henhouse door open while you are chasing one white pullet and letting all the rest of the hens escape."

He explained to me, however, that he was steadfastly of the opinion, as was the administration—he had conferred with others, and they felt the same—that he should concentrate on one commodity at a time.

Mr. President, I hope that I do not need to repeat in the Senate that the position of the Senator from New Hampshire on the matter of imports into this country and the resulting devastating effects on our own industry and on the jobs of our wage earners is not in any way hostile to the principle of free trade. The amendment that this Senator offered to the tax bill, which was adopted by a rather substantial majority—I would not say an overwhelming majority, but better than 2 to 1, which is fairly overwhelming—simply authorized the President, in cases in which other countries—and nearly every country on earth

that we have any dealings with is included in that category—impose restrictions, whether they be quotas, tariffs, import license, or any other means of restricting imports into their country of American goods, to create necessary barriers, quotas, or otherwise, against the unlimited dumping of goods from these countries into the United States. It went on to provide that when the other countries remove their restrictions on American exports to them, any such restrictions could and should be immediately abolished. That was, and is, the position of the Senator from New Hampshire.

The Senator from New Hampshire found himself rather unhappy about the caution and the slowness with which the distinguished Secretary of Commerce was proceeding along the line of protecting American jobs and American industry.

The negotiations went on and on. The Senator from New Hampshire has reason to believe and understands that the Secretary of Commerce has been disillusioned and sadly disappointed in the adamant attitude of the Japanese with whom he has been negotiating, and has given up hope of any voluntary agreement to protect our textiles. He now takes the position that the time has come when we must take action. He has indicated that he would not be averse, in fact he might recommend—I suppose first securing the approval of the President and the administration, that Congress take action itself by legislation to restrain the further ballooning of exports from other countries into the United States which are putting not only our textiles out of business, but also the shoe industry, and the whole leather industry.

Foreign manufacturers have also taken over the manufacture of nearly all transistor radios. They have also taken over nearly all of the rest of radio manufacture, and they have taken over the manufacturing and sending into this country of black-and-white television sets. There is very little left in the electronics field, except color TV, which we in this country are manufacturing. They are fast taking over in that field, too.

Thus the situation is desperate. The Senator from New Hampshire is not privy to or familiar with all of the ebbs and flows of the tides of influence within the administration. This administration, like every other, I suppose, has within it elements which do not always agree; but the Senator from New Hampshire is not impressed by the article published in the Washington Post, which has so many glaring errors in it.

But the Senator from New Hampshire suddenly finds himself in the position where he, for one, could not remain silent and have the attitude of the Secretary of Commerce so badly misrepresented.

To sum up, Secretary Stans has been most patient and most diligent in seeking voluntary agreements. He has sought to avoid any action that would appear to be a retreat into protectionism by this country which would disrupt our relations with other countries.

In my opinion, he has been too patient. At last, however, he is beginning to accept the fact that—and I am sure he has realized it before—we will accomplish nothing by continuing to beg and beseech those who are flooding this country with their imports.

Just one more word at this point. Most of the opposition to those of us who are seeking not to return to protectionism, but are seeking to stop the United States of America from becoming the dumping ground for the goods of every nation on earth, every one of which imposes restrictions on our exports to them, has come from those who say they are opposed to doing anything about this situation because it would be bad for the American consumer.

Mr. President, I have rarely seen a position as illogical as that one. For one thing, those who work at the bench in the shoe shops, those who weave in the textile industry, those who work in the electronic plants, those who work in the glass factories, those who work in many other industries which are being driven slowly to the wall, they, too, are consumers. If they do not have jobs to go to, they will not have too much with which to consume.

Even more important than that, the history of trade relations and the development of trade indicates that whenever other countries have been able to practically abolish a particular industry in this country, to the point that they have gotten rid of American competition in their field, immediately their prices go up.

Thus, in the long run, this policy and this permissiveness in the matter of imports will hurt the consumer fully as much as anyone else in the Nation.

Mr. President, I wish to make the following brief statement which I had prepared regarding the article published in the Washington Post:

"Isolation" is a word that means different things to different people, but the Washington Post, or at least one of its editorial writers, has developed a meaning all its own if one cares to believe an article carried on April 15 entitled "The Isolation of Maurice Stans."

The article suggests that because Secretary of Commerce Stans is concerned about our balance-of-payments problem and because he believes that "we have to be as tough as other countries in giving domestic producers some protection and throwing up reasonable barriers—legislated if necessary—against a flood of imports," he is in "isolation."

A second-level bureaucrat, presumably in the State Department, is even quoted as saying about the Secretary, "We view him with bemused tolerance."

Let me state clearly, for the record, that I, and I am sure most Members of the Congress on both sides of the aisle, do not view with "bemused tolerance" the attitude of some anonymous, unidentified, disgruntled "second level" bureaucrats who do not seem to understand or care what is happening in this country.

If Secretary Stans, or other officials in the Department of Commerce, are to be criticized for their comments about the unreasonable attitude of the Japanese in current negotiations, the only criticism I see is that "unreasonable" was too gentle a word.

Far from being in isolation, Secretary Stans, when he speaks out for being as tough as other countries in preserving American jobs, is riding a huge wave of popular support that was missing for years in the two previous Democratic administrations.

The Washington Post, those "second level" bureaucrats and anyone who may be foolish enough to believe them at the White House would be wise to question their own "isolation" on these matters.

Over 70 bills have been introduced in the House in the last few days with powerful bipartisan support to do something about the textile and leather footwear problem. Numerous similar measures are pending in the Senate with equally strong, if not stronger, bipartisan support.

If, as the State Department suggests in the article, Secretary of Commerce Stans is a "hopeless reactionary" and a "mercantilist" then there are over 50 Senators and over 300 House Members to whom the term might be equally applied if wanting to help American industry and American workingmen qualifies them for that title.

I commend Secretary Stans for what he is trying to do, I applaud the candor of a man who believes in the kind of tough bargaining that is so injurious to State Department tempers. It is about time we stop being the patsy for other nations who throw up their own obstacles to free trade and then cry wolf when we ask to be treated on an equal footing. I hope the Secretary will continue his efforts and I assure him that, the Washington Post and the State Department to the contrary, he has support here in the Senate whose muscles have not even been flexed yet. The Post had better be worrying about its own "isolation," because Secretary Stans has far more company than even he may realize.

Mr. President, I am content to say that the article is unfair to the Secretary of Commerce. It is not factual. It ignores the facts. The Secretary of Commerce has worked long and hard and is willing now and has come to the point—they never criticized him until now—where he has reached the commonsense conclusion—that many of us came to a long time before—that we have got to have action instead of just words in negotiations, if we are going to accomplish anything.

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

Mr. COTTON. I yield.

Mr. BAKER. Mr. President, I associate myself with the observations and the meaningful remarks made just now by our distinguished colleague, the Senator from New Hampshire.

It is one of the favorite pastimes of all of us and of our colleagues in the press to speculate on who has the President's ear and as to the prestige and persuasiveness of one Cabinet head or another or one Presidential assistant or adviser or another.

I am not sure that serves any purpose, but it is great sport.

It does not serve a purpose with respect to a dedicated Cabinet officer such as Secretary Stans. I know Secretary Stans, as does the Senator from New Hampshire, as a man of dedication.

He is a Cabinet leader who has worked tirelessly to try to promote the sector of the country which he represents and tries to protect the country as a whole.

Secretary Stans will go down as one of the great Secretaries of Commerce. I think his ability to defend himself is apparent. He is not overly concerned about this criticism.

I would like to associate myself with the remarks of the Senator from New Hampshire and say that I believe Secretary Stans to be one of the great public servants at this time.

Mr. COTTON. Mr. President, I thank the Senator from Tennessee for his very apt statement. I agree with his admiration and analysis of Secretary Stans.

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

Mr. COTTON. I yield.

Mr. BELLMON. Mr. President, I join the senior Senator from New Hampshire in registering strong objections to the unfortunate and unreasonable articles that have recently appeared in some of the press concerning Secretary of Commerce Maurice Stans.

These articles have maligned the man who is, in my opinion, the foremost Secretary of Commerce in recent years. Raking over petty internal criticisms by frustrated lower-level staff people in different agencies does a disservice to an outstanding Cabinet officer, as well as to the President who selected him. If these people do not understand administration policy or cannot accept it, they should be invited to leave. Mr. Rowen and others who have attacked the Secretary can be criticized only for being wrong on the facts and wrong on the man. I hope that their readers will not be fooled by articles based on the unattributed statements of individuals who have lost arguments. Secretary Stans has done an outstanding job in solving problems ranging as broadly as minority business enterprise, textile imports, the 1970 census, not to mention his outstanding role in the President's Task Force on Oil Import Control. No Secretary of Commerce has done more in 14 months in office.

I have the highest regard for Maurice Stans. I consider that he is doing an excellent job in his position. I believe my feeling is shared by those who know him and have worked with him.

Mr. COTTON. Mr. President, I thank the Senator from Oklahoma for his very timely observations.

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

Mr. COTTON. I yield.

Mr. GRIFFIN. Mr. President, I commend the Senator from New Hampshire for leading this discussion. I wish to associate with his remarks, and with the remarks of the distinguished Senator from Tennessee and the distinguished Senator from Oklahoma.

I am confident that when history judges Maurice Stans, he will stand out as one of the greatest, if not the greatest, Secretary of Commerce our country has ever had.

Among many accomplishments under his administration, I hope the press will report more fully on work being done by his department within the minority enterprise area—the impressive progress being made in helping those in minority groups to get into business.

Not long ago the Republican Policy Committee was apprised of this work by Secretary Stans, and I am very conscious of some of the achievements made in my own State of Michigan.

Mr. COTTON. Mr. President, I thank the distinguished Senator from Michigan. Both of us, being members of the Committee on Commerce, have much to do with Secretary Stans, in performing our functions as an oversight committee of the Commerce Department.

I think that we on that committee had some reservations in the beginning about this policy we are talking about.

But we on the committee have been impressed with the work of the Secretary and the way in which he has reorganized his department and undertaken to do a really innovative work.

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

Mr. COTTON. I yield.

Mr. PROUTY. Mr. President, I wish to join my distinguished colleague from New Hampshire today in his discussion of the column by Mr. Hobart Rowen which appeared in the Washington Post of April 15.

Maurice Stans, is of course, one of the ablest individuals who are a part of this administration. His is an excellent understanding of economic problems; particularly his grasp of the role of our business economy in its relation to the economy of the international community at large. His contributions are most important both to the President and to those of us in the Congress who are concerned with the flood of imports into this country and its adverse effect upon business and the workers in our factories.

Mr. President, the aspect of his approach to economic problems which appears most important to me is his acquaintance wtih the American constituency; the problems of the American businessman, and, as a result, of the American people generally. Fortunate indeed are we to have as head of the Department of Commerce a man who recognizes in true perspective the problems, both at home and internationally, which beset our Nation's business, and through it, our economic position in the world.

Maurice Stans' views and ideas in these matters, Mr. President, are somewhat less parochial than perhaps some of his critics would care to admit. They represent a larger view than the narrow corridor of self-righteous immutability of some of his less-well-informed critics.

Mr. President, Secretary Stans really needs no defense from me. But, he does deserve the support of the Senate, which he certainly has, and his efforts in the promotion of the American-business community have been a very important contribution to this administration.

Mr. President, I refer again to Mr. Rowen's column and its discussion of the balance-of-payments problems. He says, and I quote:

> Despite the big deficit, most European countries are quite content right now to hold dollars as good investments.

Mr. Rowen may well be right—at the moment. But he knows as well as Maurice Stans does how fickle nations can be, especially in the international money market. On the other hand, European private investors are another matter; I am not so sure just how determined they are to continue to invest in the safe American market. It is in this area that Maurice Stans' efforts are most important to us now.

Maurice Stans is aware of the problems involved there, and the administration prospers when it heeds his comments on the subject.

Mr. COTTON. Mr. President, I thank the Senator from Vermont for his very able statement. I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I thank my distinguished colleague, the senior Senator from New Hampshire, who speaks from a background of great experience and considerable knowledge in an area that certainly is not strange to him. I would like to join him and associate myself with him in the remarks he has made.

I think Secretary Stans will go down in history as a realist, a person who recognizes the growing illusion that the sort of environment in which this country has participated in world trade is not free at all; that of all major nations in the world there is none with fewer barriers to trade than those presented by the United States. On the other hand, every sort of gimmickry that can be imagined has been employed by those nations throughout the world who would seek to preserve the illusion that they want to participate on the basis of free trade and to move in the direction of lowering barriers to trade.

As a consequence, the United States today stands alone among all the countries, insofar as barriers to trade are concerned. We are at the double disadvantage of being subjected to a growing flood of imports into this country from nations that do not start to pay wages comparable to those paid in this country; and the flood of imports from nations whose industries do not start to pay taxes that the American businessman is called upon to pay in order to bring about the wide range of social programs that a majority of Members of Congress from time to time have felt would advance the public interest in this country.

Secretary Stans is a realist and he understands better than most that the thing that makes the American market the greatest market in the world today is the fact that the average American has a far higher and greater personal income than his counterpart in any other country in the world, and that the per capita income that he enjoys is the direct result of the high wages paid by industry and the full employment that we have in this country today.

The Secretary is most desirous of protecting those jobs, and maintaining the wage scales which make the American market the world's greatest.

I know that the unemployment figures are creeping up somewhat as we are trying to bring about a damping of the fires of inflation; but the fact remains that the reason the American market is so much better than the market in any other country in the world today is because of the great number of persons employed in the United States and the high wages they earn.

So if we were to pursue a course that those detractors of Secretary Stans recommend that this country take, we would find on one hand a decrease in the number of jobs we have and on the other a lowering of wages earned on an hourly basis, the two factors which account for the tremendously attractive market the United States offers for all foreign produced goods.

In order that it might be more clearly understood by everyone that he speaks not only for American industry but as well for American labor, I ask unanimous consent to have printed in the RECORD at this point excerpts from a statement made by President Paul Jennings, president of the International Union of Electrical, Radio & Machine Workers, during a recent conference here on the developing crisis in international trade which was sponsored by the industrial union department of the AFL–CIO.

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

President Paul Jennings has called for creation of "a new U.S. government Department of International Trade, of cabinet rank," to provide regulation, promotion and information in this extremely complex area.

The IUE President made the proposal as chairman of a seminar on foreign made components and products at the March 19–20 conference on "The Developing Crisis in International Trade," held in Washington under the sponsorship of the AFL–CIO Industrial Union Dept.

Taking note of the multiplicity of U.S. government agencies which now "pass the buck" and work ineffectively and often against each other in the trade field, Jennings said, "We must have a strong, competent agency concerned with everything from statistics-gathering to promotion and regulation."

"In this modern world," he said, "we've got to have a deep, mature concern and a competent, modern instrument—a modern, effective department—to express and channelize this concern. This department should have a permanent advisory committee, on which labor and consumers are represented."

Jennings also called for a permanent labor movement committee on international trade, to "have regular and continuing dialogue with that one agency on the gut questions on all foreign trade matters."

Trade-related problems listed by Jennings included "escalating imports of all sorts of products from countries with extremely low wages; multinational U.S.-owned corporations which shut down their American plants and open large, new factories overseas; the export of our jobs and our products to the same companies' foreign plants; tariff schedules that encourage American firms to open Mexican and Far East plants, and quotas and many different kinds of nontariff trade barriers imposed by other nations on our exports."

Noting this increasing inter-union cooperation in the field, IUE President I. W. Abel of the Steelworkers said the conference had made trade union history. "For the first time," he said, "a group of this makeup and size is meeting to express common concern over the effects of international trade upon American workers."

AFL–CIO Secretary-Treasurer Lane Kirkland, subbing for President George Meany, was joined by numerous international union presidents in calling for new U.S. government trade policies in keeping with the times. Among these presidents was Charles Pillard of the IBEW and Floyd Smith of the Machinists whose unions have been working closely with IUE in seeking effective solutions to the imports problem.

MORGANSTERN DOCUMENTS IMPORTS GROWTH

The growth and size of the imports problem in the electrical-electronics field was detailed in a paper presented by IUE Research Director Abe Morganstern. He pointed out that, from 1957 to 1965, over $14 billion in U.S. taxpayer funds went to electronics and communications companies for research and development—and that the technological advances produced by this R&D have been exported. The result is that, through U.S. capital investment overseas and in Mexico, American technology is producing goods for the American market, while eliminating, rather than generating, U.S. jobs.

Morganstern cited such examples of U.S. runaways as General Instrument Co., the largest employer in Taiwan with 12,000 workers, which has closed three New England components plants in the past two years, displacing 2,000 workers; Ford-Philco, with over 1,000 Taiwanese employees, recently reducing its Philadelphia workforce by 1,300, with additional layoffs foreseen; Warwick Electronics, laying off hundreds of workers in Arkansas while increasing TV production in Mexico, and Singer, whose New Jersey sewing machine plant is down to 2,000 workers from 10,000 and is the last household sewing machine plant in the U.S.

Morganstern's paper, fully endorsed by all three unions, called for these actions:

A truth-in-import labeling act to identify the manufacturer and nation of origin of all imported products.

A tariff on the full value of the unit or product imported, not merely on the so-called "value added" abroad.

A clearly-defined international program to raise substandard wage levels.

Measures to limit the export of capital, including a tax thereon.

Public ownership of patents developed in public programs and/or with public funds.

Quotas, either voluntary or involuntary, limiting the imports and import growth of products and components whose rate of import growth since 1966 has exceeded a stated percentage—with provisions for extension to other products and components whenever the rate of import increases during two successive years seems excessive.

Adjustment assistance for all workers displaced by a rise in imports, where the import rise can be shown to be a major or a significantly contributing cause of such displacement.

Conference chairman I. W. Abel, IUD and Steelworkers president, said the objective is not "free trade" but "fair trade"—expanded fair trade that expands employment here and abroad. And he closed the conference with a pledge there will be action.

Mr. HANSEN. Mr. President, I appreciate the leadership that has been displayed by our esteemed colleague from New Hampshire. He is exactly right. Not only is American industry solidly behind Secretary Stans, but the American workingman also is solidly behind Secretary Stans. I am proud to associate myself with the Senator.

Mr. COTTON. Mr. President, I thank the distinguished Senator from Wyoming.

I wish to close with this statement. Maurice Stans needs no defense on the floor of the Senate or in any other forum. He has long been known and long ago established his place as a great American. He served as Director of the Bureau of the Budget with distinction and with skill. He was selected by the President as Secretary of Commerce. It was a wise selection. There is no question in my mind but what he has the complete confidence of the President. As he performs his duties and defines the policies of his Department he is careful, he is tactful, and he can be depended upon to commit no heedless or ill-considered action to disrupt this Nation's relations abroad. But he is also firm. He stated to many of us that he is going to exhaust every last resource of negotiation before he takes other steps, but if negotiations fail, then he would be prepared to advocate action on the part of Congress, if necessary, to preserve the jobs of our workingmen.

Something has been said in these remarks about what is going to happen or may happen to those who are employed in industrial plants of this Nation.

Mr. President, it has already happened and is continuing to happen. In my State within the past 2 or 3 weeks we have lost still more of our shoe industry and the same is true all over the country with many other kinds of commodities. I have constantly fought to protect our people in their jobs and protect our plants, and will continue to do so.

In the words of Winston Churchill, who said he did not become Prime Minister to preside over the liquidation of the British Empire, we in the Senate did not come here to preside over the fall of American industry which is our first and last line of defense and which preserves our standard of living.

Secretary Stans has now proclaimed that he did not become Secretary of Commerce to preside over the dissolution of American industry and the prosperity of the American worker. We honor him for that. As was indicated very recently, I think that he has not only the support of the President of the United States; I believe he has the support of the Congress.

While it was needless to defend him today, I did not want to let this attack upon him pass unnoticed, because it is time people woke up to what we are up against.

I thank the Senate. I yield the floor.

ADJOURNMENT TO THURSDAY, APRIL 23, 1970

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock meridian Thursday next.

The motion was agreed to; and (at 3 o'clock and 31 minutes p.m.), the Senate adjourned until Thursday, April 23, 1970, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 20, 1970:

U.S. AIR FORCE

The following officers for appointment as Reserve commissioned officers in the U.S. Air Force to the grade indicated, under the provisions of chapters 35 and 837, title 10, of the United States Code:

To be major general

Brig. Gen. I. G. Brown, xxx-xx-xxxx FG, Arkansas Air National Guard.

To be brigadier general

Col. John J. Pesch, xxx-xx-xxxx FG, Maine Air National Guard.

The following officers to be placed on the retired list, in the grade indicated, under the provisions of section 8962, title 10, of the United States Code:

In the grade of lieutenant general

Lt. Gen. Thomas S. Moorman, xxxx FR (major general, Regular Air Force), U.S. Air Force.

Lt. Gen. Kenneth E. Pletcher, xxx-xx-xxxx xxx-... FR (major general, Regular Air Force Medical), U.S. Air Force.

Maj. Gen. Alonzo A. Towner, xxx-xx-xxxx xxx-... FR, Regular Air Force Medical, for appointment as surgeon general of the Air Force, in the grade of lieutenant general, for the period beginning from May 1, 1970, and ending on September 30, 1972. This nomination is made under the provisions of section 8036, title 10, of the United States Code.

IN THE AIR FORCE

The nominations beginning Lawrence M. Johnson, to be captain, and ending Albert W. Zukatis, to be 2d lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 17, 1970; and

The nominations beginning William F. Nugent, to be lieutenant colonel, and ending Lt. Col. Robert W. Lamb, to be permanent professor, U.S. Air Force Academy, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 24, 1970.

IN THE ARMY

The nominations beginning Charles A. Krebs, Jr., to be 2d lieutenant, and ending Ralph C. Zychowicz, to be 2d lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 13, 1970.

IN THE MARINE CORPS

The nominations of Albert F. Schoepper, to be colonel, and Dale L. Harpham, to be major, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 1. 1970.

HOUSE OF REPRESENTATIVES—*Monday, April 20, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Remember the day in which you came out of the land of slavery; for it was by a strong hand that the Lord brought you out.—Exodus 13: 3.

O Lord our God, and God of our fathers, we greet Thee at the beginning of another week and on the eve of the Passover of our Hebrew brethren. As Thou didst lead the children of Israel out of the house of bondage into the promised land of liberty, so do Thou lead us into a new day of greater justice, of larger freedom, and of a finer spirit on the part of all our people.

Cleanse the hearts of men of the passions of hate and strife, of greed and lust for power, and fill them with faith and hope and love. Speed the Passover of the future when injustice shall cease, intolerance shall vanish, and freedom and peace shall reign forever. Hasten the day when all men shall learn that they are brothers and with joy proclaim Thee the God and Father of us all.

And we thank Thee for the safe return of our astronauts.

In Thy holy name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, April 16, 1970, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 3544. An act to amend the Arms Control and Disarmament Act in order to extend the authorization for appropriations; and

S. 3685. An act to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 743) entitled "An act to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet division, Walla Walla project, Oregon-Washington, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. CHURCH, Mr. MOSS, Mr. ALLOTT, and Mr. JORDAN of Idaho to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 2062) entitled "An act to provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. CHURCH, Mr. MOSS, Mr. ALLOTT, and Mr. JORDAN of Idaho to be the conferees on the part of the Senate.

SALUTE TO APOLLO 13 ASTRONAUTS

(Mr. McCORMACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCORMACK. Mr. Speaker, on behalf on the House of Representatives I wish to extend my hearty congratulation to astronauts James A. Lovell, Jr., Fred W. Haise, Jr., and John L. Swigert, Jr., upon their return from their perilous journey. The prayers and hopes of every Member of this body, as those of the American people, rode with these talented and courageous men every hour of their perilous return trip to earth. I salute them for an unmatched display of fortitude and the remarkable level of skill which they displayed throughout their trying experience. Their performance has been in the finest tradition of the American Nation. But in a larger sense their ordeal has been that of all mankind. The entire world without regard to political or geographical divisions literally held its breath during the past week, pushing aside momentarily the mundane things which divide the human occupants of this globe, and transfixed its eyes and hopes on these men, humanity's representatives on the 20th century frontier—outer space. All Americans should be truly grateful for the expressions of hope and offers of assistance which emanated from so many nations during what was truly our hour of national travail.

There may be a small minority who will urge that we pull back in our space efforts. This is not my position. Neither am I convinced will it be the view of the Congress or the overwhelming majority of the American people. This country has committed itself to exploration of space as one of highest national priority. We have done so not as a matter of national chauvinism, but rather in the interests of all mankind. The frontier of the remaining years of the 20th century and, yes, the 21st century, lies in space. The space program which we have pursued during the past decade has been eminently successful and its ultimate rewards will be enjoyed by the entire world. Let us profit from this one failure and go on to greater successes in the future. To do anything less would be an abdication of this Nation's responsibilities as the scientific leader of the world, and a betrayal of the pioneer traditions of our forefathers.

Again, as Speaker of the House of Representatives, I extend my hearty congratulations upon the safe return to earth of astronauts James A. Lovell, Jr., Fred W. Haise, Jr., and John L. Swigert, Jr.

Mr. GERALD R. FORD. Mr. Speaker, would the distinguished Speaker yield?

Mr. McCORMACK. I will be glad to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I commend the distinguished Speaker for the beautiful and richly deserved tribute to the three astronauts who successfully concluded their mission despite the unfortunate disappointments during the mission itself.

All of us sat, watched, and listened to their historic return and, thank goodness and thank God, they were brought back safely. All of us are happy and proud that they were.

I share likewise the views of the distinguished Speaker in reference to our space program. It is one of the great achievements of our Nation.